THE ROLE OF THE NATIONAL COMMISSION FOR WOMEN, WEST BENGAL COMMISSION FOR WOMEN AND NGOS

5.1 INTRODUCTION:

"Violence against women and girls is the most pervasive violation of human right in the world today. Its forms are both subtle and blatant and its impact on development profound. But it is so deeply embedded in culture around the world that it is almost invisible. Yet this brutality is not inevitable. Once recognized for what it is—a construct of power and a means of maintaining the status quo—it can be dismantled."

Violence against women, of which domestic violence is a part, affects women of every class, caste, religion, tribe and age in India. As an unit the family is traditionally associated with warmth security and safety, a shelter, where peace and harmony are predominant. In reality, however, the most common form of violence against women takes place at home, what is known as domestic violence.

The home, which should be a shelter and sanctuary, become a trap, a place of torture and fear. The men with whom the women share their lives become the perpetrators of the most horrendous violence—physical, mental and sexual, against them.

Despite the spreading emancipation of women, domestic violence continues to be an universal problem that has been a persistent obstacle to the promotion and advancement of women’s human rights. Empowerment of women and equality between

1) "The intolerable status quo :- violence against women and girls"
women and men is a priority global issue. Its aim is to give everyone, regardless of
gender, better access to education, employment etc. in order to boost growth in all sectors
and hasten the emergence of a fairer society.

A BRIEF HISTORY:

It is often said that the status and position of women in society is the best way to
understand a civilization, its progress and its shortcoming. Therefore when we examine
the power structure of the society more closely from a gender perspective even in a
country like India where we have gender neutral legislation as also gender neutral legal
system, widespread male dominance meets the eye, though a period of more than
fiftyeight years has elapsed since the adoption of the Universal Declaration of Human
Rights by the UN General Assembly.

In India, after independence, women lack freedom in socio-economic life, are
deprived of education and confined to the four walls of the house. It has resulted in many
social evils like pardah system, child marriage, female foeticide, dowry, sati pratha etc.
Even virgin widow’s remarriage is hardly possible. These social evils had been deep­
rooted in the Indian society to such an extent that it took more than two hundred fifty
years to emancipate women in India from her subordinate and subservient position.

The country won freedom in 1947 and the framers of the constitution including
the main architect Dr. B.R. Ambedkar realised the unequal social position of women and
assured that women get equal rights. By ensuring the equality principle in the constitution,
the greatest honour was paid to women who were most neglected and subjugated section
of the society before independence.

The constitution of India assures every one including women (Hindu, Muslim etc.)
equality of laws and equal protection and directs people to renounce practices derogatory
to the dignity of women. The legislatures have been authorised to enact special protective
laws in favour of women to undo the injustices done to them for ages. A large number
of laws have been passed so as to protect the interest of Hindu and Muslim women and uplift their status and position.

Despite of constitutional guarantee of "Gender equality" and "right of life and equal liberty" for all human beings including women in order to ensure a dignified life and equal status for women, plethora of progressive and protective legislations favouring women, rampant discrimination and exploitation of women in India, continues. Therefore, incidents of domestic violence like dowry deaths, cruelty, marital rape, bride burning, female foeticide, forced prostitution, bigamy and other heinous crimes against women have been regularly reported by the press and the media and have been highlighted by the women's organisations since eighties.

It was in this background that the "Committee on the Status of Women in India" (CSWI) recommended nearly two decades ago, the setting up of a National Commission for Women to fulfill the surveillance functions to facilitate redressal of grievances and to accelerate the socio-economic development of women.

5.2 THE NATIONAL COMMISSION FOR WOMEN (NCW):

The Government of India setup a committee in 1971 known as the "Committee on the Status of Women to evaluate the changes that had taken place in the status of women and to suggest measures so that women may play their vital role in building of the nation. The Committee submitted its report in 1974 and recommended for establishment of statutory autonomous commission at centre and in the states. It is surprising to note that Government took 16 years to give effect to the recommendation of the committee for setting up a National Commission for women.

Successive Committees/Commissions/Plans including the National Perspective Plan for Women (1988-2000) recommended the constitution of an apex body for women.

During 1990, the central government held consultations with NGOs, social workers and experts, regarding the structure, functions, powers etc., of the commission
proposed to be set up. In May 1990, the Bill was introduced in the Lok Sabha.

In July 1990, the HRD Ministry organised a National Level conference to elicit suggestions regarding the Bill. In August 1990 the government moved several amendments and introduced new provisions to vest the commission with the power of a civil court.

The Bill was passed and received accent of the President on 30th August 1990. In January 1992, the National Commission for women (NCW) was set up as a statutory body under the National Commission for women Act, 1990 (Act No. 20 of Govt. of India) to review the constitutional and legal safeguards for women, recommend remedial legislative measures, facilitate redressal of grievances and advise the government on all policy matters affecting women.

The First Commission was constituted on 31st January 1992 with Mrs. Jayanti Patnaik as the chairperson. [From 3.2.1992-30.1.1995]

The Second Commission was constituted on July 1995 with Dr. (Mrs.) Mohini Giri as the chairperson (21.7.1995-20.7.1998)

The Third Commission was constituted on January 1999 with Mrs. Vibha Parthasarathy as the chairperson (18.1.1999-7.1.2002)


Recently the Fifth Commission has been constituted on February 2005 and senior Congress leader Ms. Girija Vyas has been appointed as the chairperson of National Commission for Women (NCW).

2. National Commission for Women, website-http://www.ncw.nic.in

295
5.2.1 FUNCTIONS OF THE NATIONAL COMMISSION FOR WOMEN;

According to Section 10 of the National Commission for women Act, 1990—

The National Commission for women has been entrusted with a very wide range of function. Some of these functions are investigative, judicial, quasi judicial and some are administrative. The commission has the power to investigate and examine all matters relating to the safeguards provided for women under the constitution and other laws. The commission has been empowered to look into the complaints and take suomoto notice of the matters relating to :-

i) deprivation of women's rights;

ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development; and

iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issue arising out of such matters with appropriate authorities.

In respect of these matters the commission has been given power of the civil Court trying a suit, particularly in respect of the following matters:-

a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath;

b) requiring the discovery and production of any document;

c) receiving evidence on affidavits;

d) requisitioning any public record or copy thereof from any court or office;

e) issuing commissions for the examination of witnesses and documents; and

f) any other matter which may be prescribed.

The other functions of the commission relate to the following areas:-

i) Present to the Central Government, annually and at such other times as the
commission may deem fit, reports upon the working of those safeguards;

ii) make in such reports, recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;

iii) review, from time to time, the existing provisions of the constitution and other laws affecting women and recommend amendments there to so as to suggest remedial legislative measures to meet any lacunae, inadequacies or short comings in such legislation;

iv) take up the cases of violation of the provisions of the constitution and of other laws relating to women with the appropriate authorities;

v) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;

vi) Undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards;

vii) participate and advise on the planning process of socio economic development of women;

viii) evaluate the progress of the development of women under the Union and any State;

ix) inspect a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up the issue with the concerned authorities for remedial actions, if found necessary;
x) look after fund litigation involving issues affecting a large body of women; 

xi) make periodical reports to the government on any matter pertaining to women and in particular various difficulties under which women toil; and 

xii) look after any other matter which may be referred to it by the central government.

All reports prepared by the commission as stipulated in (i) above are to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendation relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations. 3

5.2.2 ANNUAL REPORT:

The commission is required to prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

The Central Government is required to lay before each House of Parliament, the commission’s annual report together with a memorandum of action taken on the recommendations contained therein, insofar as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report.

As the problem of violence against women is multifaceted including domestic violence, the National Commission for Women (NCW) has adopted a multi-pronged strategy to tackle the problem. The commission has initiated generation of legal awareness among women, thus equipping them with the knowledge of their legal rights and with a capacity to use these rights. It assists women in redressal of their grievances through pre-litigation services. To facilitate speedy delivery of justice to women, Parivarik Mahila Lok

3. National Commission for Women, website: http://www.ncw.nic.in

298
Adalats are organized in different parts of the country to review the existing provisions of the constitution and other laws affecting women and recommending amendments thereto, of any lacunae, inadequacies or short comings in such legislations. It organises promotional activities to mobilise women and get information about their status and recommend paradigm shift in the empowerment of women.4

The National Commission for Women is divided into Four different departments/Units for the purpose of it’s smooth functioning which are stated below :-

5.2.3 COMPLAINTS AND COUNSELLING CELL
   
   (i) Inquiry Committees

5.2.4 LEGAL CELL :
   
   (i) Legal Amendments Proposed, 
   
   (ii) New Bills/Laws Proposed,  
   
   (iii) Parivarik Mahila Lok Adalats.

5.2.5 PUBLIC RELATIONS CELL

5.2.6 RESEARCH AND STUDIES CELL

   (i) Seminars, Workshops and Conferences
   
   (ii) Public Hearings
   
   (iii) Special Studies
   
   (iv) Expert Committees

5.2.3 THE COMPLAINTS AND COUNSELLING CELL :

The complaints and counselling cell of the Commission processes the complaints received oral, written or suomoto under section 10 of the National Commission for Women Act 1990.


299
Generally the complaints received by NCW relate to domestic violence against women are following categories, such as – dowry harassment, dowry torture, desertion, bigamy, rape, refusal to register FIR, cruelty by husband, maintenance, divorce, dowry death, child custody, matrimonial dispute etc.

First of all the complaints received by the commission are registered, categorised and are given a case number. After that, the complaints are allocated to a counsellor. The counsellor recommends action in a particular case which is submitted to the other members of the commission for decision. The counsellor then initiates action as suggested by the members.

The complaints of domestic violence are tackled as below :-

NCW tackles the problems by ensuring that—

a) Investigations by the police are expedited and monitored.

b) Family disputes are resolved or compromised through counselling.

c) The complaints are investigated through police whenever necessary.

d) For serious crimes, the commission constitutes an Inquiry Committee which makes spot enquiries, examines various witnesses, collects evidence and submits the report with recommendations. The implementation of the report is monitored by the NCW. Such investigations help in providing immediate relief and Justice to the victims of domestic violence.

The State Commission, the NGOs and other experts are involved in these efforts. The complaints of domestic violence received shows the trend of domestic violence against women and suggests systematic changes needed for reduction in this crime.

The complaints are analysed to understand the gaps in routine functioning of the government tackling domestic violence against women and to suggest correctional measures.
The complaints are also used as case studies for sensitization programmes for the police, judiciary, prosecutors, forensic scientists, defence lawyers and other administrative functionaries.

(i) INQUIRY COMMITTEES:

The commission held on the spot enquiries and investigations through duly constituted committees. The committees comprised of persons with the expertise to handle the subject, some are stated below:

a) Investigation into Dowry Death of Smt. M. Meena in Kengri Road, Bangalore, District - Karnataka.

b) Investigation into the alleged atrocities on women by police at Trikha colony at Ballabgharh.

c) Investigation into the alleged police atrocities and misbehaviour with girl students of Kurukshetra University.

d) Inquiry into the alleged rape of five minor girls in a forest in Goaltore, District-Midnapore (West Bengal).

e) Inquiry into police atrocities against tribal women and children in Muthunga of Wynadad, District of Kerala.

f) Inquiry into the incident of beating a woman in village Junwani, District - Raipur, Chattisgarh on the charges of her being a Dyan.

g) Investigation into the alleged incident of rape and violence of 19 years old Nurse in Shanti Mukund Hospital, etc.
Recommendations on all the above cases were sent to concerned Departments for necessary action.  

5.2.4 LEGAL CELL:

The primary mandate of the National Commission for women is to review from time to time the existing provisions of the constitution and other laws affecting women and recommend amendments thereto, so as to suggest remedial legislative measures to meet any lacunae, inadequacies or short comings in such legislations. The commission also facilitate redressal of grievances and advise the government on all policy matters affecting women.

i) **Review of Laws and Legislative Measure affecting women including domestic violence against women by National Commission for women.**

Some are stated below :-

**DOWRY PROHIBITION ACT 1961:**

**Suggested amendments by NCW**

i) For a more effective implementation it is desirable to make the dowry offences, as against the State.

ii) Modification of Sec 2 defining ‘Dowry’.

iii) Section 3 & 4 of the Act (being aggravated forms of the offence related to dowry) to be removed from the Act and included in IPC.

iv) Section 7 & 8 of the Act to be omitted.

v) Substitution of Section 5 providing for a list of presents given to a bride or bridegroom at the time of marriage.

vi) Section 8A of the Act to be removed and included in the Evidence Act.

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5. *National Commission for Women, website-http://www.ncw.nic.in*
vii) Persons giving dowry are victims and hence it is not fair to punish them.
viii) Persons participating in dowry negotiations should be made liable along with persons taking or demanding dowry.
ix) The offence should be made cognizable for all purposes.
x) Substitution of Section 7 so as to remove the application of chapter xxxv of the Cr.P.C.
xii) Modification of Section 8B with respect to Dowry prohibition officers.
xii) Redrafting of Subsection (2) of Section 9 on the following lines:— “In particular and without prejudice to the generality of the foregoing power, such rules may provide for the better coordination of policy and action with respect to the administration of the Act:

In this connection it can be noted that National Commission for women suggested consequential Amendments in other statutes like Indian Penal Code, Code of Criminal Procedure, Indian Evidence Act.

In case of Indian Penal Code:
i) Modification of Subsection (2) of section 498A.

ii) Section 498A to be amended to enhance the punishment from 3 to 7 years.

Code of Criminal Procedure:
i) Amendment of the First Schedule making necessary entries after Section 498A i.e. inserting Section 498A prescribing—“Taking, demanding or abetting to take dowry” as a “cognizable” and “Non-bailable” offence punishable with imprisonment for not less than 5 years which may extend to 10 years and fine not less than 15,000 rupees or the amount of value of the dowry, whichever is more and empowering the CJM or CMM to take cognizance of the offence.
ii) Amending section 39 to cast a duty on the public to give information as to a dowry offence, etc.

**Indian Evidence Act:**

Insertion of Section 113A, Burden of proof lies with the person charged with Section 498A IPC (Dowry offence).

**General Suggestion and Remarks by NCW:**

i) Cruelty to women is taking serious dimensions and hence punishment to be enhanced.

ii) Compulsory registration of marriage and the list of gifts which may be given to the girl be registered.

iii) Amend the Hindu Marriage Act to make registration of marriage under that Act compulsory.

iv) Provide tax exemption on gifts to facilitate parents to settle property by way of gifts openly to their girls.

v) Marriage expenses in no case to exceed 20% of the annual income of the bride’s parents or guardians.

vi) Greater emphasis should be placed on the proper and strict implementation of the provision relating to Dowry Prohibition officers and Advisory Boards by appointing full time officers who shall be accountable to the Advisory Board.

**COMMISSION OF SATI (PREVENTION) ACT, 1987:**

**Suggested Amendments by NCW—**

i) Substitution of title “An Act to provide for additional, ancillary or incidental matters connected with the prevention of Sati murder.”

ii) Preamble omitted.
iii) In Sec 1 (1) for “Commission of Sati (Prevention) Act” “Commission of Sati Murder (Prevention) Additional Provisions Act” to be substituted.

iv) Omit section 2(1) (a).

v) Substitution of Section 2 (1) (d) to define court to mean “a District and Sessions Court”.

vi) Substitution of ‘Sati murder’ for “Sati” in Section 2 (1) (3).

vii) In Section 2 (2) ‘as in the code’ and “or the code” to be omitted.

viii) Part II (Section 3-5) to be omitted.

ix) Part III for “Sati” the words “Sati murder” to be substituted.

x) In Section 6(1) ‘any abetment thereof’ to be omitted.

xi) In Section 6(3) for “any other provision of this Act” the words “or any other law” to be substituted.

xii) In Section 8(1), for words “any offence under this Act” “Sati murder” to be substituted.

xiii) Section 8(2) to be substituted to read as—“every collector or District Magistrate acting under sub-section (1) shall report seizure to the court and shall await the orders of such court for the disposal of the same.

xiv) Part IV (Section 9-14) to be omitted.

xv) Part v (Section 16 & 17) to be omitted.

xvi) In Section 18, for “sub-section (1) of Section 4” the words “Sec 303A of the Indian Penal Code” to be substituted.

xvii) In Section 18 for “Sati”, wherever it occurs, “Sati murder” to be substituted.

In this connection it can be noted that National Commission for women suggested consequential amendments in other statutes like Indian Penal Code, Criminal Procedure Code, Indian Evidence Act etc.
Indian Penal Code:

Insertion of Section 303A Sati Murder—

1) Whoever burns or buries alive shall be punished to prevent the commission of “Sati murder.”

2) Add section 303B glorification of Sati murder as an offence.

Criminal Procedure Code:

1) Section 39 (1)(v) duty of public to give information relating to Sati murder and its glorification.

2) Amendment Section 303A and 303B—cognizable, nonbailable and prescribing the punishment, which may extend to Rs. 3,00,000.

Indian Evidence Act:

Insertion of Section 113 AB, casting duty on the person charged with an offence under Section 303A with onus to prove otherwise.

General Suggestions and Remarks by NCW:-

1) Offence as Sati murder.

2) To treat the offence of Sati murder in the general penal law.

3) To study the special courts and special prosecutors under the Act.

4) Noticed delay in constituting special courts, in appointing judges, public prosecutors, delayed longer than ordinary courts.

THE CHILD MARRIAGE RESTRAINT ACT, 1929

Suggested Amendments by NCW:

1. The government should immediately appoint child marriage prevention officers.
2. The punishment provided for, under section 23, of the child marriage restraint Act 1929, should be amended so as to make the punishment more stringent.

3. A new provision should be included in the Act to the effect that any marriage performed in contravention to the order made by the child marriage prevention officer, should be void.

4. A new provision should be included in the Act for creating a penal obligation on every person present at a child marriage for objecting to or advising the person concerned against such marriage or reporting to the Child Marriage Prevention Officer, of the solemnization of child marriage.

5. Section 7 of the Act should be replaced by a provision for making all offence under the Act as cognizable without any qualifying clause.

THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971

Suggested Amendments by NCW

1) Section 2, clause (a) should be revised to broaden the definition of guardian to include an individual having the care of the person of –
   a) a minor women or b) a women of unsound mind.

2) In section 2, clause (b) of the Act, the definition of “lunatic” should be deleted.

3) Section 3, clause (2) explanation 1, of the Act should be amended to include offences under sections 376A to 376D of IPC as within its scope.

4) Section 3, clause (4) of the Act should be revised so as to make it clear that the consent of the women concerned, must be obtained in every case.

5) Section 5, clause (2) of the Act should be amended so as to indicate clearly which particular offence is constituted if a person who is not a registered medical practitioner performs abortion.
THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) ACT, 1994:

Suggested Amendments by NCW.

1. All the clinics conducting ultra-sound investigation must be registered.
2. Law should provide imprisonment and fine for doctors conducting sex determination tests in violation of the Act.
3. Advisory and Supervisory Bodies should be set up NCW should be represented in the Central Appropriate Authority and Supervisory Body.
4. Issues relating to Pre-Natal Diagnostic Techniques should be taken up by State Women’s Commission and State Human Rights Commissions.
5. The Act should be widely advertised in simple language, to reach people at large.
6. Advertisement of availability of sex determination facilities is banned by law violators should be punished.

(ii) NEW BILLS/LAWS PROPOSED:

The New bills/laws proposed by the NCW for protecting different Women’s rights including the domestic violence victims’ rights, some of them are stated below:

1) Draft Bill “Compulsory Registration of Marriage Act 2005”

   i) The Commission recommended for the enactment of a Uniform law relating to marriages.

   ii) Providing for the compulsory registration of marriage with the aim of preventing child marriages and also polygamy in the society.

2) The Protection of Women from Domestic Violence Rules 2005

   i) Provides wider protection to the women.
ii) immediate relief to the women.

iii) Appointment of Domestic Violence Prevention officers.

iv) Recommendation with redrafted bill to be sent to the Government.

(iii) **PARIVARIK MAHILA LOK ADALAT (PMLA) :-**

**(AN ALTERNATIVE JUSTICE DELIVERY SYSTEM)**

The National Commission for women has evolved an innovative concept of PMLA for redressal and speedy disposal of cases under Legal Service Authority Act, 1987, which has its roots in the traditional Nyaya Panchayats.

The essential features of PMLA are amicable mutual settlement and flexibility in functioning. The NGOs in association with District Legal Aid and Advisory Board, activists, advocates and others, organise Parivarik Mahila Lok Adalats with the Commission’s financial assistance.

So far, 130 PMLAs have been held in which about 7500 cases were taken up. In the year 2002-2003, 3 PMLAs were held. Earlier, in 1984 "The Family Courts Act" was enacted for the establishment of family courts with a view to promote conciliation and secure speedy settlement of disputes related to marriage and family affairs. The objective of setting up of the Family Courts is to persuade and assist the parties in arriving at a settlement in respect of the suit or proceedings. In 1987 another Act namely “Legal Services Authorities Act” was enacted to constitute legal services authorities at National, State and District level. Its mandate is to provide free legal services to the weaker sections of the society and to organise Lok Adalats.

Accordingly, District Legal Aid & Advisory Board (DLAAB) are constituted which coordinates the free legal services and organise Lok Adalats within the districts. Their objective is to avoid lengthy process of dispute settlement in the Courts, in such matters where formal and elaborate examination of evidence is not necessary. They bring
the parties to a compromise or settlement and legal sanctity is given to it. Any compoundable matter or suit or other proceedings pending before any civil, criminal or revenue Court or any tribunal constituted under any law in the area may be transferred to the Lok Adalats for arriving at a compromise or settlement. Every award of the Lok Adalat is deemed to be a decree of a civil Court or order of Court or tribunal and is legally binding on both the parties.

**NEED FOR PARIBARIK MAHILA LOK ADALATS:**

Despite all these efforts, pendency in the Court related to marriage and family matters is still very high. The maxim “Justice delayed is justice denied” is doubly true in the case of women. Hence the commission has evolved the concept of PMLA which in turn supplements the effort of the DLAAB for redressal and speedy disposal of such cases. This programme was first started in 1995 and since its inception more than 130 adalats have been organised in most states of the Country.

The Commission invites NGOs/voluntary organisations to take initiative for the above in collaboration with DLAAB.

**OBJECTIVES OF PMLA:**

The main objective of the National Commission for women in organising the Paribarik Mahila Lok Adalats—

i) To provide speedy justice to the women;

ii) To generate awareness among the public regarding (a) various conciliatory modes of dispute settlement, & (b) Legal sanctity of Lok Adalats.

iii) To gear up the process of organising the Lok Adalat.

iv) To encourage the public to settle their disputes outside the formal setup.

v) To empower public, especially women to participate in justice delivery mechanism.
In this connection it is necessary to know the procedure of organising PMLA—

i) The NGOs approach the DLAAB or District Judge and collect information about pending cases of family disputes within the district.

ii) It is expected that the NGOs should have good rapport in its operational area.

iii) The DLAAB selects cases which are admissible in the Lok Adalats, and makes relevant file/case papers available to the NGOs.

iv) It is expected that minimum 60 cases shall be taken up for handling in PMLA.

v) The NGOs, through their counsellors should approach the parties and start counselling to bring them to a compromise or settlement.

vi) The NGOs will organise PMLA on the specified date on which the cases so compromised will be brought up.

vii) It has been experienced that NGOs normally require two months' time for counselling and to bring the parties to a compromise or settlement.

viii) If necessary, the NGOs may approach the DLAAB to summon the parties.

ix) The settlement should be noted down on paper in each case and the signatures of both the parties must be obtained on the document which will be presented before PMLA for its authentication.

x) At least 40% of the cases received from DLAAB must be disposed of on the date of PMLA.

xi) The NGOs should approach the District Judge to appoint a presiding Officer, for the PMLA, who should be a judge and two or more members who can be judges, advocates or social activists.

xii) The venue of the PMLA should be the District Court or any other suitable central place convenient to the panelists as well as the parties. The PMLA should be organised preferably on a Sunday.
xiii) NGO should ensure the presence of compromising parties on the date of PMLA.

xiv) Court decree will be issued as per the settlement and will be legally binding on both the parties.

xv) NGO should invite media publicity.

xvi) NGO shall not charge any fee from the parties.

xvii) A small function may be organised at the end of PMLA.

ROLE OF COUNSELLING:

An important aspect of PMLA is to give patient hearing to the parties in an informal manner. Counselling plays a crucial role in settling a case. The counsellors are required to assist the PMLA in the delivery of justice. They play positive and constructive role in the settlement of disputes. In the process, the counsellors have to win the confidence of both the parties. Normally, the suffering parties open up before the counsellors to sort out their disputes and even other problems. Though it is a time-taking process, it is an important tool to bring the parties to an amicable settlement and resolve the disputes. The counsellors should be qualified and have experience to promote the settlement of disputes between the parties through conciliation and counselling. Counsellors should also have good skill of making report of settlement as Presiding Officer relies on their report.

FINANCIAL ASSISTANCE:

The National Commission for Women provides financial assistance limited to Rs 20,000/- to NGOs to organise the PMLA.

In this context it can be stated that the following types of matters can be brought before the PMLA:

1) All civil cases
2) Matrimonial disputes including divorce, maintenance (of wife, parents, children etc)

3) Different Domestic Violence cases like bigamy, etc.6

5.2.5 PUBLIC RELATION CELL:

The National Commission for Women is committed to the protection of the rights of women in the country and to their welfare and development. To attain these aims, the Commission organizes countrywide campaigns, workshops and consultations. The Public Relation Cell throws light on the activities undertaken by the Commission to fulfill its mandate to participate, advice on the planning process of socio-economic development of women and evaluate the progress and development of women under the Union and the State Government.7

5.2.6 RESEARCH & STUDIES CELL:

The Research and Studies Cell of NCW is responsible for issues related with socio economic conditions of women in the country and calls for special studies or investigations into specific problems or situations arising out of discrimination against women and undertakes promotional and educational research so as to suggest ways of ensuring due representation to women in all spheres.

The cell evaluates the progress of the development of women for which clear gender profile for different states is being prepared. This cell also conducts seminars and workshops in collaboration with the state governments for understanding the various problem areas in the field and to suggest action plan and remedial measures to resolve these problems.


7. National Commission for Women, website-http://www.ncw.nic.in

313
(i) **SEMINARS, WORKSHOPS AND CONFERENCES**: 

The Commission conducts seminars, workshops and conferences and sponsors such events by providing financial assistance to research organisations and NGOs.

The important areas so far covered include violence against women, domestic violence against women, Educational, Health and Employment aspects, women in Agriculture Sector, women in Panchayat Raj, custodial justice, Mental Health Institutions etc.

(ii) **PUBLIC HEARINGS**: 

The National Commission for Women holds public hearings on issues affecting large sections of women such as crimes against women including domestic violence, women in unorganised labour sector, women in agriculture and women of minority groups. These public hearings help in appreciating the problems and initiating remedial action.

This public hearing gives first-hand insight into the conditions of women in their own surroundings. Public hearings are organised on various aspects relating to women’s welfare and empowerment and the funds are provided to the NGOs working for women in various regions of the country to hold the hearings in easily accessible places where the complainants can come and speak for themselves.

As for Example—Public Hearings on Trafficking, child marriage and Dowry held at Beldanga, Bhabta Sanitation Mart on 8th December, 2005.

(iii) **SPECIAL STUDIES**: 

Social mobilisation, maintenance and divorcee women, panchayet raj in action, women labour under contract, gender bias in judicial decisions, family courts, gender-component in the various commissions’ reports for women, violence against women including domestic violence, women’s access to health and education in slums etc to help in formulation of NCW’s policies for recommendations.
EXPERT COMMITTEES:

The commission constitutes Expert Committees for dealing with such special issues as may be taken up by the commission from time to time.

The Expert Committees established so far are for:

1. Laws and Legislation
2. Women Empowerment Camp
3. Domestic Violence Against Women
4. Domestic Workers
5. Disabled Women
6. Women in Industry
7. Widows
8. Women in Jail

10. Economic Empowerment of Women
11. Sexual Harassment at Work Place
12. SC/ST
13. Women & Trafficking
14. Political Core Committee
15. Gender & Police
16. Muslim Women
In this connection it can be stated that recently National Commission for women drafts convention to handle NRI marriage problems and eliminate the legal hurdles faced by women in getting custody of children or maintenance.

The draft convention or bilateral agreement submitted to the Ministries of External Affairs and Overseas Indian Affairs aims at making foreign divorce decrees admissible in Indian Courts to enable the divorced women to claim custody of children, maintenance and marital property. In its draft agreement sent to the government along with a report on “NRI Marriage Problems,” the NCW recommended that the convention be signed by India with those countries where there is a large Indian population.

“The necessity for the convention arises from the fact that NRI marriages are becoming more and more common. In Punjab, there is an NRI marriage in every third and fourth house” – Poornima Advani, former chairperson of NCW said. She said that the commission has also recommended compulsory registration of all NRI marriages and creating a government agency for registering such marriages. NCW, which formulated the report on NRI marriages after a series of public hearings in Punjab, Haryana, Andhra Pradesh, Rajasthan and Kerala, has also called for deputing officers at Indian embassies especially to provide aid to women facing problems in NRI marriages. It has also recommended opening a special cell for problems related to NRI marriages in the Ministry of External Affairs and the Ministry of Overseas Indian Affairs. In fact, paying heed to the commission’s recommendations, special welfare officers have already been appointed at Indian embassies in several countries to deal with problems associated with NRI marriages. Also among NCW’s suggestions is that the dual citizenship of defaulting NRI spouse be scrapped.

8. National Commission for Women, website-http://www.ncw.nic.in
In the year 2000, in major recommendations which were forwarded to the Centre, the National Commission for Women (NCW) advocated immediate banning of the verbal triple talaq, stringent provisions to curb polygamy and measures to correct the “injustice” done to Muslim women by the 1986 Muslim Women (Protection of Rights On Divorce) Act. Describing the educational status of Muslim women as among the worst in the country, with even Dalit women doing better, the National Commission for women has called for imparting education and creating awareness on a war footing.

Stressing the need to reform the implementation of the Personal law, the NCW report noted that while several Muslim countries had moved to prohibit or restrict verbal tripe talaq, the practice is still continued unabated. “In hearing after hearing, the commission observed that the abuses of personal law and bruises of family violence are ultimately rooted in their (Women’s) lack of education. No education and widespread ignorance has made them blind to the abuse of their personal laws which are used as instruments of torture rather than as celebration of their rights” – said NCW member Syeda Hameed in the report.

In this connection it can be stated that National commission for women made different discussions, recommendations and suggestions regarding the protection from Domestic Violence Bill 2002 and The Protection from Domestic Violence Bill 2005. After considering those discussions, recommendations and suggestions, the Union Cabinet on June 23, 2005 approved “The protection of women from Domestic Violence Bill 2005” for introduction in parliament, and the Bill was passed by the parliament with majority votes. On 16th September, 2005 President APJ Abdul Kalam has given assent to “The Protection of Women from Domestic Violence Act, 2005” which provides more effective protection to the women in distress due to Domestic Violence.
CONCLUSION:

Lastly it is stated that, domestic violence is a crime which is not created in a day nor it will be removed from the society in a year. So, National Commission for women is constantly fighting against domestic violences like cruelty by husband and inlaws, dowry death, Bigamy, bride burning etc and trying to eradicate this problem from India. In majority of cases of cruelty by husbands and inlaws, NCW is trying to settle the matter through counselling of both the parties by its complaint and counselling cell. Many family dispute cases are successfully solved through the intervention of National Commission for Women. An enquiry committee is constituted to look into serious types of domestic violence cases.

The commission by its legal cell also provides many fresh ideals and recommendations time to time, to amend different bills and laws dealing with domestic violence against women. It finds the lacuna among the existing laws which deal with domestic violence and provides valuable suggestions. It also gives valuable advice in making government policies for uplift of the status of women. Recently it takes an innovative steps to provide speedy justice to the distressed women who are victims of domestic violence through Parivarik Mahila Lok Adalat. It is also launching many legal awareness programmes, Seminars, Workshops and sensitisation programmes for the police, NGOs and Government officials for implementation of safeguards and laws for the benefit of women who are victims of domestic violence offences. They also provide free legal aid to the distressed women if required. But it is unfortunate to mention here that still the heinous crime like “domestic violence” is prevalent in India and majority of women are oppressed in their matrimonial homes. Inspite of the tragic condition of women, being continued in the country, the National Commission for Women is earnestly fighting to combat domestic violence with its commendable sincerity. So, we hope the future days for the women of India might be looking brighter in their matrimonial homes.
5.3 FORMATION OF THE STATE COMMISSION FOR WOMEN:

The National Commission for Women realized that it may not be possible for it alone to look into the problems of women throughout the length and breath of the Country. It has been advocating the constitution of the State Commissions for Women. So far as the Commission is aware, the State Governments of Maharastra, West Bengal, Tamil Nadu, Punjab, Tripura and Assam have already setup the State Commissions for Women on the lines of the National Commission for Women Act 1990.

The Commissions also understands that the government of Kerala and National Capital Territory of Delhi are also in the process of setting up of the State Commission.9

Now besides the State of West Bengal, there are Women Commissions in twenty-one-states.10

5.4 THE WEST BENGAL STATE COMMISSION FOR WOMEN:

5.4.1 BACKGROUND:

It was in the year 1972 that Government of India Constituted the “Committee on Status of Women in India” on the basis of the recommendations of the United Nations. This Committee investigated the actual conditions, in which women live, at different levels of Indian society and prepared a status report, “Towards Equality”, where it recommended that a “High Power women Commission” should be constituted at the national level. The women’s organisations also launched a strong movement on this demand. At last the logic behind the demand was accepted and an act was passed by the Indian parliament in 1990 for constituting the National Woman Commission. In 1991

9. National Commission for Women-Achievement and Calendar of Events. 2001-P-11
the Central Government setup the "National Woman Commission" and recommended that the different states also should form Women Commissions on the same pattern. West Bengal was one of the first states to make the necessary enactment for constituting the women Commission for West Bengal and in response to the recommendations to form state-level women Commissions, on 22nd June, 1992, the West Bengal Commissions for Women Act was introduced in the state Assembly and was passed unanimously. Under the provisions of this Act, the West Bengal Commission for Women was constituted and the Commission had its first meeting on 3rd February, 1993.

5.4.2 THE CONSTITUTION OF THE WEST BENGAL STATE COMMISSIONS FOR WOMEN:

The Commission is reconstituted every three years. The total number of Commission members are 11. The chairperson and the Vice Chairperson, as well as the other members are nominated by the Government. The members are generally women who have knowledge and experience in women's welfare activities / trade union movements / women's legal rights / women's studies. There is one member from the scheduled caste and one from the State Government is appointed as the member secretary of the Commission by the Government.

In 2007 the present chairperson of the West Bengal State Commission for Women is Dr. Jasodhara Bagchi and Dr. Rama Das is Vice Chairperson.

5.4.3 POWER AND FUNCTION OF THE COMMISSION:

The Commission is an autonomous “Statutory Body”. The social welfare Department of the Government of West Bengal, maintains liaison between the Commission and the State Government. The Commission can receive complaints in cases of gender oppression and gender discrimination and is endowed with the powers of a civil court for the purpose of summoning any person to give evidence. It can also move suomoto in such cases to ensure proper police enquiry and administrative action.

If on its own enquiry, Commission finds the charges to be true, it can send recommendations to the appropriate authority for taking steps for redressal. An oppressed or otherwise harassed woman can file a written complaint with necessary documents in support of her complaint to the Commission. It can give its counsel on the basis of hearing, and where need arises, recommend measures to be taken in the interest of justice to the proper authorities. While it has no judicial or punitive powers, it can offer counselling on the basis of written complaints and supporting documents and draw the attention of the administration for taking strong measures for the prevention of discrimination, injustice and oppression against women in family or in society, in education and employment and for proper implementation of laws. It can also recommend amendments of the laws, assess the status of women in the state and advise the Government regarding improvement of the condition of women in jails, reformatories and custodial homes. It can also study the status of women in the state and prepare reports for the Government. The West Bengal Commission for Women is calling upon women of West Bengal and women’s organisations in the state through their quarterly published newsletter named “Narikantha”, to enable them to build up wide contacts so that the Commission may succeed in its objectives.14

In no circumstances, Commission can give advice in cases pending trial. Therefore, Women Commission has certain problems in the sphere of work for not having clear and demarcated administrative power.

The Commission has to submit a half-yearly report of their work to the state government. It is capable of giving advice and recommendations to the state government about different types of matters relating to women, even though Commission does not have any administrative power. Inspite of its limited power, the West Bengal Commission for women must take important role in organizing women’s movement, generating awareness among women.

5.4.4 ACTIVITIES OF THE WEST BENGAL STATE WOMEN’S COMMISSION:

(i) INVESTIGATION OF COMPLAINTS:

From its inception the Women Commission has been receiving complaints regarding police lapses in investigating cases of violence against women including domestic violence against women. In several cases, the Commission has made spot visit and also prevailed upon the concerned police to conduct prompt and thorough investigations. The Commission has also intervened where there has been inordinate delay in submitting chargesheets. The Commission has also investigated cases at its own initiative when important cases of violence against women including domestic violence were reported in the press.

In order to regularly monitor the cases of violence against women including domestic violence since 1997, the Commission has been holding quarterly meeting with the administration in Kolkata and the districts. This has proved helpful in certain specific instances. Through regular visits to the districts, the Commission keeps abreast of the working of the district level committee setup by the Government, such as, the general committee for the protection of women rights, the committee for monitoring the P.N.D.T Act, the work of the Dowry Prohibition officer, the district counselling cell, the district-
level legal services authority and so on. The Commission also listens to the district-level NGO and individual applicants. The Commission has recommended the formation of Task Forces to be formed from the members of the Commission for looking after the needs of individual districts.15

Bar Chart shows the year-wise complaints received

15. "A Study of Family Courts West Bengal" by Ms. Flavia Agnes for West Bengal Commission for Women.

16. "A Study of Family Courts West Bengal" by Ms. Flavia Agnes for West Bengal Commission for Women.
Pie-Chart shows No. of Complaint received during the period 1999 to June 2004.

1. Against Police Administration
2. Dowry Death
3. Dowry Torture
4. Murder
5. Physical / Mental Torture
6. Divorce & Maintenance
7. Illicit connection
8. Rape / Molestation
9. Kidnapping / Missing
10. Property Matter / Employment
11. Harassment Security
12. Miscellaneous
13. Family Dispute
Bar Chart shows the year-wise complaints received from 1999 up to May 2005

17. 'Narikantha' June 2005 page no. 5
(ii) COMPLAINT & PRE-LITIGATION COUNSELLING CELL:

The West Bengal Commission for women opens a complaint and pre-litigation counselling cell. From its inception the women Commission has been receiving complaints from women regarding disharmony within the family and torture on women including domestic violence. In several cases the Commission has made spot visits, called upon the police to investigate cases properly and has tried to resolve disputes in the family by counselling both parties. They have also intervened where inordinate delay is being made in submitting chargesheets.

Apart from this, since 1997, the Commission has been holding quarterly meeting with police administration in Kolkata and the districts to discuss pending cases. This too has been helpful in some cases. However inspite of this, members have felt that in view of the fact that the work-load of the Commission has increased, they have not been able to monitor the complaints regularly that come to them. For sometimes, they have been thinking of setting up a "cell" to give immediate and proper attention to the cases that come to them from the districts. Increase in government funding has enabled the Commission to implement the plan.

On 21st January, 1999, the cell was inaugurated at the Commission’s office at 10, Rainey Park, by Sri Nisith Nandan Adhikary, Minister, Department of Judicial Affairs, West Bengal. Justice Mukulgopal Mukhopadhyay, Chairman, West Bengal Human Rights Commission was present as chief guest. Representatives of the state Police Commission were also present.

Two counsellors have been appointed to run the cell. They are sitting on Tuesday, Thursdays and Fridays at the Commission’s office from 12.00-4.00 p.m. to receive cases. They are being guided by the Women’s Commission member and advocate Manjari Gupta. Any woman residing in the state may meet them at the Commission’s office on the stipulated days with written complaints and attested copies of any relevant documents.
The following kinds of cases may be taken up by the cell:

1) Cases of neglect or torture by husband or other relatives where the complainant has not reported the matter to the police and would like to come to settlement through counselling.

2) Cases where a report has been made to the police, but adequate measures have not been taken by the administration, cases of domestic violence and death might be included under these.

Although the Commission’s power of intervention in subjudice cases is very limited, the Commission may offer legal advice in such cases.

In the inaugural function, both the Minister Nisith Nandan Adhikari and Justice Mukulgopal Mukhopadhyay offered some valuable advice. They advised the Commission on how to make effective the powers of a civil court statutorily granted to the Commission in certain matters. They further proposed that a panel of lawyers be formed to help the Commission in legal matters. Further to give legal status to and to make binding upon the parties the solution is offered by the Commission in specific cases, it was proposed that these might be finalised through the jurisdiction of the Family Court. The Commission is taking steps to implement these proposals.

The Pre-litigation counselling cell is the CORE UNIT of the Commission. It processes complaints received by the Commission either in writing or is taken by the Commission Suomoto under section 11 of the West Bengal Commission for women Act, 1992.

Family disputes are resolved or compromised through counselling. The complaints made directly by the victims to the police expedited and monitored.

According to section 11(3) of the West Bengal Commission for Women Act 1992, the Commission while investigating any matter relating to women shall have all
powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit and in particular, in respect of the following matters :-

(i) For summoning and enforcing the attendance of any person from any part of India and examining him on oath,

(ii) For requiring the discovery and production of any document,

(iii) For receiving evidence on affidavits,

(iv) For any other matter which may be prescribed.

Till January 1999, all petitions were examined and necessary action was fully controlled by the chairperson and the members. After opening the complaint, pre-litigation counselling cell, now all necessary steps have been prepared by the counsellors, with due approval of the chairperson and members, Secretary and Joint Secretary of the Commission.

In domestic violence cases the methods of functioning of the complaint and pre-litigation counselling cell of the West Bengal Commission for Women is stated below :-

In ordinary cases of family disputes, counsellor solve problems by calling both the parties, advising them to refrain from creating complications within relationship, explain to them the advantages and disadvantages of their state of being in that condition. Counsellors cannot force the parties to follow their advice given to them. But if the case turns to be complicated and parties seems to be uncompromising, the case is sent to the members. Each Saturday a meeting is arranged among members of the sub-committee to solve those complicated cases. In case of dealing with special complaints, Commission takes help of a panel of experts consisting of seven lawyers. Even after the successful disposal of cases, Commission keeps vigil on the victim woman and require her to report to the Commission after three mouth to let it know that she is happy.

In other kinds of Domestic violence cases like torture for Dowry, dowry death, desertion, illicit relationship of the husband, refusal to accept F.I.R, cheating by husband,
Death due to mental / physical torture by the husband and in-laws without any reason etc. a specific and systematic procedure for resolving the problem is followed by the counsellors while dealing with the complaints received by the Commission.

First Stage: Petition should be in writing. No verbal information of complaint is acceptable by the Commission. Written complaints are also received by the Commission by post or referred by the government officers, NGOS and other State Commissions.

A new system of filling up a proforma has been started by the Commission. from 1st January 2004, Commission has been using this proforma for verification of addresses and police stations of the petitioners and opposite parties because in the last few years, Commission received so many petitions, where petitioners addresses were not found and due to that Commission failed to render any service to the petitioners. The system of filling up of proforma is necessary only to those cases, which have been lodged by the petitioners themselves by hand.

Second Stage: After receiving the petition, all petitions are sent to the screening or scrutiny committee headed by the chairperson and other members. Commission examine and make scrutiny to ascertain the extent of crime or atrocities involved.

There is a sub-committee of counselling cell, consisting of five members who enjoy the power of screening (eliminating or rejecting) of the complaints. If the complaints are within the periphery of the functions of the Commission as mentioned in the West Bengal Commission for Women Act, 1992 they are retained and investigated thoroughly and others are rejected. Section 11 of the West Bengal Commission for women Act 1992 categorically leys down the functions of the Commissions. The chairperson enjoys her individual power of rejection of any complaint.
In this context it can be stated that some complaints are rejected for their own nature as mentioned below:-

(1) Sometimes it is seen that complaint comes from persons about an incident of violence against women in a family with the intention of harassing some particular person within the family. May be there is some problems among the people in family or neighbourhood. Some people, with ulterior motive, present it with colour of an incident of violence against women before the Commission so that the Commission will take action against those innocent persons with full force and this will cause harassment to them. It is misleading and the sub-committee of the Commission immediately rejects the complaint.

(2) Where a man makes complaint against a woman, Commission does not entertain the complaint. As the sole object of the Commission is promotion and protection of the rights of women and to help the victim women to get justice. Woman’s Commission sends male complainant to the Human Rights Commission to seek redressal.

(3) Sometimes complaint comes from a mother-in-law with a demand to solve the problem between son and daughters-in-law. Here also Commission is not willing to interfere between the problem of husband and wife and does not entertain the mother-in-law’s complaint and advises her not to interfere into this problem (private matter).

Third Stage: After screening the petitions which are accepted by the sub-committee, each petition is treated as a individual petition and is given a file number or a registration number in particular head. In case of female murder, dowry death, non-action of government officials, a letter is issued to the appropriate authority for sending report or action taken report in a stipulated time.

Forth Stage: After scrutiny of the case, necessary investigation is conducted if Commission feels it necessary depending upon the merit of case to identify the constraints so as to recommend strategies for their removal.
Fifth Stage: In pre-litigated cases, notice is issued to the opposite party to negotiate or for counselling in specific date and time. On non-appearance of the opposite party, Commission issues summons as per provision of section 11 (3) (a) of the West Bengal Commission for women Act 1992, by registered post. In case of non-appearance, summons are issued through the O.C. of the local police station or S.P (if in districts) or D.C (if in kolkata).

Sixth Stage: After all these works, both the parties are summoned to the Commission for hearing of their grievances if necessary with documentary evidence. Hearing is conducted in presence of both the petitioner and the litigant and both the parties are allowed to explain their view points regarding the complaint.

Seventh Stage: After a careful hearing and detailed discussion, Commission tries its best to solve the problem through counselling, advice and suggestions to clear the misunderstanding between the aggrieved parties and thus strives for reconciliation.

Eighth Stage: If both parties sit on the negotiating table and arrive in a fair compromise amicably, an agreement is signed with a commitment from both the parties to honour it in presence of members of the Commission. Both the parties are also informed that violation of agreement from any side will be taken up by the Commission seriously and as per law action may be taken by the Commission.

Ninth Stage: If however, the counselling does not end in settlement satisfying to both the parties, then the members make them aware of the basic laws that govern out family system so as to make them aware of their legal rights and obligations and to inform the aggrieved women about the types of remedies available to them as per law.

Tenth Stage: If after hearing and enquiry and repeated attempts to settle the matter fails, Commission sometimes refer the cases to police with detailed reports to act as per law to give justice to the aggrieved women against arrogant offenders. The cases are sent to court with a proper legal advice to the complainant.
**Eleventh Stage**: The cases are also sent to local bodies (like panchayat), police department and appropriate authority with a request to investigate and take proper action as per merit of the cases where Commission is unable to reach, due to some unavoidable reasons.

In this connection it is mentioned that generally all kinds of Domestic violence cases are being taken by the Commission since 1993. The categories under which complaints of Domestic violence against women are being taken are listed below:

- Dowry Death = DD
- Dowry Torture = DWT
- Murder/unnatural Death = FM
- Physical/Mental Torture = PMT
- Divorce/Maintenance = DVM
- Illicit connection = ICR
- Family Dispute = FD
- Miscellaneous = MSC
## TABLE — 1


Complaints received from females and other people

<table>
<thead>
<tr>
<th>Categories of cases</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>DD (Dowry Death)</td>
<td>6</td>
<td>6</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>FM (Female Murder)</td>
<td>15</td>
<td>10</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>PMT (Physical/Mental Torture)</td>
<td>21</td>
<td>32</td>
<td>50</td>
<td>44</td>
</tr>
<tr>
<td>DWT (Dowry Torture)</td>
<td>10</td>
<td>11</td>
<td>14</td>
<td>19</td>
</tr>
<tr>
<td>DVM (Divorce/Maintenance)</td>
<td>10</td>
<td>12</td>
<td>17</td>
<td>25</td>
</tr>
<tr>
<td>ICR (Illicit Connection/Rape)</td>
<td>7</td>
<td>13</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td>RP (Rape/Molestation)</td>
<td>5</td>
<td>6</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>PAD (Complaint against police &amp; Administration)</td>
<td>1</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>KGM (Kidnapping/Missing)</td>
<td>4</td>
<td>6</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>PM (Property Dispute)</td>
<td>24</td>
<td>35</td>
<td>23</td>
<td>27</td>
</tr>
<tr>
<td>FD (Family Dispute)</td>
<td>5</td>
<td>19</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>HRS (Harassment/Security)</td>
<td>10</td>
<td>19</td>
<td>38</td>
<td>37</td>
</tr>
<tr>
<td>MSC (Miscellaneous)</td>
<td>2</td>
<td>4</td>
<td>21</td>
<td>35</td>
</tr>
</tbody>
</table>
TABLE — 2

Position of the Cases in Numbers (Approx)

From 1st January 2001 to 31st December 2001

1. Number of cases Resolved : 44
2. Direct Inquiry by the Commission : 58
3. Referred to DM/Police Authority for Enquiry Report : 40
4. Referred C.I.D for Proper Investigation : 8
5. Counselling : 50
6. Legal advice and referred to Court : 22
7. Petition under process : 40
8. Details not known : 2

CHART - 1

The Chart Shows the Progress of Cases

<table>
<thead>
<tr>
<th>Year</th>
<th>Total no. of complaints received</th>
<th>Referred to CID for Proper Investigation</th>
<th>Legal advice and referred to the Court</th>
<th>Counselling</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td></td>
<td></td>
<td></td>
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<td>2001</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TABLE — 3

**PROGRESS REPORT OF COMPLAINT AND PRE-LITIGATION COUNSELLING CELL (P.L.C.C)**

*From 1st January 2001 to 31st December 2001*

1. Number of cases Received  
   : 262

2. **TYPE OF CASES**  
   **NUMBER**

   i) Dowry Death  
   : 5

   ii) Murder/Unnatural Death  
   : 10

   iii) Dowry Torture  
   : 19

   iv) Physical and Mental Torture  
   : 44

   v) Divorce and Maintenance  
   : 25

   vi) Illicit Connection  
   : 15

   vii) Rape/Molestation  
   : 11

   viii) Kidnapping/Missing  
   : 9

   ix) Property matters/Employment  
   : 27

   x) Family Disputes  
   : 25

   xi) Harassment/Security  
   : 37

   xii) Miscellaneous  
   : 35

---

335
### 3. District-wise Numbers of Cases Received by this cell

<table>
<thead>
<tr>
<th>District</th>
<th>Referred Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>South 24 Parganas</td>
<td>14</td>
</tr>
<tr>
<td>North 24 Parganas</td>
<td>25</td>
</tr>
<tr>
<td>Midnapur</td>
<td>25</td>
</tr>
<tr>
<td>Purulia</td>
<td>2</td>
</tr>
<tr>
<td>Bankura</td>
<td>2</td>
</tr>
<tr>
<td>Howrah</td>
<td>14</td>
</tr>
<tr>
<td>Hooghly</td>
<td>14</td>
</tr>
<tr>
<td>Nadia</td>
<td>8</td>
</tr>
<tr>
<td>Bardwan</td>
<td>19</td>
</tr>
<tr>
<td>Birbhum</td>
<td>6</td>
</tr>
<tr>
<td>Murshidabad</td>
<td>2</td>
</tr>
<tr>
<td>Malda</td>
<td>1</td>
</tr>
<tr>
<td>Uttar Dinajpur</td>
<td>1</td>
</tr>
<tr>
<td>Dakshin Dinajpur</td>
<td>1</td>
</tr>
<tr>
<td>Jalpaiguri</td>
<td>18</td>
</tr>
<tr>
<td>Darjeeling</td>
<td>Nil</td>
</tr>
<tr>
<td>Coach Bihar</td>
<td>1</td>
</tr>
<tr>
<td>Kolkata</td>
<td>96</td>
</tr>
</tbody>
</table>

#### Referred Cases

- National Commission for women: 5
- Other State Commission: 6 (19)

[19. Source: West Bengal State Commission for Women]
The petitions received by the Prelitigation Counselling Cell since its inception—

<table>
<thead>
<tr>
<th>Description</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004 April</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petition Received</td>
<td>185</td>
<td>222</td>
<td>262</td>
<td>382</td>
<td>776</td>
<td>278</td>
</tr>
<tr>
<td>Resolved Cases</td>
<td>54</td>
<td>45</td>
<td>43</td>
<td>86</td>
<td>212</td>
<td>28</td>
</tr>
<tr>
<td><strong>Legal Advice/Referred to court</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>Disposed/Closed *</td>
<td>103</td>
<td>142</td>
<td>174</td>
<td>99</td>
<td>58</td>
<td>8</td>
</tr>
<tr>
<td>Under Process</td>
<td>—</td>
<td>—</td>
<td>10</td>
<td>90</td>
<td>127</td>
<td>31</td>
</tr>
<tr>
<td>Counselling</td>
<td>—</td>
<td>—</td>
<td>10</td>
<td>72</td>
<td>336</td>
<td>201</td>
</tr>
</tbody>
</table>

* Due to Subjudice/Change-Sheet/Non-appearance Cases

- Total Petition Received : 2,105
- Total Resolved cases : 472
- Total Legal Advice/referred to court : 172
- Total Disposed off/closed : 584
- Total Under Process : 258
### TABLE — 5


Petitions Received from victim women and other people

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>CATEGORY</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004 (April)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Dowry Death</td>
<td>6</td>
<td>9</td>
<td>5</td>
<td>5</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Murder/ Unnatural Death</td>
<td>9</td>
<td>11</td>
<td>10</td>
<td>16</td>
<td>31</td>
<td>5</td>
</tr>
<tr>
<td>3.</td>
<td>Dowry Torture</td>
<td>11</td>
<td>14</td>
<td>19</td>
<td>24</td>
<td>69</td>
<td>5</td>
</tr>
<tr>
<td>4.</td>
<td>Physical/Mental Torture</td>
<td>32</td>
<td>50</td>
<td>44</td>
<td>59</td>
<td>128</td>
<td>58</td>
</tr>
<tr>
<td>5.</td>
<td>Divorce/ Maintenance</td>
<td>15</td>
<td>17</td>
<td>25</td>
<td>19</td>
<td>69</td>
<td>22</td>
</tr>
<tr>
<td>6.</td>
<td>Illicit relation</td>
<td>13</td>
<td>7</td>
<td>15</td>
<td>23</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td>7.</td>
<td>Rape / Molestation</td>
<td>6</td>
<td>8</td>
<td>11</td>
<td>19</td>
<td>31</td>
<td>5</td>
</tr>
<tr>
<td>8.</td>
<td>Family Dispute</td>
<td>19</td>
<td>20</td>
<td>25</td>
<td>54</td>
<td>157</td>
<td>89</td>
</tr>
<tr>
<td>9.</td>
<td>Property Dispute</td>
<td>35</td>
<td>23</td>
<td>27</td>
<td>33</td>
<td>17</td>
<td>9</td>
</tr>
<tr>
<td>10.</td>
<td>Harassment/ Security</td>
<td>19</td>
<td>38</td>
<td>37</td>
<td>66</td>
<td>130</td>
<td>47</td>
</tr>
<tr>
<td>11.</td>
<td>Kislapping/ Missing</td>
<td>6</td>
<td>4</td>
<td>9</td>
<td>13</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>12.</td>
<td>Miscellaneous</td>
<td>14</td>
<td>21</td>
<td>35</td>
<td>51</td>
<td>92</td>
<td>18</td>
</tr>
<tr>
<td>13.</td>
<td>Sexual harassment at work place</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>14.</td>
<td>Trafficking</td>
<td>4</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Sl.No.</td>
<td>CATEGORY</td>
<td>1999</td>
<td>2000</td>
<td>2001</td>
<td>2002</td>
<td>2003</td>
<td>2004</td>
</tr>
<tr>
<td>--------</td>
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<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(April)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Petitions Received from Kolkata</td>
<td>76</td>
<td>95</td>
<td>96</td>
<td>115</td>
<td>235</td>
<td>149</td>
</tr>
<tr>
<td>16.</td>
<td>Petitions Received from Districts</td>
<td>109</td>
<td>127</td>
<td>166</td>
<td>267</td>
<td>541</td>
<td>129</td>
</tr>
<tr>
<td>17.</td>
<td>Received from National Commission for Women</td>
<td>1</td>
<td>Nil</td>
<td>5</td>
<td>Nil</td>
<td>16</td>
<td>Nil</td>
</tr>
<tr>
<td>18.</td>
<td>Received from Other State Commission for Women</td>
<td>7</td>
<td>3</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Remarks:** The Commission initiated investigation in 22 number of cases of witch hunting, murder and rape, through police. The DMs and SPs reported that in 11 cases the police have made arrests and submitted charge sheets against the accused persons and 11 other cases were being investigated and the accuseds have been arrested.20

**TABLE – 6**

**Progress Report of Pre-litigation Counselling Cell**

from 1.11.2002 upto 30.4.03 and 1.5.2003 upto 31.10.2003

1. Number of cases Registered  
   (1.11.02 to 30.4.03) : 248  
   (1.5.2003 to 31.10.03) : 445

2. Number of cases Registered  
   (1.1.03 to 30.4.03) : 180  
   (1.1.03 to 31.10.03) : 633

[20. Source: The West Bengal Commission for Women]
3. **Nature of filed cases**  

<table>
<thead>
<tr>
<th>Nature of Case</th>
<th>1.11.02 to 30.4.03</th>
<th>1.5.03 to 31.10.03</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Dowry Deaths</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>(ii) Dowry Torture</td>
<td>18</td>
<td>56</td>
</tr>
<tr>
<td>(iii) Murder/Unnatural Death</td>
<td>8</td>
<td>26</td>
</tr>
<tr>
<td>(iv) Physical/Mental Torture</td>
<td>28</td>
<td>46</td>
</tr>
<tr>
<td>(v) Divorce/Maintenance</td>
<td>9</td>
<td>44</td>
</tr>
<tr>
<td>(vi) Illicit Connection</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td>(vii) Rape/Molestation</td>
<td>13</td>
<td>18</td>
</tr>
<tr>
<td>(viii) Family Dispute</td>
<td>39</td>
<td>85</td>
</tr>
<tr>
<td>(ix) Property Dispute</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>(x) Harassment/Security</td>
<td>46</td>
<td>65</td>
</tr>
<tr>
<td>(xi) Sexual harassment at work place</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>(xii) Kidnapping/Missing</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>(xiii) Recommendation/Referred</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>(xiv) Regret letter file</td>
<td>18</td>
<td>28</td>
</tr>
<tr>
<td>(xv) Miscellaneous</td>
<td>38</td>
<td>32</td>
</tr>
</tbody>
</table>

4. **Number of Resolved cases**  

|                | 26 | 42 |

5. **Number of closed cases**  

|                | 28 | 56 |

6. **Referred to C.I.D for proper investigation**  

|                | 10 | 21 |

7. **Petition under process**  

|                | 174 | 326 |

<table>
<thead>
<tr>
<th>District</th>
<th>1.11.02 to 30.4.03</th>
<th>1.5.03 to 31.10.03</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kolkata</td>
<td>82</td>
<td>171</td>
</tr>
<tr>
<td>South 24 Parganas</td>
<td>26</td>
<td>38</td>
</tr>
<tr>
<td>North 24 Parganas</td>
<td>47</td>
<td>60</td>
</tr>
<tr>
<td>Howrah</td>
<td>18</td>
<td>35</td>
</tr>
<tr>
<td>Hooghly</td>
<td>16</td>
<td>19</td>
</tr>
<tr>
<td>Purba Medinipur</td>
<td>8</td>
<td>22</td>
</tr>
<tr>
<td>Paschim Medinipur</td>
<td>6</td>
<td>25</td>
</tr>
<tr>
<td>Bankura</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Burdwan</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>Purulia</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Nadia</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>Birbhum</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>Malda</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Murshidabad</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Uttar Dinajpur</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Dakshin Dinajpur</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Jalpaiguri</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Cooch Behar</td>
<td>–</td>
<td>1</td>
</tr>
<tr>
<td>Darjeeling</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>1.11.02 to 30.4.03</td>
<td>1.5.03 to 31.10.03</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>(a) National Commission for women</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>(b) Orissa</td>
<td>1</td>
<td>–</td>
</tr>
<tr>
<td>(c) Assam</td>
<td>1</td>
<td>–</td>
</tr>
<tr>
<td>(d) Tripura</td>
<td>1</td>
<td>–</td>
</tr>
<tr>
<td>(e) Bihar</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>(f) Bangladesh</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>(g) Sikkim</td>
<td>1</td>
<td>–</td>
</tr>
<tr>
<td>(h) Goa</td>
<td>–</td>
<td>1</td>
</tr>
<tr>
<td>(i) New Delhi</td>
<td>–</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>248</strong></td>
<td><strong>445</strong></td>
</tr>
</tbody>
</table>

**CHART — 2**

Bar chart shows the comparison between the year 2002 and 2003 (June-August)

[22. Source: Complaint and Pre-litigation Counselling Cell of Women's Commission W.B.]

Bar Chart shows the year-wise complaints

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Complaint</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>185</td>
</tr>
<tr>
<td>2000</td>
<td>222</td>
</tr>
<tr>
<td>2001</td>
<td>262</td>
</tr>
<tr>
<td>2002</td>
<td>382</td>
</tr>
<tr>
<td>2003 uptil August</td>
<td>520</td>
</tr>
</tbody>
</table>

Six month’s report of Pre-litigation Counselling Cell
from 1st May 2004 upto 31st October 2004

- Total number of cases (Running) : 1,700
- Number of cases Registered : 605

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Nature of filed Cases</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>DOWRY DEATH</td>
<td>5</td>
</tr>
<tr>
<td>2.</td>
<td>DOWRY TORTURE</td>
<td>51</td>
</tr>
<tr>
<td>3.</td>
<td>MURDER / UNNATURAL DEATH</td>
<td>6</td>
</tr>
<tr>
<td>4.</td>
<td>PHYSICAL / MENTAL TORTURE</td>
<td>106</td>
</tr>
<tr>
<td>5.</td>
<td>DIVORCE / MAINTENANCE</td>
<td>48</td>
</tr>
<tr>
<td>6.</td>
<td>ILLICIT / CONNECTION</td>
<td>20</td>
</tr>
<tr>
<td>7.</td>
<td>RAPE / MOLESTATION</td>
<td>8</td>
</tr>
<tr>
<td>8.</td>
<td>FAMILY DISPUTE</td>
<td>135</td>
</tr>
<tr>
<td>9.</td>
<td>PROPERTY DISPUTE</td>
<td>3</td>
</tr>
<tr>
<td>10.</td>
<td>HARASSMENT/SECURITY</td>
<td>65</td>
</tr>
<tr>
<td>11.</td>
<td>SEXUAL HARASSMENT AT WORK PLACE</td>
<td>9</td>
</tr>
<tr>
<td>12.</td>
<td>KIDNAPPING/MISSING</td>
<td>8</td>
</tr>
<tr>
<td>13.</td>
<td>MISCELLANEOUS</td>
<td>40</td>
</tr>
<tr>
<td>14.</td>
<td>RECOMMENDED/REFERRED</td>
<td>8</td>
</tr>
<tr>
<td>15.</td>
<td>REGRET LETTER FILE</td>
<td>10</td>
</tr>
<tr>
<td>16.</td>
<td>URGENT</td>
<td>48</td>
</tr>
<tr>
<td>17.</td>
<td>NOT OPEN (N.O)</td>
<td>35</td>
</tr>
</tbody>
</table>

Number of resolved cases: 165
Number of Closed cases: 43
Referred to C.I.D for proper investigation: 6
Petition under process: 396
## DISTRICT-WISE NUMBER OF CASES RECEIVED BY THIS CELL

1. Kolkata : 139  
2. South 24 parganas : 85  
3. North 24 parganas : 72  
4. Howrah : 80  
5. Hooghly : 70  
6. Purba Medinipur : 10  
7. Paschim Medinipur : 11  
8. Bankura : 14  
9. Burdwan : 56  
10. Purulia : 4  
11. Nadia : 28  
12. Birbhum : 16  
13. Malda : 8  
14. Murshidabad : 5  
15. Uttar Dinajpur : 3  
16. Dakshin Dinajpur : –  
17. Jalpaiguri : 2  
18. Cooch Behar : –  
19. Darjeeling : –  

345
REferred CASEs RECEIVED BY THIS CELL

(a) National Commission For Women : –
(b) Orissa : 1
(c) Assam : –
(d) Tripura : –
(e) Bihar : 1
(f) Bangladesh : –
(g) Sikkim : –

Total : 2

[25. Source: West Bengal State Commission for Women]

CHART – 4

The Chart shows the progress of cases 1.5.2004 – 31.10.2004
SIX MONTH'S REPORT OF PRE-LITIGATION COUNSELLING CELL
Form 1st November 2004 upto 30.4.05

<table>
<thead>
<tr>
<th>Nature of filed cases</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Dowry Death</td>
<td>: 9</td>
</tr>
<tr>
<td>(ii) Dowry Torture</td>
<td>: 49</td>
</tr>
<tr>
<td>(iii) Murder / Unnatural Death</td>
<td>: 12</td>
</tr>
<tr>
<td>(iv) Physical / Mental Torture</td>
<td>: 108</td>
</tr>
<tr>
<td>(v) Divorce / maintenance</td>
<td>: 32</td>
</tr>
<tr>
<td>(vi) Illicit Connection</td>
<td>: 10</td>
</tr>
<tr>
<td>(vii) Rape / Molestation</td>
<td>: 21</td>
</tr>
<tr>
<td>(viii) Family Dispute</td>
<td>: 105</td>
</tr>
<tr>
<td>(ix) Property Dispute</td>
<td>: 3</td>
</tr>
<tr>
<td>(x) Harassment / Security</td>
<td>: 25</td>
</tr>
<tr>
<td>(xi) Sexual Harassment at work place</td>
<td>: 5</td>
</tr>
<tr>
<td>(xii) Kidnapping / Missing</td>
<td>: 6</td>
</tr>
<tr>
<td>(xiii) Miscellaneous</td>
<td>: 19</td>
</tr>
<tr>
<td>(xiv) Recommended / Referred</td>
<td>: 6</td>
</tr>
<tr>
<td>(xv) Regret letter file</td>
<td>: 42</td>
</tr>
<tr>
<td>(xvi) Urgent</td>
<td>: 52</td>
</tr>
<tr>
<td>(xvii) Not Open (N.O)</td>
<td>: 10</td>
</tr>
</tbody>
</table>

<p>| Number of resolved cases              | : 190    |
| Number of closed cases                | : 74     |
| Referred to C.I.D for Proper Investigation | : 22 |</p>
<table>
<thead>
<tr>
<th>District</th>
<th>Cases Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kolkata</td>
<td>98</td>
</tr>
<tr>
<td>South 24 Parganas</td>
<td>56</td>
</tr>
<tr>
<td>North 24 Parganas</td>
<td>79</td>
</tr>
<tr>
<td>Howrah</td>
<td>52</td>
</tr>
<tr>
<td>Hooghly</td>
<td>29</td>
</tr>
<tr>
<td>Purba Medinipur</td>
<td>28</td>
</tr>
<tr>
<td>Paschim Medinipur</td>
<td>19</td>
</tr>
<tr>
<td>Bankura</td>
<td>9</td>
</tr>
<tr>
<td>Burdwan</td>
<td>12</td>
</tr>
<tr>
<td>Purulia</td>
<td>6</td>
</tr>
<tr>
<td>Nadia</td>
<td>18</td>
</tr>
<tr>
<td>Birbhum</td>
<td>12</td>
</tr>
<tr>
<td>Malda</td>
<td>8</td>
</tr>
<tr>
<td>Murshidabad</td>
<td>4</td>
</tr>
<tr>
<td>Uttar Dinajpur</td>
<td>-</td>
</tr>
<tr>
<td>Dakshin Dinajpur</td>
<td>1</td>
</tr>
<tr>
<td>Jalpiguri</td>
<td>-</td>
</tr>
<tr>
<td>Cooch Behar</td>
<td>1</td>
</tr>
<tr>
<td>Darjeeling</td>
<td>-</td>
</tr>
</tbody>
</table>
Referred Cases Received by this Cell

(a) National Commission For Women
(b) Orissa
(c) Assam 1
(d) Tripura 1
(e) Bihar
(f) Bangladesh
(g) Sikkim

TOTAL  2

CHART - 5

The Chart shows the progress of cases (1.11.2004 - 31.04.2005)

[26. Source : West Bengal Commission for Women]
The West Bengal Commission for women runs a complaint, pre-litigation and counselling cell from 21st January, 1999 for the women suffering from injustice, discrimination or violence. The cell is run from the Commission’s office with the help of two qualified counsellors, and a clerk cum typist.

As the Commission for women, we have to deal with all kinds of offence/oppression/victimisation of women and children, and from 2004 we made a separate category on sexual harassment at work place. Due to our intervention, D.N.A Tests had been done / government authorities have started pension to the widows / some destitute women were allowed pension under social security measures / some cases were investigated under proper sections / arresting the accused / recovery of Stridhan. This cell runs with the supervision and guidance of our Hon’ble Chairperson; Vice-Chairperson and a counselling cell committee consisting of members of the Commission. Due to rapid increase of the number of petition received. Lastly, according to the order of the Hon’ble chairperson the file is opened and procedure started. After that, counsellors categorize all the files according to the content of the application. In the “urgent” category proceedings are expected to start at the earliest opportunity.

Through counselling 48 cases were reconciled / 28 cases were amicably settled for mutual divorce / 9 aged women returned to their homes / 76 wives are getting monthly maintenance from their husbands. Through counselling the police have submitted charge-sheet in 72 cases and according to the nature of petitions, the Commission asked for police inquiry report. 27 petitions were sent to higher authority for necessary action / 38 cases were settled due to police intervention / 53 cases were closed due to non cooperation of the petitioners.
During the period 1999 to 2004 we have also faced new type of crimes against women and children. All these crimes were done in a very organised manner. In order to face these challenges we tried to render optimum service / help to the victim women and we were also ready to accept all types of new challenges.

The role and responsibility of the counsellors are increasing day by day in different ways. In the beginning the counsellors mainly did counselling. But, due to success of the counselling cell and the activity of the Commission for women more and more people have started to come here to solve their problems, though, we cannot intervene all the matter. We have many limitations, but we try to find out their problems and advise them in a proper way. The role and the responsibilities of the counsellors are—

1. Counselling - Everyday counsellors counsel 6-10 cases.
2. Giving note to the concerned files.
3. Drafting the letters.
4. Advise to the victims. Regularly 10-12 victims come here for advice with intimation.
5. Receiving phone calls.
6. Filing up the petition.
7. Categorizing the petition.
8. Registration of files.

We have also equipped ourselves with a panel of expert Lawyers from different fields of law and they render free legal guidance to the victims. Form for obtaining free legal aid are distributed to the women in trouble. We are helped by a clerk cum typist.
The following chart shows the performance (Resolved cases) at the Pre-litigation counselling cell.

![Performance Chart]

Pie-chart shows the number of complaints recorded during the period 2004

![Pie-Chart]

Dowry 9, Murder / unnatural death 17, Dowry torture 42, physical / mental torture 174, Divorce / Maintenance 88, Illicit connection 43, Rape / Molestation 22, Family dispute 244, property dispute 16, Harassment / security 108, Kidnapping / Missing 11, Miscellaneous 32, Sexual harassment at work place 18, urgent 79, Not opened (No.) 165, Referred 29.

(27) Narikantha, March 2005, Published by Dr. Jasodhara Bagchi on behalf of West Bengal Commission for Women.
iii) **PARIVARIK MAHILA LOK ADALAT IN WEST BENGAL:**

Recently with the financial help of the National Women’s Commission and in collaboration with state Legal Service Authority, West Bengal, the West Bengal Commission for women has organised three PMLAS. The first PMLA in the state was established in Kolkata, within the premises of the National University of Juridicial Sciences and the second and third respectively in the districts of Hooghly and Cooch Behar. The three events were held on the following dates respectively: 22nd November 2003, 31st January and 1st February 2004 and 21st and 22nd February 2004. This endeavour was initiated by the State Women’s Commission and State Legal Service Authorities with a view to accelerate the pace of disposal of cases related to atrocities against women including domestic violence.\(^{28}\)

At the session held at NUJS on 22 November 2003, 22 cases were sent to PMLA of which 18 cases were among the Commission’s own cases and 4 were sent by NGOs. These cases were presented before 4 benches: Each bench was presided over by one Judge and two renowned guests were present to help the Hon’ble Judges to dispose, of the cases.

Besides this, in each bench two members of the Commission were helping for proper presentation of the cases. Counsellors of the Commission explained the cases in brief to the judges.\(^{29}\)

First bench was presided over by the Hon’ble Justice Smt. Indira Banerjee of Calcutta High Court, Advocate Chameli Majumder, Calcutta High Court and Smt. Sunanda Basu, eminent social worker. Two members of the Commission were Vice Chairperson, Dr. Roma Das and Smt. Bhagabati Mondal. Before this bench, 6 cases were

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28. *Narikantha*, March 2004, Published by Dr. Jasodhara Bagchi on behalf of West Bengal Commission for Women.

29. *Narikantha*, December 2003, Published by Dr. Jasodhara Bagchi on behalf of West Bengal Commission for Women.
presented of which in 2 cases, husbands and wives were agreed to live together. In another two cases, no decision could be taken due to absence of opposite parties. In a case, complainant started litigation against her husband and in the last case; the solution was made by the bench to stop interference of wife’s father into the relationship between husband and wife and advised the parties to come to women’s Commission again for amicable settlement through counselling.30

Second Bench was presided over by Hon’ble justice Amarav Sengupta (Retired), Dr. Smt. Jayashree Mitra, principal of calcutta Medical college and Smt. Puspa Mishra, Psychologist and Social Worker. Members of the Commission were Smt Bindu Jutshi, member - Secretary, Smt. Malini Bhattacharya and Advocate Bharati Mutsuddi. Before this Bench, 5 cases were presented. In one case, a father agreed with the decision to pay his daughter Rs. 1000/- per month and lump sum amount of Rs 50,000/-. In another case, parties were not present, so no decision could be made.31

Third Bench was presided over by Smt. Bandana Roy, W.B.H.J.S. Smt Gita mukherjee, Advocate, Calcutta High Court and Dr. Arati Basu Sengupta. The members of the Commission were Smt. Miratun Nahar and Smt. Shamasree Das and Smt. Prianka Mukherjee working at Human Rights Law Network was also present there. 6 cases were sent to be presented before this bench. In two cases, no solution could be made due to absence of both the parties. In one case, husband and wife were agreed to live together and in another case for the maintenance of girl child, her father was ordered to pay Rs. 300/- per month and a proposal was attached to it to increase the amount of money after three months. In a case, the husband of the complainant was arrested by the police and could not be able to be present before the Hon’ble Judge, so no decision could be reached.32

30. Narikantha, December 2003, Published by Dr. Jasodhara Bagchi on behalf of West Bengal Commission for Women.
31. Ibid Note 30
32. Ibid Note 30
Fourth Bench was presided over by Smt. Kalpana Dey, W.B.H.J.S, Sree Sunil Mitra, Advocate of Calcutta High Court and Prof. (Dr.) Dipti Basu, Principal of National Medical College of Calcutta. Present members of the Commission were Smt. Gairika Ghosh and Smt. Sarbani Bhattacharjee. 5 cases were presented before this bench. In one case, husband was agreed to mutual divorce and payment of Rs. 3 Lakh. In another case, the complainant was convinced to return to her matrimonial home to stay with her husband and mother-in-law.33

On the second occasion, the PMLA was established at Hooghly District Court on 31st January 2004 and 1st February 2004.

Seventeen cases have been placed before the Mohila Lok Adalat on 31st January and 28 cases have come up on 1st February. These cases were presented in front of 5 benches, presided over by justice Amarav Sengupta, Justice Sunil Ranjan Sarkar, Sri Mahadev Ghose, W.B.H.J.S, Sri Santimoy Ghose Hazra, W.B.H.J.S and Sri Mridul Ranjan Roy. Here, too, in about 10 cases, same settlement could be arrived at, while the women’s Commission members who had been present at the session, also observed some problems. They pointed out these later in a discussion with Justice Samaresh Banerjee and deliberated on possible measures to plug these loopholes in this useful institution.34

The third PMLA was held at Coochbehar on 22.2.04. 30 cases were presented before 3 benches, first bench was presided over by Hon’ble Justice Amarav Sengupta, Advocate Lopamudra Sengupta, Bhupati Roy, Head Mistress and Social Worker, Second bench by Kamal Kumar Kundu, District Magistrate, Advocate Anuradha Roy and Srimati Chitra Guha and third bench by Sudhaindu Saha, District Magistrate, Advocate Nilima Dhar and Pravabati Sarkar, a school teacher. In this PMLA, most of the cases were related to divorce matters.35

33. Narikantha, December 2003, Published by Dr. Jasodhara Bagchi on behalf of West Bengal Commission for Women.
34. Narikantha, March 2005, Published by Dr. Jasodhara Bagchi on behalf of West Bengal Commission for Women.
35. Ibid Note 34.
Therefore, the impact of these courts is assessed not only from the statistical data and proportion of cases settled but in terms of the relief provided to thousands of families of all categories, who have been involved for years in bitter family conflicts.

These Adalats provide an alternate method for the women to ventilate their hardships and deprivation within the traditional social frame work. This has great positive psychological impact on society in general and women in particular.

The sorting out of family disputes through these courts help to reduce the burden of cases on the courts and helps to clear backlog of pending cases.

iv) LEGAL AWARENESS PROGRAMME:

A state-wide legal awareness programme for women has been initiated by the Commission aiming at dissemination of the knowledge of legal rights and safeguards provided to them in law.

As per decision taken by the Commission in 1997, first legal literacy camp was organised at Jadavpur University Campus, by the Commission in collaboration with Women’s Study Centre, JU on 19-21 July, 1997. Following this the legal literacy camps were organised in Purulia on 24-25 October 1998, in Burdwan on 20-21 February 1999, in Nadia on 22-23 August 1999 in Diamond Harbour on 2-3 April 2000 in Hooghly on 15-16 July 2000, in Birbhum on 16-17 December, 2000.36

v) Review of laws and legislative measures – Proposed recommendation to protection from Domestic Violence Bill, 2002:

Before 2005, the proposed bill for Protection of Women from Domestic Violence was pending for finalisation before the parliament. This was a new law which was going

to be introduced for preservation of the rights of women and was to be a civil law in nature. There were many reservations about the content of the “Draft Bill” which had been proposed and the parliamentary committee called for suggestions from the women’s organisations, N.G.Os, the National Women’s Commission and the State Women’s Commissions and others interested in welfare of women at large. After discussion, the West Bengal State Women Commission forwarded its suggestions to the “Parliamentary Committee” for amendment of the said Bill. It felt that the object should be to enable women to live with dignity in the family and to promote a non-discriminatory situation.

A few amendments in the “Definition” as prescribed in the said Bill had been proposed and these are as follows :-

1. Any woman, child or aged person who is an inhabitant within the family of the respondent is to be included in the definition of “Aggrieved person”.

2. From the definition of “relative’ the condition of “living with the respondent” is to be deleted in as much as there are women who are not living with “the respondent” but are subjected to torture by the respondent who has control over and access to their lives.

3. The next consideration is the definition of “Domestic violence” bill as contemplated in chapter II of the proposed Bill. The Bill has specified certain acts which if committed will come under the purview of “Domestic Violence”. Necessary amendments are to be made to protect the right and interest of the aggrieved person. Those amendments are as follows :-

In Rule 4 Sub-Rule (4)(a) (i) of the said Bill, it has been laid down that the incidents of ‘habitual assault’ will be considered as an act of domestic violence. This provision is absolutely unreasonable in as much as an act of “single assault” is sufficient to be treated as violence upon the aggrieved person and as such the word “habitually” has to be deleted. The definition of “cruelty” as contemplated in Rule 4 Sub-Rule (1) (a) (i) is also
to be modified and both the acts of physical and mental cruelty are to be included in the said provision.

4. It is further contemplated in Rule 4 Sub-Rule (2) of the proposed Bill interalia, that the definition of domestic violence will not apply to the perpetrator of violence if he does so while protecting himself or his own property. This should be deleted since most acts of domestic violence will then be justified on this excuse.

5. Chapter III of the said “Bill” provides for appointment of protection officers who will have authority to perform under the Act and will also assist the Court to conduct the proceedings.

The presence of a “third party” between ‘the victim’ and ‘the Court’ however, may become another instrumentality to exploit the helpless victims. The mediation of a protection officer would merely postpone the legal procedure and frustrate the purpose of this Act. Hence the power and authority is to be vested only with the Court and the provision of “appointment of protection officer” is to be abolished and accordingly Rule 5, 6, 7 and 8 of the said Bill are to be deleted.

6. Chapter IV of the said Bill laid down the procedure for obtaining “Protection order” and the jurisdiction of such procedure has been vested with the Magistrate. The Commission have experience that due to long pendency of the cases, the people are suffering immensely. They cannot get justice which ought to be delivered to them forthwith. If the victims of “Domestic Violence” also are to approach those courts which are already over-burdened, the object of the said “Bill” will be totally frustrated. The West Bengal Women Commission ask for speedy trial and quick redressal of the grievances of the victims of “domestic violence” and for that the right forum is “Lok-Adalat”. As such the authority as presented in this chapter i.e “magistrate” is to be supplemented by “Lok-Adalat”. The entire proceedings should be within the jurisdiction of “Lok-Adalat” and for that necessary amendments may be made in the “Lok-Adalat” Act 1994 for its proper and effective implementation.
7. Rule 11 of the said Bill provides for mandatory counselling. This will put the victim under coercion and undue influence and as such counselling cannot be mandatory.

8. Apart from this, some additions are required to be made in Rule 14 of the said Bill to protect the right of the aggrieved person such as:-
   a) Minimum and maximum quantum of monetary relief is to be passed within seven days from the date of submitting the petition and such payment should be directed to be paid within seven days from the date of the order passed, failing which specific penal measure is to be prescribed in the said order.
   b) Interim relief should include provision for residing in a portion of the matrimonial home where the respondent shall not have the right to enter.
   c) In case the respondent is not available or insolvent, the interim relief shall include provision for food and shelter and such provision is to be arranged by the State Government with the aid of Central fund.
   d) Provision for punishment if the respondent fails to pay the relief as stated herein before, within the specific period as prescribed in Rule 14 is to be made.
   e) The punishment as prescribed in the proposed bill is to be enhanced to a maximum of five years.

In this context it can be stated that addressing a long-standing demand by women’s organisations, recently the Union Cabinet, on June 23, 2005 approved ‘The protection of Women from Domestic Violence Bill 2005’, for introduction in parliament. The bill, which not only defines “domestic Violence” but also identifies the women who will receive protection. This aims to provide women an effective safeguard and remedy against domestic violence of any kind.

On 16th September, 2005 President APJ Abdul Kalam has given assent to the Protection of Women from Domestic Violence Act, 2005 which provides more effective protection of rights of women, guaranteed under the constitution.
vi) MOHILA MELA:

As part of its programme of networking NGO's and Women's organisations, the West Bengal Commission for Women has been holding a Mohila Mela in the month of March every year since 1999 to celebrate Women's Day. At the mela, production units run by women, setup stalls and sell their goods. Discussion sessions with working women from different walks of life are also held.

vii) LEGAL LITERACY WORKSHOPS:

The West Bengal Commission for Women has been holding Legal Literacy Workshops for Women in the district since 1997. Workshops were held in Calcutta, Birpara in Jalpaiguri, Purulia, Burdwan, Krishnanagar in Nadia etc. Women activists, Panchayat members and family counsellors attended these workshops and exchanged opinions on family laws concerning marriage, divorce, dowry, maintenance, guardianship, property rights etc. Some of the recommendations for legal amendments and better implementation of laws that came up in the course of the workshops are being listed below:-

1. Compulsory registration of all marriages.
2. Amendment of guardianship laws to give a mother the equal right to guardianship.
3. Opportunity to have maintenance under section 125 of Cr.P.C for divorced Muslim Women.
4. Proper interpretation of the system of triple talaq.
5. Simplification of maintenance laws to enable women to have interim and final maintenance regularly.
7. Making re-marriage illegal for those men against whom cases of dowry death are pending.
9. Having special benches/tribunals for speedy disposal of cases of domestic violence.

viii) SEMINARS AND WORKSHOPS:

Since inception, the West Bengal Commission for Women has been conducting conferences, seminars and workshops with police personnel, NGOs, different women's organisations, National Women's Commission etc. Some are stated as below:

CONFERENCE WITH POLICE OFFICERS AND WOMEN ORGANISATIONS:

According to the decision taken by the Commission in 1997, a meeting or conference is being organised after every three months by the Commission with Women's Organisations and those police officers who generally deal with the matter relating to the Women. Till 1998, four meetings have been held and police officers have submitted the inquiry reports of the cases dealt with by them. It is possible for the Commission to know the stage of cases and full progress of the cases are disclosed there by.\(^{37}\)

On 9th December 2001, at the auditorium of Charukala Parishad, a meeting was arranged by the Commission with representatives of Women's Grievance Cell, Women's organisations and Police Personnel.

WORKSHOP AND SEMINAR WITH NATIONAL WOMEN COMMISSION:

A workshop with NGOs, self-help groups and a seminar on different personal laws in India were organised by the West Bengal Commission for Women and the National Women's Commission on 14th and 15th March 2003. The Women Studies Research Centre, Calcutta University and National University of Juridical Sciences, Kolkata collaborated with Women's Commission in the workshop and the seminar respectively.\(^{38}\)

\(^{37}\) Narikantha, August 1998, Published by West Bengal Commission for Women.

\(^{38}\) Narikantha, March 2003, Published by West Bengal Commission for Women.
A seminar was organised by the Commission in collaboration with the State Legal Service Authority, West Bengal on 7th December 2003 at Salt Lake City on ‘Role of Justice Delivery System in combating violence against women.’

SEMINAR ON WOMEN’S EMPOWERMENT IN WEST BENGAL:

On 3rd June 2004 the West Bengal Commission for women arranged for a seminar on ‘Women’s Empowerment in West Bengal’ in collaboration with the National Commission for Women. This one day seminar was structured as an interactive consultation with NGOs, giving priority to the N.G.O.s, articulation of issues and problems concerning gender equality and women’s advancement in West Bengal. The honourable Chief-Minister Sri Buddhadev Bhattacharya and the honourable Governor Sri Viren J. Shah addressed this seminar. N.G.O representatives from almost all the districts participated in this seminar.

ISSUES DISCUSSED:

a) Mental health should be considered as an important constituent of health. As such emphasis must be given to
   i) mental health education, including awareness generation at the grassroots level,
   ii) Setting up of treatment and counselling centres for mental disorders,
   iii) promotion of human rights for those afflicted with mental health problems.

b) To prevent child marriage, marriage registration should be made compulsory and in order to monitor the age of girls about to be married, production of birth certificates at the time of marriage registration should also be made compulsory.

c) Family Counselling Centres should be opened at all police stations/thana, with greater involvement of Civil society.

d) Police personnel should be more cooperative towards NGOs wherever NGOs operate such Centres. This is important in view of the common problem of police apathy.

e) There were questions regarding the efficacy and utility of the "Salishi" process in dealing with violence against women.

f) A number of NGOs stated that late release of funds was a recurrent problem, affecting their day-to-day functioning.40

DOMESTIC VIOLENCE AND SEXUAL HARASSMENT IN WORKPLACE:

A workshop was organized by the Commission in collaboration with Women’s Studies Research Centre Calcutta on 21st November 2004.

The main theme of the workshop was to review the draft bills prepared by the Central Government and NCW on “Domestic Violence” and “Sexual harassment in workplace”. Smt. Indira Jaisingh, Lawyers Collective Women’s Rights Initiative, Prof. Ishita Mukherjee, from women’s Studies Research Centre, Calcutta University, Anuradha Kapoor of Swayam, Shoma Sengupta of Sanhita discussed in detail different issues arising from the proposed bill. Smt Sumitra Chowdhury of Victoria Institution and Smt Jasodhara Bagchi, Chairperson, West Bengal Commission for women chaired the sessions.

In the first session, Smt. Indira Jaisingh mentioned the lapses and lacunae of the proposed laws for protection of Women and children suffering from atrocities within the families. The women and children of broken families are deprived of right to residence and suffer from economic insecurity. Provision should be made for financial and other help to the harassed women, till the cases remain unsettled. Smt. Jaising has emphasized to organize frequent camps for legal awareness to popularize these demands and to make the central government do the needful for necessary amendments to the proposed bill on

40. Narikantha, March 2005, Published by West Bengal Commission for Women.
Domestic Violence. Smt. Sarbani Bhattacharya on behalf of the WBCW read out the following recommendations:

1. Provisions for “Continuous Repression” and “Compulsory Counselling” should be excluded from the proposed bill.

2. Provisions should be made for “in camera trial” if desired by the women concerned.

3. A sympathetic and experienced gazetted officer will act as protection officer. No new appointment is necessary.

4. A Central fund is to be created for the benefit of the harassed women.

5. Lok Adalat Bill is to be amended to make provision for dealing with the cases of domestic violence.

6. Right to residence in the shared household for the harassed women is to be guaranteed.

During the second session Smt. Indira Jaisingh reported that the draft bill prepared by the National Commission for women was not accepted and a new committee of eight members chaired by Flavia Agnes had been preparing the draft bill afresh.41

ix) THE VISITING OF PLACES OF OCCURRENCE OF VIOLENCE AGAINST WOMEN:

The West Bengal Commission for Women visited the places of atrocities committed on women and interfered to mitigate the gravity of situation, without hesitation.

Women’s Commission has interfered several cases of bride murder, persecution, oppression on women etc. Among these cases, many cases are sent for trial in courts.

41. Narikantha, March 2005, Published by West Bengal Commission for Women.
through police. Charge-sheets are framed. Certain cases are solved.\textsuperscript{42}

\textbf{x) LIBRARY AND NEWS LETTERS :}

The library of the West Bengal Commission for women was established in November, 1998 with a view to facilitate the studies of those who need up-to-date information for their research works relating to various aspects of life and problems of women and children and for those who have to deal with the outstanding problems faced by the Indian women.

Within this short span, the library has in its collection a considerable number of books, journals relating to the problems of girls, children and women in general, and a good number of news paper clippings, pamphlets, posters on current issues including domestic violence against women. There are reports from other State Women’s Commissions, reports from different non-government organizations, reports and articles from the women’s study centers of different Universities etc. There are legal literature, reports published by UNICEF, WHO etc. Recently the library has started collecting CD’s which will be of great help for research workers.

\textbf{NEWS LETTERS :}

The Commission regularly publishes a news letter named “Narikantha”. It is published quarterly in Bengali and once in a year in English. Narikantha—the quarterly news letter of the West Bengal Commission for women is regularly despatched to the honourable ministers, members of the Commission, District Magistrates, Sabhadhipatis, Sah-Sabhadhipaties, District Information offices, different NGO’s, other State Women’s Commissions, news paper offices, Television channel and All India Radio. free of cost.

Therefore, it can be noted that all these activities of the Commission show the eagerness to help victim women of domestic violence and to make them aware of their rights and fight to enforce those for better living. Thus, the activities are directed towards making victim women enthusiastic to come forward to share their grievances and better

\textsuperscript{42}. \textit{Narikantha}, August 1998, \textit{Published by West Bengal Commission for Women.}
experiences with Women’s Commission and simultaneously the members and counsellors are working day and night to solve their problems through counselling, providing legal aid etc.

**CONCLUSION:**

The West Bengal Commission for Women set up by a decision of the West Bengal Legislative assembly in February 1993, has completed 14 years of its existence.

It is true that the Commission has been constituted as a forum or stage for voicing women’s grievances and problems and for their proper solution and the society of women in West Bengal is waiting with this hope of Commission’s complying with the objectives.

It must be kept in mind that present socio-economic infrastructure of the society is responsible for the occurrence of incidences of persecution and discrimination against women including domestic violence against women. Although Commission cannot change this type of system prevailing in society but Commission will certainly mitigate the gravity of problems. But solution of the problems of women is time consuming, and the Commission alone cannot wipeout these, throughout the state. It will work jointly along with women’s organisations, working in field of women liberation movement, different voluntary organisations and public-spirited persons.

Thus, the solution of the problem of persecution on women is not possible if the attitude of people in society is not changed. For this reason, Commission will have to work through continuous and uninterrupted publicity movement. These women’s organisations are the main instruments and communicating links for spreading the work of the Commission to the people of different levels, specially people living at the grass root level.

It is no doubt that the constitution of State Women Commission is a bold step and for this the women’s movement will be more powerful. West Bengal Commission for Women is the mediatory system and not the ultimate solution. The society of women can only find their ultimate solution of problems through their movement.
5.5 THE ROLE OF NGOs:

Today, Domestic violence against women is a serious crime against society and it is increasing in alarming proportion. Still for strong preference of male-child in the society, female foeticide, female infanticide, forced abortion etc. are rampant in India. Despite of different laws and judicial pronouncements, different domestic violences such as dowry death, bride burning, cruelty by husband and in-laws, wife beating, forced prostitution, satipratha, bigamy etc. are increasing day by day in our country.

According to the current statistics almost every six hours somewhere in India, a young married woman is burnt alive, beaten to death, murdered by husband and in-laws, forced to commit suicide due to prevalence of domestic violence.

From History we find that the seeds of domestic violence were first sown in Post Vedic Period by many Smritikars like Manu, Yajnavalkya etc. In that time, women were totally deprived from education and were suffering from child marriage, polygamy, satipratha, dowry pratha and others like inhuman and horrible social customs. The wives’ status in matrimonial homes were declined and they could not get any respect from their husbands and treated by them as chattels. Not only that, in the British period, women were not allowed to get education and they were suffering silently from different kinds of domestic violences like wife beating, dowry pratha, cruelty by husband and in-laws, polygamy, Satipratha, child marriage, enforced widowhood, bride burning etc.

But during the British regime, due to English education system and their influence on socio-cultural life of our country, there was enormous change in our day to day style of living. Some prominent persons of that period like Raja Ram Mohan Roy, Pandit Ishwar Chandra Vidyasagar, Mahatma Gandhi, Swami Vivekananda, Bal Gangadhar Tilak etc. who received English education began to think about injustice on the women and played a pivotal role in addressing the issues such as satipratha, women education, widow remarriage etc.
So the early protagonists of the women's rights were men who had been influenced by western liberal thoughts and tried to uplift the status of women in the society. In that time, women themselves played no part in these protests against traditional practices.

Though later, some English educated upper-caste enlightened women joined the said movement of reform. Later on, Gandhiji also invited women to join his freedom movement. As the women joined the political battle, they became prude enough to seek equality for themselves, in every field of life.

The real women’s movement started during the 19th century when Indian Women came in contact with western liberal thoughts, they became conscious about many social evils which deteriorated their status by the name of customs and religion. Such consciousness led to reform movements targeting all anti women social practices such as female-infanticide, female-foeticide, satipratha, child marriage, purdahpratha, polygamy etc. Therefore, in India, women movement has its roots in pre-independence era in the social reforms and independence movements of the late eighteenth and early nineteenth century. In 1920, the All India Women Conference was setup, which was involved in the struggle for independences and addressed issues of womens’ education and right to vote.

After Independence, in 1950-1960 there was a dull period, when no further development on these issues were seen. In the mid 1970s there was a renewed interest in issues related to women’s status in India. The document “Towards Equality” brought out in 1974 by the Committee on the Status of Women, revealed that contrary to expectations, position of women had not changed significantly since independence. Once again, various women movements were concerned of the voices regarding the position and rights of women in Indian society. Women were then more conscious about their basic human rights.
Therefore, in late 1970 and 80s the feminist movement was first seen to start all over the India. In 1980, autonomous women’s movement started with the major issues of different kinds of violences against women like dowry death, satipratha, rape, bride burning, female-infanticide etc. The other contemporary womens movements in various fields cropped up there after. The issues taken up were rape, sexual assault, domestic violence, impact of health policies, hazardous contraceptive technologies and many other issues relating to women’s socio-economic development. Day by day they became increasingly aware of the loopholes in the legal system and they made efforts to reform the laws.

After the initial phase of campaigns against issues such as dowry death, dowry pratha, sati, rape etc. many women activists felt that these campaigns were fruitless unless women’s organisations/centres were not formed to aid and support every individual woman.

Therefore, towards the end of 70s and the beginning of 1980s various NGOs for women were built up in several cities across the country. As for example Jagori in Delhi came into existence in 1984 as women’s documentation, training and communication centre.

These NGOs for women were active on whole range of issues which they saw interlinked to control over women’s rights and bodies. They took up the issues of domestic violence, dowry system, sati pratha, rape and fought for the creation of new women sensitive laws and amendments of existing laws. That period was also significant to bring into the public sphere the issues which had hitherto been seen as private issues, such as domestic violence.

From that time there had been mushrooming of NGOs for women in every part of India and these NGOs were created to protect the emancipation of women in India. They were meant to support the women who need help, protection and assistance.
Today there are many NGOs working for preventing violence against women in every part of India and they are playing a great role in raising the position of women in the society and trying to eradicate the social evils against women from the society, like domestic violence, child marriage, rape etc.

The term NGO or non-governmental organisation is popularly used to denote association working outside the formal administrative framework of government.

In the Indian context NGOs are generally registered under the Societies Registration Act of 1860. This is applicable almost universally in the country with slight modifications in different states. The recognition is granted by issue of a certificate of Registration by the Registrar of Societies. A society formed under this act though not legislative, is deliberative in character and must have a system of conducting its affairs along with rules for governing its practices. Once a voluntary group registers itself, it has considerable flexibility of operation. However, all members are bound by the constitution of their society. Now the Ministry of Home Affairs has made it mandatory that a society receiving funds from external donors should be registered with them under the Foreign Contribution Regulation Act. Today NGOs are looked upon as important instruments for promotion of development activities particularly at grassroots.43

Therefore, the NGOs are non-governmental, organised collectives with some purpose. That means NGOs are inclusive of informal unstructural groups to formalised structural associations. NGOs are “non governmental” because these organisations are not managed or directed by any official of the State power and at the same time not accountable to any Government Departments. They are not dependant to Government for its operation, finances, such as staff salaries, but, they can collaborate with the Government to plan and implement programmes and policies. In India, however the term

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43. A book “NGOs as prime movers—sectoral Action For social development” —by Shivani Dharmarajan, Kanishka Publisher & Distributors, New Delhi, page 259
NGO is often used interchangeably with “voluntary organisation”. Today NGOs are powerful force in the Indian Women’s movement and many women’s NGOs have a role in changing women’s views and perceptions about their position and status. Some of them focus on particular needs of women.

As for example (i) **Struggle-Oriented Ones**— which fight for women’s rights, and (ii) **Service Oriented Ones**—Which provide training in skills and financial assistance or assistance to establish self-employment small scale units.

Not only that, now a days some NGOs are playing a great role in the emancipation of women in India. These NGOs are fighting against different crimes against women including domestic violence.

NGOs help the women in need of help, protection and assistance. NGOs would deal with a victim woman, seeking assistance, based in their organisation’s policy, expertise, resources, infrastructure and the background of woman and the stage of violence against her.

There are many NGOs which fight for crimes against women, specially against domestic violence in India, some of them are stated below:

1. All India Democratic Women’s Association (AIDWA)  
   [It is a Delhi based NGO for women]
2. Jagori [Delhi based NGO for women]
3. Sakshi [Delhi based NGO for women]
4. Swachetan [Delhi based NGO for women]
5. Majlis [Mumbai based NGO for women]
6. Asmita (Resource Centre for women)  
   [Andhra Pradesh based NGO for women]
7. Maitreyi [Bombai based NGO for women]
8. Vimochana [Bangalore based NGO for women]
9. Sanchetna [Ahmedabad based NGO for women]
10. Vividha [Jaipur, Rajasthan based NGO for women]
11. CEHAT [Bombai based NGO for women]
12. Akshara [Bombai based NGO for women]
13. Saheli [Delhi based NGO for women]
14. Shakti Shamlini [Delhi based NGO for women]
15. Joint Womens Programme [Delhi based NGO for women]
16. Prevention of Crime And victim Care (PCVC)
   [Tamilnadu based NGO for women) etc.

Most of these NGOs for women were initially setup in response to the increasing atrocities on women specially cruelty in marriage and different forms of domestic violence. These NGOs help the women to establish their rights by advising and helping them to make an application seeking the assistance of National Commission for Women or State Women’s Commission. The NGOs help the victims of domestic violences to register a First Information Report (FIR) at police station which has jurisdiction to entertain the crime. They generally try to encourage the victim women to resist maltreatments of mental or physical cruelties upon them by their husbands and in-laws and to walk out of a violent or oppressive environment of their matrimonial homes before they could be killed or driven to commit suicide. They always try to save the woman while she is still alive and give her moral and mental support that they are always beside her in any situation.

In this context it is stated that dowry as an issue was taken up by women’s NGOs in the 1980s and these NGOs brought to light the extent of dowry giving and receiving and the amount of violence women faced as a result of dowry negotiations between
families. These NGOs also brought to light the phenomenon which has come to be known as dowry death of women who are murdered by their marital family members for not bringing in enough dowry. **In 1984 and 1986 the Dowry Prohibition Act of 1961 was amended partly in response to that anti dowry movement and the demands of the women’s NGOs. The Dowry Prohibition (Amendment) Act makes the “giving and taking of dowry as a condition of marriage” punishable by law.**

Not only that, due to the constant protest against different domestic violences by many NGOs, the government was forced to amend the Evidence Act, Criminal Procedure Code and Indian Penal Code and section 304B, section 498A were inserted in Indian Penal Code and Section 113A & 113B were inserted in Indian Evidence Act. So, in 1983, the Criminal Law Amendment Act was passed making cruelty to a wife a cognizable and non-bailable offence.

Recently, as a result of long standing demand of many women NGOs for a civil remedy for domestic violence, **“The Protection of Women from Domestic violence Act, 2005”** is enacted by the Indian Government to provide better protection and remedy to the victim of domestic violence.

**In 1985 these NGOs for women raise their voices for Shahabano Case** against the issue of Muslim divorce (talaq) and maintenance of Muslim Women and finally established the right of a Muslim woman to maintenance.

In 1988 these NGOs also raised the issue of sati. Today, these NGOs for women are constantly fighting against female infanticide, female-foeticide, forced abortion, Sati Pratha, dowry deaths, marital rape, bride beating, bride burning, cruelty by husband and inlaws etc. and various strategies were used by these NGOs including public campaigns, demonstrations, street theatres, consciousness-raising workshops etc. for their protest.

44. Mohd. Ahmad Khan vs Shah Bano Begum AIR 1985 SC 945
For last few years, many NGOs for women in India organised campaigns for 16 days from 25th November to 10th December every year, to develop public awareness on different issues of violence against women including domestic violence. The dates 25th November is International day against violence against women and 10th December is International Human Rights Day are chosen to symbolically link violence against women and human rights and to emphasize that such violence is a violation of human rights. This “16 days of activism against gender based violence” is an international Campaign originating from the first women’s global leadership Institute sponsored by the center for women’s global Leadership in 1991.

Women all over the world mobilize during this period to call for the elimination of all forms of violence against women, specially domestic violence. Many women NGOs in Delhi, Bombay, Calcutta, Chennai and other cities in India also are observing the 16 days of activism for the last few years. They renamed the campaign “International fortnight, Protesting violence Against Women and Girls” to bring focus to women and girl.

Recently many NGOs for women in different parts of India provide mainly following services to the victim women of domestic violences:

1. Shelter
2. Medical assistance
3. Counselling
4. Removal of Property from spouses’s house
5. Financial assistance
6. Skill training
7. Legal aid and legal literacy camps
8. Leading agitations and demonstrations
9. Protest by Public Interest litigation etc.
1. PROVIDE SHELTER:

In India, the women facing domestic violences generally require shelter to survive, when they were driven away from their matrimonial homes or deserted by their husbands.

In that time, many NGOs are providing the victim women with short-stay homes. These homes provide shelter and food, free of cost for a short period up to six months, to these distressed women and their minor children. But there are scarcity of these type of shelter homes in our country due to lack of financial support or optimum donations from Government, public and foreigners.

2. PROVIDE MEDICAL ASSISTANCE:

Some time Medical aid is required to the women in cases of serious injuries due to domestic violence. NGOs assist the victim women to get medical aid by the doctors. Doctors, both Government and private have to provide first aid to the victim women without insisting on completion of legal formalities such as registration of crime. Generally, all domestic violence cases are medico-legal cases, therefore a police officer who is posted at Government hospital should register the complaints.

3. COUNSELLING:

Whenever a woman is deprived of conjugal rights or divorced or faced with domestic violence, she feels that there is no otherway than to die and goes into depression. Many disheartened women often attempt to commit suicide under such circumstances. Under such conditions, the victim woman requires a good counselling. Today, many NGOs after being informed of those cases, try to encourage the victim and promise her that they are by her side and make her feel that she is not alone. They hear her problems and give advices to follow. They give assurance to her that they will fight for her cause and provide her all sorts of assistance. They educate her by telling all the necessary legal provisions and rights to fight for. They also suggest the names of advocates who can fight for her rights. Sometimes they can settle the matter by counselling both the victim and her husband and in-laws.
4. HELP TO GET PROPERTY FROM SPOUSES HOUSE:

Women’s property, generally, rests with her husband’s property and management of that property is looked after by her husband or in-laws. When a woman separates from her husband or becomes a widow, the relatives or husband himself try to deprive her of her property. If she has no strong support from her parents or relatives, she has to lose the property. At this stage the NGOs come to the rescue of such destitute woman to get back her property from her husband or relatives. The NGOs succeed in their attempts to get the property by negotiations or by complaining to the state Authorities or file a suit in a Court if the negotiations fail.

5. HELP TO GET FINANCIAL ASSISTANCE:

Sometimes the destitute or deprived women want to stand on their legs by organising a small scale unit or to earn by using their technical knowledge. In that situation the NGOs will help such women to get the bank loans or margin money from the welfare Departments.

The Organisers of NGOs are generally having the knowledge of facilities available to women to run the small scale units of their own.

6. PROVIDE SKILLED TRAINING:

The NGOs provide vocational trainings, if the victim women require and request for it. Some NGOs run vocational schools for women and these women will be helped to get vocational training in such schools free of cost as these NGOs get aid from the government.

7. PROVIDE LEGAL AID AND CONDUCTING LEGAL LITERACY CAMPS:

Today the organisers of many NGOs help the women, who require legal services and also help the distressed women to know about the facilities of legal aids available for
them to fight legally whenever they are deprived of their conjugal rights due to domestic violence. These NGOs sometimes conduct legal literacy camps independently or with the collaboration of the Legal Service Authorities or other NGOs. In India many women due to the ignorance of the facilities, provided for them suffers domestic violence silently. So, the main aim of these legal literacy camps conducted by the NGOs is to educate the women about their basic human rights. If all the women are well aware of the legal provisions and availability of legal services, they can dare resist the atrocities and they even fight legally if need arises.

8. LEADING AGITATIONS AND DEMONSTRATIONS:

Today public opinion is a powerful tool in any democratic society. The government have to take the public opinion into consideration in framing their policies. The women NGOs start agitations to bring changes whenever the existing laws are not helpful to the women. The administrative machinery generally neglects the voice of women and then the NGOs for women bring pressure on the government by organising demonstration through mass rallies. Whenever the administration acts indifferently in the cases of domestic violences like dowry death, bride burning, cruelty, bigamy etc. the NGOs conduct rallies and exhibit the might of the women force. Recently as a result of longstanding demand of these NGOs a civil law named “The Protection of women from Domestic violence Act, 2005” had been introduced by Indian Government for combating domestic violence against women. Now women NGOs are welcoming the Uniform or Common Civil Code to treat all women similarly and equally without discriminating religious influences.

9. PROTEST BY PUBLIC INTEREST LITIGATION:

Previously, the right to move the Supreme Court or High Court was available only to those whose fundamental rights were infringed and remedy were to be sought through appropriate proceedings. But, now the court, permits public interest litigations or social
interest litigations by "public spirited citizens" for the enforcement of constitutional and legal rights of any person or group of persons who, because of their poverty or socially or economically disadvantaged positions are unable to approach the court for relief. Under these circumstances many NGOs have started to emancipate women by public interest litigation. They protest against forced abortion, rape, female foeticide, female infanticide, dowry death, bride burning etc. and are filing petitions against them. As for example—

A public interest litigation was filed by CEHAT, an NGO, alleging that large scale illegal sex-determination test were leading to female foeticide, resulting in imbalance in the male-female sex ratio and to which the states were turning a blind eye. A three member Bench of Supreme court comprising Justice M.B. Shah, B.P. Singh & H.K. Sema directed the State Health Secretaries to submit fresh reports within two weeks of the action taken by them against private clinics, who are using ultrasound machines illegally and also to monitor their activities & their explanation about the implementation of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act and to file compliance reports.45

In these context it is also stated that, in domestic violence cases like cruelty and wife beating there is nothing much that NGOs can do. Most of the cases remain hidden within the four walls of the homes, these cases come out to light only when it is too late and the attitude of both the parties become rigid to reconcile. In these situations generally many NGOs can only give some advice or emotional support, they do not have enough means to provide the tortured wives with immediate financial support or to give them a safe shelter, which is the first requirement of all battered and deserted women. But, now-a-days, it is noticed that, most of the domestic violence cases that come before these NGOs for women are related to maltreatment in marriage. The majority of women who seek help are not the victims who are totally helpless, they are those women who have

45. The Hindu, April 11, 2002—"Pre-natal tests :SC Seeks fresh report from States"
By Legal Correspondent

378
some sort of support from their natal families and it is the attitude and the decision of the parents or family members that becomes the choice of those victim women.

In almost all cases where the victim women were desperate for reconciliation inspite of suffering severe forms of maltreatment, it was because the natal family was not willing to take any responsibility for supporting her in her decision to leave her husband’s house. Therefore, women’s NGOs can not be of much help when the parents and other relatives of the victim women want to send back the battered wife to her matrimonial home at any cost or approach to the son-in-law for accepting her, because, these NGOs, have no means of influencing the behaviour of the husband except through moral persuasion.

NGOS FOR WOMEN IN WEST BENGAL :

Today like other parts of India, there are many NGOs working for women in West Bengal. The rate of domestic violence against women is increasing here day by day. So, these NGOs have made the “domestic violence against women” their main concern.

Some of the NGOs who are working for distressed women specially against domestic violence are stated below :

1. Swayam
2. Women’s Sahayog
3. Sachetna
4. Sanhita
5. Sociolegal Aid Research and Training Centre.
6. Joint Women’s Programme
7. All India Progressive women’s Associations etc.

All these above mentioned Kolkata based women’s NGOs are fighting against different crimes against women specially against domestic violence. These NGOs look at
each woman’s problem in a holistic way and try to give her as much support as possible, to help and empower the victim woman of domestic violence to take decisions about her life, and stand on her own feet.

When the victim women of domestic violence are suffering from trauma, depression, acute anxiety or other psychological conditions, they are offered professional psychological counselling by these NGOs. Sometimes victims are also referred to a psychiatrist if medication is necessary. NGOs also provide confidential counselling to the victim. At a victim’s request they also offer counselling to her husband and other family members.

Often fear and ignorance prevent women from reporting cases of domestic violence to the police. In these cases NGOs will intervene on her behalf to ensure that the case is properly reported and timely action is taken. They also provide free legal consultation by their lawyers to help the victim women to review the legal options available to them. If required NGOs also represent women in court and their workers support the victim through the legal proceedings. Sometimes NGOs also provide limited financial support for victim women who do not have the means to meet their legal expenses.

Often victim of domestic violence requires emergency medical attention, then NGOs accompany her to a hospital to ensure that proper medical care is given. NGOs also provide limited financial support for women who are unable to meet their emergency treatment costs. In many cases NGOs provide career counselling and review a woman’s employment and training needs, within the context of her personal and economic situation. Some NGOs give these victims vocational training or different technical trainings and encourage them to become economically independent.

Therefore, NGOs for women generally provide direct support services to the domestic violence victims like counselling, legal aid, police followup, referral for
vocational training, short shelter homes and employments to women facing violence in their lives.

They also conduct awareness generation programmes on the issue of violence against women including Domestic Violence. Many NGOs do research and conduct campaigns, workshops, seminars on the issues of violence against women specially domestic violence.

According to many NGOs for women in West Bengal, today the focus of the state agencies like police and judiciary have been on reconciliation in the issue of domestic violence. Their primary objective is that the family must be “Saved” at all costs. But in reality all these costs of “saving the family” is borne by the women alone. Not only that, the NGOs have seen that when women facing violence in their matrimonial homes come to a women’s NGOs for help, they also try to see if there is any way in which they can “save their family”. It is only after they have been exhausted in their attempt of “saving” their families, they approach the police or court.

These women’s NGOs stated that, the contention that 498A is being widely misused by women, is not true. It is possible that a few may have misused it, but on the otherhand the fact is that every single law in this country is misused. So, it doesn’t mean that the law should be revoked, as because some people donot use it properly. Since this law affects men, the male community is up in arms against the law and wants it to be scrapped.

These NGOs also think that the implementation of law is very important today. As for example, though victim women get maintenance by order under section 125 code of Criminal Procedure, but still there is no stoppage of their constant complaints that—“I have not received the money inspite of the order”. Implementing these orders is a nightmare.
Therefore these NGOs seriously address the issue of how the laws relating to domestic violence will be implemented.

In this context it is also mentioned that as a part of International Campaign to end violence against women and girls, a special campaign will take place across the West Bengal every year between 25th November to 10th December and it will be conducted by various NGOs. The campaign will spread its message through street-plays, photo-exhibitions, rallies through a network of NGOs working in all the districts of West Bengal such as Kolkata, South 24 Parganas, North 24 parganas, Nadia, Mursidabad, North & South Dinajpur, Purulia, Jalpaiguri, Cooch Bihar etc.

CONCLUSION:

Today, NGOs are considering domestic violence as a heinous crime and according to these NGOs, any kind of domestic violence should not be condoned at any time. These NGOs constantly encourage the victim women to become self confident, self-sufficient and economically independent, because these NGOs believe that each and every woman possesses an inner-strength to counter obstacles and thus emerge with renewed self confidence as a stronger and more complete woman. Through awareness programmes, campaigns, rallies, workshops etc. NGOs of today challenge the societal norms and values which perpetuate violence against women like Domestic Violence and influence public policy decisions that affects women's basic human rights.