APPENDIX – IV

NATIONAL COMMISSION FOR WOMEN

It is often said that the status and position of women in society is the best way to understand a civilisation, its progress and its shortcomings. In case of India, women have come a long way from women sages and scholars in the Rig Vedic period to women in the armed forces, IT sector, politics, industry and other significant areas while balancing their role as a daughter, wife and mother. This journey towards modernization has not been easy. Women have had to fight the traditional Indian male-dominated society to emerge as stronger and independent entities. While all these are positive developments, cases of rape, harassment at workplace and dowry deaths is rampant. Illiteracy and ignorance about their rights are still prevalent among a majority of the women. 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.

In January 1992, the National Commission for Women (NCW), was set up as a statutory body under the National Commission for Women Act, 1990\textsuperscript{220} 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.

\textsuperscript{220} Act No. 20 of 1990 of Government of India
THE MANDATE OF THE COMMISSION: SECTION 10 OF THE ACT

(A) (i) Investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;

(ii) present to the Central Government, annually and at such other items as the Commission may deem fit, reports upon the working of those safeguards;

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

(iv) 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 shortcomings in such legislations;

(v) take up cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;

(vi) look into complaints and take suo moto notice of matters relating to deprivation of women’s rights;

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

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

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

(xii) participate and advise on the planning process of socio-economic development of women;

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

(xiv) inspect or cause to be inspected a jail, remand home women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;

(xv) fund legislation involving issues affecting a large body of women;

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

(xvii) any other matter which may be referred to it by Central Government;

(B) the Central Government shall cause all the reports referred to in clause (b) of sub-section (1) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the
recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(C) Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Commission shall forward a copy of such report or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(D) The Commission shall, while investigating any matter referred to in clause (a) or sub-clause(l) of clause(f) of sub-section (1), have all the powers of a civil court trying a suit and, in particular in respect of the following matters, namely:-

(i) summoning and enforcing the attendance of any person room any part of India and examining him on oath;

(ii) requiring the discovery and production of any document;

(iii) receiving evidence on affidavits;

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

(v) issuing commissions for the examination of witnesses and documents; and

(vi) any other matter which may be prescribed.

(II) COMPLAINTS AND COUNSELLING UNIT
This cell is the "Core" unit of the commission and processes the complaints received oral, written or suo moto under Section 10 of the NCW Act.

The complaints received relate to domestic violence, harassment, dowry, torture, desertion, bigamy, rape, and refusal to register FIR, cruelty by husband, derivation, gender discrimination and sexual harassment at work place. During 1999, the Commission received 4329 complaints related to the above types of crimes against women.

The complaints are tackled as below:-

➢ Investigations by the police are expedited and monitored.
➢ Disaggregated data are made available to various state authorities to facilitate action.
➢ Family disputes are resolved or compromised through counseling.

As per the 1997 Supreme Court Judgement on Sexual Harassment at Workplace, every employer is required to provide for effective complaints procedures and remedies including awarding of compensation to women victims. In sexual harassment complaints, the concerned organisations are urged to expedite cases and the disposal is monitored.

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

\[221\] Vishakha Vs. State of Rajasthan
monitored by the NCW. The State Commission, the NGOs and other experts are involved in these efforts. The trend of crimes against women suggests systemic changes needed for the reduction in crimes.

The complaints are analysed to understand the gaps in routine functioning of government in tackling 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, defense lawyers and other administrative functionaries.

(III) EXPERT COMMITTEES [Section 8(1)]

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:

- Law and legislation,
- Political empowerment,
- Custodial justice for women,
- Social security,
- Panchayati Raj,
- Women and media,
- Development of Scheduled Tribe Women,
- Development of women of weaker sections,
- Development of women of minority communities,
- Transfer of technology in agriculture for development of women.

(IV) NET-WORKING

Women's movement in the country was brought to the forefront by the efforts of the NGOs. The Commission interacts and networks with the NGOs.
and the State Commissions for ensuring gender equality and empowerment of women. The commission also interacts with the media, social activists and academicians to suggest the ways of ensuring due representation of women in all spheres.

(V) STATE VISITS

The Commission undertakes state visits to evaluate the progress of development of women in various states. It has covered the states of Tamil Nadu, Andhra Pradesh, Rajasthan, Uttar Pradesh, Orissa, Sikkim, Madhya Pradesh, Assam, Tripura and Manipur. During the visits, discussions are held with the Chief Minister, the Women and Child Development Minister, the Chief Secretary, the Home Secretary and the Secretaries of other departments.

(VI) 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, sexual exploitation of women at work place, educational health and employment aspects, women in agriculture sector, women in Panchayati Raj, custodial justice, mental health institutions etc.

(VII) PUBLIC HEARINGS
The NCW holds public hearings on issues affecting large sections of women such as crime against women, women in unorganised labour sector, women in agriculture and women of minority groups. The deposition at these enquiries helps in appreciating and initiating remedial action.

(VIII) LEGAL AMENDMENTS/BILLS PROPOSED

Amendments to:

- Indian Penal Code, 1860.
- Indian Evidence Act, 1872.
- Child Marriage Restraint Act, 1929.
- Foreign Marriage Act, 1969.
- Guardians and Wards Act, 1890.
- Indian Succession Act, 1925.
- Representation of the People Act, 1951.

**Bills**

- The Criminal Laws (Amendment) Bill, 1994 (with reference to child rape).
- The Criminal Laws (Amendment) Ordinance, 1996.

**(IX) IMPORTANT COURT INTERVENTIONS**

The National Commission for Women can and it has intervened in some important court matters.

**(A) Bhateri gang rape case (Rajasthan):** - The Commission suo- moto took up the case of M. Bhanwari Devi and extended its full support in going for appeal and also providing security to the victim and appointment of a special public prosecutor to argue her case.
(B) Capital Punishment / Death Penalty (Ramshree's case): Due to the timely intervention of the National Commission for Women in the Supreme Court, the order of the death sentence was temporarily stayed and the Hon'ble Court, later on commuted the death sentence into life imprisonment.

(C) Obscenity cases:-

1. The Hon'ble High Court of Delhi put an injection on the launching of +21 adult channel by the Ministry of Information & Broadcasting, Govt. of India.

2. The NCW had moved the Hon'ble High Court of Delhi against Star TV, Zee TV, etc. for showing obscene pictures on television and other media.

(D) Against out dated customs & traditions: Maimon Baskari's Nuh (Haryana) case: The NCW took up the case of Ms. Maimon Baskari who was allegedly a victim of torture and rape for marrying a person of her choice. The Supreme Court has united the couple.

(E) Divorced Muslim Women's Entitlement to Maintenance beyond the Iddat period: In the matter of Fakhruddin Mubarak Shaik Vs. Jaitunbi Mubarak Shaik, the NCW has intervened in the Supreme Court of India to support the stand of Jaitunbi. The case is pending.

(F) 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 Boards, activists, advocates and others organise Parivarik Mahila Lok Adalats with the Commission's financial assistance. So far, 130 PLMAs have been held in which about 7500 cases were taken up.

(X) LEGAL AWARENESS PROGRAMME

The National Commission for Women regularly extends financial support to NGOs and educational institutions to conduct Legal Awareness Programmes to enable women and girls to know their legal rights, to understand the procedure and method of access to the legal systems. So far 55 Legal Awareness Programmes have been conducted.

(A) MANGLAM: A successful example of NCWs legal awareness programme on the home of "justice delivery by women for women" in Pondicherry.

(B) LIBRARY AND PUBLICATIONS

The commission's library has now become a resource centre for research scholars/ activists. There are about 2250 books in the library. It subscribes 25 daily newspapers in different languages and 35 periodicals/ professional journals. The Library has a regular system of documenting newspaper clippings on women's issues. The Commission regularly brings out a monthly newsletter "Rashtra Mahila" in Hindi and English.