



**PARLIAMENT OF INDIA
LOK SABHA**

COMMITTEE ON EMPOWERMENT OF WOMEN

(2022-2023)

(SEVENTEENTH LOK SABHA)

EIGHTH REPORT

**‘WORKING OF NATIONAL COMMISSION FOR WOMEN AND STATE
COMMISSIONS FOR WOMEN’**



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2023/Sravana, 1945 (Saka)

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COMMISSIONS FOR WOMEN'**

Presented to Lok Sabha on 10th August ,2023

Presented to Rajya Sabha on 10th August, 2023



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NEW DELHI
August, 2023/Sravana, 1945 (Saka)**

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COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN

(2021-2022)

Dr. Heena Vijaykumar Gavit - Chairperson
Members

Lok Sabha

2. Ms. Locket Chatterjee
3. Smt. Sangeeta Kumari Singh Deo
4. Ms. Ramya Haridas
5. Smt. Karunanidhi Kanimozhi
6. Smt. Malothu Kavitha
7. Smt. Raksha Nikhil Khadse
8. Smt. Poonamben Hematbhai Maadam
9. Smt. Jyotsna Charandas Mahant
10. Smt. Jaskaur Meena
11. Smt. Queen Oja
12. Smt. Shardaben Anilbhai Patel
13. Smt. Riti Pathak
14. Smt. Navnit Ravi Rana
15. Smt. Satabdi Roy
16. Smt. Gomati Sai
17. Smt. Sarmistha Sethi
18. Smt. Geetha Viswanath Vanga
19. Vacant
20. Vacant

Rajya Sabha

21. Smt. Ramilaben Becharbhai Bara
22. Smt. Priyanka Chaturvedi
23. Ms. Sushmita Dev
24. Ms. Indu Bala Goswami
25. Dr. Fauzia Khan
26. Dr. Sonal Mansingh
27. Smt. Mamata Mohanta
28. Ms. Saroj Pandey
29. Dr. Kanimozhi NVN Somu
30. Dr. Ameer Yajnik

COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN

(2022-2023)

Dr. Heena Vijaykumar Gavit - Chairperson

Members

Lok Sabha

2. Shri Jasbir Singh Gill
3. Ms. Ramya Haridas
4. Prof. Rita Bahuguna Joshi
5. Smt. Raksha Nikhil Khadse
6. Smt. Poonamben Hematbhai Maadam
7. Smt. Jyotsna Charandas Mahant
8. Smt. Jaskaur Meena
9. Smt. Queen Oja
10. Smt. Sharda Anilkumar Patel
11. Smt. Riti Pathak
12. Smt. Navnit Ravi Rana
13. Smt. Satabdi Roy (Banerjee)
14. Smt. Gomati Sai
15. Smt. Sarmistha Kumari Sethi
16. Smt. Sangeeta Kumari Singh Deo
17. Smt. Geetha Viswanath Vanga
18. Vacant
19. Vacant
20. Vacant

Rajya Sabha

21. Smt. Sulata Deo
22. Ms. Sushmita Dev
23. Ms. Indu Bala Goswami
24. Smt. Jebi Mather Hisham
25. Dr. Fauzia Khan
26. Smt. S. Phangnon Konyak
27. Smt. Mahua Maji
28. Ms. Kavita Patidar
29. Dr. Kanimozhi NVN Somu
30. Smt. Sangeeta Yadav

SECRETARIAT

1.	Shri Rajesh Ranjan Kumar	-	Joint Secretary
2.	Shri C. Kalyanasundaram	-	Director
3.	Smt Emma C. Barwa	-	Additional Director
4.	Shri Yogesh Verma	-	Assistant Committee Officer

(iv)

INTRODUCTION

I, the Chairperson of the Committee on Empowerment of Women having been authorized by the Committee to submit the Report on their behalf, present this Eighth Report of the Committee on Empowerment of Women (2022-23) on the subject 'Working of National Commission for Women and State Commissions for Women.

2. The Report is based on the inputs received from the Ministry of Women and Child Development and National Commission for Women at the sittings held on 14th December, 2021 and 26th July, 2022.

3. The Committee wish to express their thanks to the Committee on Empowerment of Women 2021-22 & 2022-23 for selecting and detailed examination of the subject on priority basis.

4. The Committee also wish to express their thanks to the Ministry of Women and Child Development and National Commission for Women for appearing before the Committee to tender evidence and furnishing the information desired by the Committee in connection with the issues relating to the subject.

5. The Report was considered and adopted by the Committee at the Sitting of the Committee held on 9th August, 2023.

6. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in bold letters in Part II of the Report.

NEW DELHI

09th August 2023

18 Sravana, 1945, (Saka)

DR. HEENA VIJAYKUMAR GAVIT

Chairperson,

Committee on Empowerment of women

REPORT

PART I

NARRATION

I. INTRODUCTORY

1.1 The development of a country requires participation of both men and women in equal measure in all economic activities. Considering the formidable odds against women in our society steeped in dominant patriarchy, the Constitution of India articulates the need for providing a special dispensation to women as also other non-privileged sections. However, in spite of the laudable provisions of the Constitution, the women in the country continued to be discriminated against and were not able to fully enjoy their rights or realize their full potential. In this backdrop, nearly five decades ago, a Committee on the Status of Women in India (CSWI) recommended for 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. Thereafter, successive Committees/ Commissions/ Plans including the National Perspective Plan for Women (1988-2000) also recommended the constitution of an apex body for women.

1.2 The Committee learnt that during the year 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 Ministry of Human Resource and Development organized 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 assent of the President on 30th August 1990.

1.3 The Committee noted that the first National Commission for Women (NCW) was constituted on 31st January, 1992 as a statutory body at the national level in pursuance of the National Commission for Women Act, 1990 to safeguard the interests of women with Mrs. Jayanti Patnaik as the Chairperson. The Second Commission was constituted on July 1995 with Dr. (Mrs.) Mohini Giri as the Chairperson. The Third Commission was constituted on January 1999 with Mrs. Vibha Parthasarathy as the Chairperson. The Fourth Commission was constituted on January 2002 and the government had nominated Dr. Poornima Advani as the Chairperson. The Fifth Commission was constituted on February 2005 with Dr. Girija Vyas as the Chairperson. The sixth Commission was constituted on August 2011 with Mrs. Mamta Sharma as the Chairperson. The seventh commission was constituted in 2014 with Ms. Lalitha Kumaramanglam as Chairperson. The eighth and the present Commission has been constituted in August 2018 with Ms. Rekha Sharma as the Chairperson.

II. Composition of NCW:

1.4 The Committee was informed by the Commission that the National Commission for Women as per the National Commission for Women Act consists of:

- A Chairperson, committed to the cause of women, to be nominated by the Central Government;
- Five Members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry or organisation committed to increasing the employment potential of women, women's voluntary organisations (including women activists), administration, economic development, health, education or social welfare: Provided that at least one Member each shall be from amongst persons belonging to the Scheduled Castes and Scheduled Tribes respectively;
- A Member-Secretary to be nominated by the Central Government, who shall be
 - (i) an expert in the field of management, organisational structure or sociological movement, or
 - (ii) an officer who is a member of a civil service of the Union or of an all-India service or holds a civil post under the Union with appropriate experience.

III. Mission and Vision of NCW

1.5 The Committee learnt that Mission and vision of the Commission is to strive towards enabling women to achieve equality and equal participation in all spheres of life by securing her due rights and entitlements through suitable policy formulation, legislative measures, effective enforcement of laws, implementation of schemes/policies and devising strategies for solution of specific problems/situations arising out of discrimination and atrocities against women.

IV. Mandate of the Commission

1.6 The Committee were informed that the mandate of the Commission is derived from the 'Statement of Objects and Reasons' appended to the National Commission for Women Act, 1990, which states "The main task of the Commission is to study and monitor all matters relating to the constitutional and legal safeguards provided for women, to review the existing legislations and suggest amendments, wherever necessary. It will also look into the complaints and take suo motu notice of the cases involving deprivation of the rights of women in order to provide support, legal or otherwise, to helpless women. The Commission shall monitor the proper implementation of all the legislations made to protect the rights of women so as to enable them to achieve equality in all spheres of life and equal participation in the development of the nation."

In this regard, during oral evidence the representatives from National Commission for Women informed the Committee as under:

“Mandate of the Commission is that we have to study and monitor matters related to constitutional and legal safeguards of women. We have recommended remedial legislative measures. We review laws and suggest amendments according to the changing times. We advise Government on policy matters, whenever required.”

1.7 The Committee through a written note in regard to the mandate given to NCW informed the Committee as under:

“As per Section 10 of NCW Act, the Commission has the following mandate:

- (a) Investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;
- (b) Present to the Central Government annually and at such other times as the Commission may deem fit, Reports upon the working of those safeguards;
- (c) Make in such Reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;
- (d) 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 legislation;
- (e) Take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;
- (f) Look into complaints and take suo-moto notice of 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;
 - (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 issues arising out of such matters.
- (g) 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;
- (h) 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 and for increasing their productivity;
- (i) Participate and advise on the planning process of socio-economic development of women;
- (j) Evaluate the progress of the development of women under the Union and any State;

- (k) 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;
- (l) Fund litigation involving issues affecting a large body of women;
- (m) Make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil;
- (n) any other matter which may be referred to it by the Central Government."

V. Workforce

1.8 According to the National Commission for Women the current workforce of the Commission was as follows on 31.03.2023:-

S.No.	Name of the post	Sanctioned	In Position	Vacant
1.	Chairperson, Members, Member Secretary and Joint Secretary	08	05	03
2.	Permanent Government Officers on deputation	34	07	27
3.	Temporary Status	-	12	-
4.	Daily Wage Staff (due to Stay Order of Hon'ble Court etc.)	-	24	-
5.	Contractual Staff	-	45	-
6.	Data Entry Operators (Outsource basis)	-	20	-
	Total	42	113	30

1.9 To a specific query whether such vacancies have a tendency to affect the functioning of the Commission adversely, the Commission in this regard, through a written reply furnished the following details of vacant Posts as on 31.03.2023: -

S.No.	Name of Post	Nos.	Remarks
1.	Member	02	Nominated by the Govt. of India
2.	Member Secretary	01	MS joined on 05.04.2023
3.	Law Officer	01	Post revived.
4.	Asstt. Law Officer	01	Advertisement published for filling up the posts
5.	Research Officer	01	
6.	Private Secretary	08	Post under revival being deemed
7.	Assistant	05	

8.	Jr. Hindi Translator	01	abolished category by SIU (Staff Inspection Unit)
9.	Personal Assistant	01	
10	Research Assistant	04	
11	Jr. Accountant	02	
12	Lower Division Clerk	03	
	Total	30	

1.10 Further, the NCW in its written reply apprised the Committee that at present only 02 posts of Members are lying vacant. Three of the posts of Members were filled in March , 2023

1.11 In regard to status of 12 temporary employees and the bearing it may have on the functioning of NCW, the Committee were apprised through a written reply as under:

“The Commission was set up in Jan, 1992 with certain staff strength. Accordingly, Casual workers were engaged to carry out day to day activities of Peon and Messengers. In the month of September, 1993, DoPT issued an order whereby all Casual workers completing 240 days of service will be given Temporary Status. Accordingly, 12 Casual workers who were working in NCW at that time were awarded Temporary Status in NCW keeping in view that as and when posts for Group D staff would be sanctioned, these incumbents were adjusted against these posts as per guidelines of DoPT. The National Commission for Women (Salaries, Allowances and other terms and conditions of service of Group C and D Employees) Rules, 1997 was notified on 9th Jan 1997. As per these Rules, method of recruitment for all Group C and D posts were prescribed by transfer on deputation basis. For regularization of 12 positions of Temporary Status, there was need of Group D posts which could be filled up by direct recruitment method, so as to regularize Casual workers with Temporary status. Due to non availability of appropriate method in Rules, 12 Group ‘D’ employees having Temporary Status could not be regularized. The proposal of regularization of Temporary Status was also forwarded to the Ministry of Women & Child Development but the proposal of NCW was not accepted by the Ministry.

Further, the matter pertaining to engagement of 24 Nos. of Daily Wage Staff is also *sub-judice* and NCW is contesting the case.

Further it is to submit that NCW often faces lack of institutional memory, as many times, the contractual staff leaves the organization in case of getting any better opportunities. The Officers of the Commission on deputation basis put their extra efforts and time to enhance the skills of the contractual staff through Capacity Building and training at regular interval of time.

The work measurement study of NCW was conducted by Staff Inspection Unit (SIU) of Department of Expenditure, Ministry of Finance. The following recommendations were made by the SIU vide OM No.66/1/2017-SIU dated 28.05.2019 are required to be implemented on priority basis for smooth and efficient functioning of the Commission.

- (i) Creation of Additional 36 posts in different categories.
 - (ii) Creation of Supernumerary posts (36 Nos) till present Daily wager (24 Nos) moves out either through court orders **or** upon attaining age of superannuation in case of Temporary Status worker peons (12 Nos.), after which posts of MTS would be filled up by outsourcing only.”
- 1.12 In this regard, during Oral Evidence, the representatives from Ministry of Women and Child Development clarified further:-

“But at the same time, there is something called institutional memory which is required in Government and for that, you need a certain minimum number of permanent staff. I do believe they have a problem in that because of the issues relating to recruitment.”

- 1.13 Adding further, the Commission has stated in the written replies that they engage Coordinators, Consultants, Counselors, Junior Technical Experts on contractual basis in order to carry out effective and smooth functioning of the Commission on day to day basis. Additionally the Commission also hires Data Entry Operators through outsource agency to meet the manpower requirement.

- 1.14 With regard to the staff proposal given by NCW, Ministry of Women and Child Development furnished the following written reply:

“The Staff Inspection Unit (SIU) of Department of Expenditure conducted Work Study of National Commission for Women (NCW) during the period 28.08.2018 to 05.09.2018. The Final Report of SIU was forwarded to NCW on 20.06.2019. The final report of SIU was accepted by the Commission. There is a proposal for creation of 36 posts, revival of 14 posts and abolition of 14 posts in different grades. Since the proposal to create 36 supernumerary posts for 12 temporary peons and 24 daily wagers who as stated by NCW, are continuing as per Court orders, the proposal required to be sent to Department of Expenditure for approval of Hon’ble Finance Minister. The matter was examined a number of times in consultation with the Integrated Finance Division of MWCD and a detailed proposal was sent to Department of Expenditure on 17.08.2020. Certain queries were raised by Department of Expenditure on 14.12.2020. On receipt of comments on the same from NCW, the matter was again taken up with the Department of Expenditure on 09.09.2021. Certain queries were raised by Department of Expenditure vide communication dated 12.11.2021. The same was communicated to NCW as well”.

VI. Status of the Recommendations/Suggestions by NCW

- 1.15 National Commission for Women informed the Committee that NCW undertakes stakeholder consultations to gauge the impact of Laws on the life of women in general and pertinent suggestions are forwarded to Ministry of Women and Child Development / the Ministries concerned for making amendments to the existing laws that concern women.

When the Committee desired to know whether the Ministry of Women and Child Development suggests any time frame to other Ministries concerned for examining the recommendations/suggestions of the Commission and facilitate decisions of the same, Ministry of Women and Child Development through a written reply informed as under:

"The Ministry of Women and Child Development while forwarding reports/ recommendations of National Commission for Women to other Ministries requests to examine the same and facilitate decisions at an early date. No time frame for the same is prescribed by the Ministry of Women and Child Development to other Ministries/ Departments."

- 1.16 The Ministry further informed that it takes follow up action with regard to the recommendations/ suggestions of the Commission forwarded to other Ministries for implementation in the form of reminder.
- 1.17 The Ministry further informed through a written note that it examines and takes/ facilitates decisions on the recommendations/ suggestions given by NCW at the earliest. However, no time frame is fixed keeping in view that the recommendations/ suggestions have important implications from the perspective of women's entitlement, empowerment and other related issues and require careful and wholesome consideration.
- 1.18 When the Committee enquired whether the Ministry can do anything to expedite decisions on the recommendations and suggestions by NCW concerning the women in the country, the Ministry submitted the following written reply:

"The recommendations and suggestions given by NCW are having far reaching consequences/repercussion, especially from the perspective of review of laws as it may require extensive consultation with concerned stake holders and follow the due procedure. Ministry of Women and Child Development would impress upon other Ministries/ Departments to expedite decisions / actions on the matters pertaining to their respective domains. "

- 1.19 The Ministry also intimated in a written submission that the Commission is kept informed by the Ministry of Women and Child Development and other Ministries/ Departments on the status of the recommendations/ suggestions made by them through various channels of communications.

In regard to the action taken on the recommendations, the Committee were also informed by the MWCD during the oral evidence as under:

"..... the recommendations of the Commissions are examined in the Ministry when they relate to the Ministry. In fact, if you see, out of 24 recommendations relating to legislation, 16 have been accepted by the Ministry and the relevant amendments to the Acts concerned have been made. Apart from that, there are several recommendations of the Commission which relate to their inspections and other statutory works for which no further action at times is required. It is just for the perusal or

record of the Ministry.

They also take up with the other Ministries issues relating to those Ministries. We get a copy of that and we also take up those matters with the other Ministries wherever it is required to be taken up. So, from our side, Madam, whatever the National Commission for Women recommends to the Ministry of Women and Child Development, we do examine those things in detail. Wherever action needs to be taken, we examine it. If it is to be taken, we take the action at times because of certain other consultations that are required with other stakeholders. Then, if that particular recommendation may not be feasible, then in that case, it is not taken forward. Otherwise, all the recommendations are taken forward. For example, lately, Madam, we have received a request from the Ministry of Home Affairs for a comprehensive review of Cr.PC and IPC. We have shared that also with the Commission, and we are waiting for their response on that matter.”

VII. Amendments to National Commission for Women (NCW Act, 1990)

1.20 The Committee found that the National Commission for Women derives its powers and functions from section 10 of the NCW Act, 1990. The Committee apprised to be informed whether NCW has suggested any amendments to the Act in view of the continuously expanding role of women and the increasing number of crimes against women in the country. In this regard, the Commission, through a written note submitted as under:

"The Commission felt the need to review the Act with a view to make it strong, independent and more effective. The Commission had set up an Expert Committee to relook into the provisions of the law with a view to make it strong, independent and more effective. Subsequently, the Commission had forwarded the proposed Amendment on the NCW Act, 1990 to Ministry of Women & Child Development (MWCD) on 8th August 2013.

The proposed amendments in the NCW Act, inter alia are:

- The Act to extend to the whole of India provided that it shall apply to the State of J&K only in so far as it pertains to the matters relatable to any of the entries enumerated in List I or List III in the Seventh Schedule to the Constitution, as applicable to that States
- To increase the number of Members to nine
- The Chairperson to have rank of a Cabinet Minister and other Members including Member Secretary to have rank of Secretary to the Government of India
- Introducing a new function for initiation such actions for promotion and advancement of women's rights as it may deem necessary
- To incorporate a new provision for initiation of proceedings of prosecution

- Insertion of a new provision on powers, segregating powers from function
- To incorporate a new provision for ordering costs in cases where there has been willful disobedience to any order of the Commission
- Introducing a new chapter to deal with inquiries/investigations to be made by the Commission
- Power to record the facts constituting the offence, statement of the accused and forward the case to a Magistrate

- Every proceeding before the Commission shall be deemed to be a judicial proceeding and the Commission shall be deemed to be a civil court
- Introducing a provision to empower the Commission to make adequate arrangement for hiring of competent staff on contract basis for specified subjects.

Further proposals on amendments with the purpose of providing more powers to the Commission were sent on 14th June 2014. The Commission proposed further amendments in particular to powers with reference to:

- Magisterial Reference after recording the facts constituting the offence and statement of accused
- To deem every proceeding before the Commission as a judicial proceeding
- Power to order costs for willful disobedience
- Power to make recommendations for initiation of proceedings of prosecution
- Power to approach higher courts for directions/orders

Ministry of Women & Child Development had also sent draft Cabinet note to Ministry of Law and Justice for its comments. Ministry of Law and Justice had raised certain observations to draft Cabinet Note. Comments on the observations raised by Ministry of Law and Justice were forwarded to MWCD on 28th July 2014."

1.21 Ministry of Women and Child Development furnished the following reply to the Committee in regard of action taken on a proposal received from the National Commission for Women for the amendment of the Act-

"A proposal for amendment of NCW Act was forwarded by NCW on 08.08.2013. Subsequently, a revised proposal on the subject was sent by the Commission to MWCD on 14.06.2014. The records of the Ministry shows that the proposal was examined in MWCD and the matter was taken up with the Department of Legal Affairs and Legislative Department. Department of Legal Affairs concurred the initial proposal of the Ministry on 30.07.2014. But further amendments were carried out and placed before the Legislative Department for consideration. Legislative Department concurred the revised proposal from Ministry on 11.06.2015. Thereafter, a draft Cabinet Note along with NCW Act Amendment Bill was also prepared. However, thereafter no further records are available. Since the NCW made the above recommendation about eight years ago and in the intervening period, there have been several big changes like digital revolution, changes in working of organisations due to pandemic, so the Commission may like to consider submitting a fresh proposal to the Ministry for examination."

1.22 Further, while discussing over the issues related to amendment of NCW Act, Ministry apprised the Committee during evidence as under:

".....that the Commission, as per the Section 19(4) (a) of NCW Act has the power of summoning and enforcing the attendance of any person from any part of India and examining him on oath, the Commission issues notice to individuals and if the respondent does not appear after hearing notices, then the notices for the next date of hearing are sent through the police authority concerned to ensure the presence of the respondent. Despite service of reminder notice through the concerned police authority, if the respondent does not appear for hearing before the Commission, summons are issued as per the direction of the Chairperson or Member concerned. Such summon is to be signed by the

DS or the law officer. Now, as per the NCW Act, there is no provision for penalty or punishment for the respondent who do not appear even after sending summons by the NCW.”

VIII. State Commissions for Women

1.23 The Committee have learnt that State Commissions for Women are set up by the respective State Governments/Union Territories and are not subordinate to NCW. They do not come under the administrative control of either the Ministry of Women and Child Development or NCW. The mandate of NCW and SCW is to work in the interest of women. However, the Committee found that the Act of NCW and SCWs are not similar. NCW has been constituted under Central Act whereas SCW are constituted under separate State Acts. Therefore, the provisions under the Act are not similar. When the Committee desired to know whether there is a need to widen the ambit of the SWCs, NCW furnished the following written reply.

"As the mandate of NCW and SCW is to work in the interest of women, the Commission is of the view that the Act of NCW and SCW should be similar. Further, it is also noticed that the term of appointment of Members at most of the SCW is less than three year, therefore, the Members keeps changing on a frequent basis. The Commission feels that regular Capacity Building/ Leadership Development Programs should be organized for the Incumbents of SCW. "

1.24 The Committee, while examining the subject took note of the fact that there are many States/UTs like Bihar, Madhya Pradesh, Andaman and Nicobar Islands, Chandigarh, Dadar & Nagar Haveli, Daman and Diu etc. where State Women Commissions are not in place and wished to know from NCW about the functional difficulties which the Commission face in the absence of a SCW in any State or Union Territories. In response, NCW furnished the following written reply:

"SCW functions as extended arm for NCW. In order to increase the outreach of various women empowerment projects, NCW also relies on SCW to replicate the program in their jurisdiction. However, complete or partial absence of a SCW in any State tends to restrict NCW aim to attain desired results.

In regard to dealing with complaints, where SCW are not constituted like MP, Bihar, NCW is getting more complaints and it increases the workload of NCW wherein if the both complainants and respondents are from the same state, it can be dealt by SCW. It is easy, for the complainant, to reach the authority if it is in the same state and it also ensures fast coordination and communication with police and state authorities for redressal when it is from the same state."

1.25 As regards the number of cases received from the UTs of Jammu and Kashmir and Laddakh and the status of the cases, the Commission furnished the following written reply:

"NCW has set-up a Special-Cell "J&K and Ladakh Cell" on 5th April, 2021, especially to look into the complaints of women received from these UTs and to facilitate their development in all the spheres. Number of cases received from the UT of J& K and Ladakh during the last three years as on 31.03.2023 and their status is furnished as under:-

Year	Total Cases	Closed	Pending Cases
2020	81	81	0
2021	155	144	11
2022	145	132	13
2023 (Till 31.03.2023)	38	26	12

1.26 With regard to the level of coordination and sharing of responsibilities between NCW and State Commissions for Women, NCW furnished the following written reply:

"With respect to the complaints received from the complainant of particular State relating to Domestic Violence cases or any other trivial issues, NCW forwards it to concerned State Commission.

NCW and SCW are constituted under separate Acts. Therefore, there are no defined set of shared responsibilities between NCW and State Commissions for Women."

1.27 The Commission has further informed the Committee that regular interactive meetings of National Commission for Women and State Commissions for Women (SCWs) are held to build better coordination amongst all the stakeholders and for sharing good practices and effective measures to tackle the rising complaints of various natures coming before the Commission.

Further , Commission informed the Committee that they function in close collaboration with State Commissions for Women to address various issues pertaining to grievances faced by women and has also been collectively conducting various programs for women empowerment and upliftment. In order to strengthen the networking, NCW has been organizing quarterly interactive meetings with State Commissions for Women since 2018.

These regular interactions with SCW has enabled the Commissions to gain from each other's experiences and work together as a cohesive group working for the betterment of women across the country. Further, the Commission also organizes periodic capacity building workshops for

incumbents of State Commissions to help them stay updated on the present outlook and needs of women.

IX. Complaints and Investigation Cell (C&I) Cell

1.28 The Committee learnt that keeping the numerous objectives and diverse functions handled by the Commission they have a Legal cell, IT Cell, Complaint and Investigation Cell, North-East Cell, NRI Cell, Women safety Cell, Suo-Motu Cell, capacity Building Cell, Women Welfare Cell, Psychiatric/Custodial Home reform Cell and J&K Ladakh Cell. Apart from these major cells, the Commission also has a Women Helpline number in place.

1.29 The Committee had been informed by the National Commission for Women that redressal of grievances and complaints concerning deprivation of women's rights and non-implementation of laws enacted to safeguard their rights is one of the important activities undertaken by the Commission. Complaints are received in writing or through online mode i.e. on the linkages given in their website viz. www.nw.nic.in. The Commission, while handling/processing complaints, leverages its association with the State Police Authorities, State Women Commissions, National Legal Service Authority, State Legal Services Authority, District Legal Services Authority, etc. Presently, the mandated complaints are registered under 23 broad categories which are as follows:

- i. Rape/Attempt to Rape
- ii. Acid attack
- iii. Sexual Assault
- iv. Sexual Harassment
- v. Stalking / voyeurism
- vi. Trafficking / Prostitution of women
- vii. Outraging modesty of women/Molestation
- viii. Cyber crimes against women
- ix. Police apathy against women
- x. Harassment of married women/Dowry harassment
- xi. Dowry death
- xii. Bigamy / Polygamy
- xiii. Protection of Women against Domestic Violence
- xiv. Women's right of custody of children/ divorce
- xv. Right to exercise choice in marriage/Honour Crimes
- xvi. Right to live with dignity
- xvii. Sexual Harassment of Women at workplace
- xviii. Denial of Maternity Benefits to women
- xix. Gender discrimination, including equal right to education & work
- xx. Indecent representation of women

- xxi. Sex selective abortion; female foeticide / amniocentesis
- xxii. Traditional practices derogatory to women rights i.e. sati pratha, devdasi pratha, witch hunting
- xxiii. Free legal aid for women

1.30 The Committee were further informed that Commission has also introduced online registration of complaints in 2005 for speedy and easy registering of complaints through the Commission's website i.e. www.ncw.nic.in. The software has continued to be upgraded to meet the changing requirements and make it user friendly. This has resulted in quicker registration, acknowledgement and processing of complaints. Anyone with a concern can log in from any part of India or world and register the complaint. The complaint is given a Registration Number. The complaint is, thereafter, disposed of in the same manner as applicable in case of complaints received through post/by hand, etc. The system also enables the complainant to track the progress of their cases, by simply logging in to the website of the Commission by using their unique user ID and password provided to them at the time of registration.

- 1.31 The Committee took note of the fact that the Commission also has a 24x7 Helpline number which is 7827170170. This helpline number was launched by the Commission on 27th July, 2021, with an aim to provide an online support to women in distress through referral by linking them with the concerned Police, Hospitals, Legal Services Authorities, Psychological Counseling etc. The portal is driven by Interactive Voice Response (IVR) mechanism through Digital India Corporation under Ministry of Electronics and Information Technology. Till 31.08.2021, the Helpline received 6022 complaints/ grievances. These complaints are also processed by the Complaint and Investigation Cell of the Commission.

The Committee desired to know at which stage of processing/dealing the complaints, the Commission treats their cases as 'closed'. In this regard, the Commission furnished the following written reply:

"A case is treated as 'closed' in the Commission in the following situations:

- (i) If matter is sub-judice.
- (ii) If the Action Taken Report from the concerned authorities indicates that allegations made is not proved or are wrong.
- (iii) The matter has reached a reasonable conclusion and the complainants are intimated.
- (iv) Matter has been resolved / compromised.
- (v) If the matter is already decided by Hon'ble Court.
- (vi) If the complainant does not submit comments on ATR within 90 days
- (vii) Where after counseling, the Complainant want to close the case. "

1.32 Financial year-wise data of the complaints received by NCW from 2015-16 to 2022-23, as given to the Committee is as under:

Financial Year wise data of the Complaints received by NCW

S.No.	Year	Received	Closed
1	2015-2016	24,379	21,894
2	2016-2017	17,290	8,956
3	2017-2018	15,381	12,824
4	2018-2019	19,279	13,649
5	2019-2020	20,309	11,436
6	2020-2021	26,513	14,332
7	2021-2022	30,453	16999
8	2022-2023	30,693	14813
	Total	184,297	114903

X. NRI Cell of the Commission

1.33 The Committee with regard to the NRI Cell of the NCW were informed that the National Commission for Women was nominated as the National Coordinating Agency by the Government of India in April, 2009 for coordinating the efforts by different stakeholders in dealing with the issues arising from NRI marriages. This initiative was based on the recommendations of Parliamentary Committee on Empowerment of Women (14th Lok Sabha) on the subject of “Plight of Indian Women Deserted by their NRI Husbands”. Subsequently, the NRI Cell of the Commission came into existence on 24th September, 2009. In pursuance of the responsibilities entrusted to the Commission, the major functions performed by the NRI Cell are as under:

- To receive and process all complaints pertaining to Indian women deserted by their NRI/Overseas husbands and render the complainants with all possible assistance such as conciliation/mediation between parties including necessary aid in legal matters. The process of legal recourse initiated by the aggrieved women is expedited by coordinating with different stakeholders like state governments, Indian Embassies and Missions abroad; concerned ministries like Ministry of Women and Child Development, Ministry of

External Affairs and Ministry of Home Affairs. Action taken report is sought from the concerned authorities on the matters brought into their notice for necessary intervention.

- To create awareness among general public on the issues involved in NRI marriages and their impact on aggrieved women.
- To consider research priorities for sponsoring suitable research/study proposals on various aspects of the issue of NRI marriages.

The complaints received are processed through following procedure for providing relief to the aggrieved women:

A. Communications with Identified Appropriate Authority

i) Police

The Commission co-ordinates with concerned police authorities for registration of FIR and for Action Taken Reports (ATR), where any matter is pending for investigation. When the police authorities fail to respond after sending the second reminder also, they are called to the Commission for hearing if deemed appropriate by the higher authorities.

ii) Indian Embassy/Consulate Abroad

Commission approaches Indian Embassy/Consulate in the following conditions:

- a. The complainant has sought for reconciliation with the respondent residing in the foreign country;
- b. The complainant has sought the assistance of the Commission in finding the whereabouts of her husband who has deserted her and has gone to the foreign country and she has scanty information about his whereabouts;
- c. Where the complainant has sought for legal and financial assistance under the Scheme of MEA named as Legal and Financial Assistance for Women Deserted by Overseas Indian Spouses.
- d. For providing all possible assistance to the complainant in cases wherein the relief sought by the complainant does not fall under the above mentioned 3 categories.

iii) Regional Passport Officer (Ministry of External Affairs)

When the complainant has requested the Commission to facilitate her in impounding the passport of her offending husband, the concerned Regional Passport Officer (Ministry of External Affairs) is approached, after due verification of issuance of Non-Bailable Warrant against respondent from the police authority.

B. District Legal Services Authority

Where the complainant has requested the Commission to provide her legal aid in contesting the case in Indian courts, matter is referred to concerned District Legal Services Authority (DLSA).

C. *Counseling*

When the complainants approach the Commission personally or telephonically, they are provided psycho-social and legal counseling by legal professionals and counselors. They are also provided information on the interventions that NRI Cell makes while dealing with matters relating to NRI marital disputes and the interventions possible in their case.

D. *Hearing*

Reconciliation: Where the complainant seeks the assistance of the Commission in reconciling with her husband and both the parties are present in India, the Commission calls upon both the parties to the Commission’s office and strives to bring about reconciliation between them.

Follow-up with police authority: Where delay or non submission of Action Taken Report from police authority is faced in any matter or on any specific request of complainant alleging police apathy, Commission thereby issues Notice to the concerned police officer in pursuance of its powers under the provision of the National Commission for Women Act, 1990, to appear before it.

E. *Other Interventions*

1 NRI Cell of the Commission also organizes consultation meetings and national level seminars to create wider public awareness on the issues related to NRI marriages, to have an extensive understanding of various issues involved in NRI Marriages and to initiate deliberations on the effectiveness of legal remedies available for the Indian women affected on account of various issues involved in NRI marriages.

2 The total number of complaints received from women by NRI Cell from 2019 to 2022 and the status of complaints is as follows:

Year	Registered	Non mandate*	Total	Complaints closed	Closure pending
2019	724	10	734	227	507
2020	499	41	540	144	396
2021	459	46	505	98	407

2022	254	23	277	33	244
TOTAL			2056	502	1554

*Non-mandate cases – cases not related to marital issues.

1.34 Elaborating on the functions of the Cell, the Chairperson of NCW during evidence stated :

“There is an NRI Cell. We saw that with the passing of time, the number of cases is increasing because women now know that there is a Commission which is working on their complaints and we are very closely working with WCD on this because the Ministry is also taking a lot of interests in NRI complaints.” (Pg. No. 6 OE 14.12.2021)

1.35 When the Committee desired to know about the difficulties faced by the Commission in effectively addressing cases related to NRIs, the Commission furnished the following through written reply:

"NRI Cell coordinates mainly with concerned police authority, Indian Missions abroad and State/ District Legal Service Authority, Regional Passport Officers, for providing following relief/s as per the request of the complainant-

- For registration of FIR;
- For expediting the investigation procedure/ filing of Charge-sheet;
- For initiating coercive mechanism against their NRI husband such as impounding of passport and opening of look Out Circular(LoC);
- For finding the whereabouts of her husband who is an Indian passport holder;
- For reconciling with her husband, residing abroad;
- For availing the benefits of financial and legal assistance scheme of MEA
- For obtaining legal aid to pursue matter in Indian court;

Following difficulties are generally faced by the Commission in effectively addressing cases related to NRIs :-

- (i) NRI Marriages involve legal complexities on account of the fact that these marriages are governed not only by Indian Laws but the legal system of the other country of residence of the party living outside India either as Indian citizen or citizen of the respective country, thereby falling within the purview of Private International Law.
- (ii) Non-cooperation from police authorities due to absence of respondent in India, in such NRI fraudulent marriages. Challenges encountered relate to registration of FIR, issuance of NBW or filing of charge-sheet against the NRI/ Overseas husband. Also, incidents of escaping of accused or fleeing to other country have taken place, due to delay in police investigation.

- (iii) Finding whereabouts of NRI Husband- Strict privacy laws of some countries do not allow Indian Embassies/ Consulates to obtain help of local law enforcement agencies in tracking down or identifying the suspect;
- (iv) **Non-signing of Mutual Legal Assistance Treaty (MLAT) -** In majority of countries, MLAT has not been signed. Different countries have different procedure for serving of summons/notices/ judicial documents, etc. and thus leads to undue delay in execution of summons/ warrants, etc.;
- (v) Limited scope of the extant guidelines for legal/ financial assistance under Indian Community Welfare Fund (ICWF) Scheme of Government of India and financial implication faced by such women for fighting a marital case in foreign land due to inadequate funding.

1.36 Further, in this regard during oral evidence the Chairperson of NCW informed the Committee by stating as under:

“ ... As far as NRI cases are concerned, generally we do everything whether it is taking up the matter with the police, doing FIR and even going for the impounding passport. We also push for that.

The main problem we get is when women say that they want their husbands back because the legal system of different countries is different, and sometimes they give ex-party divorces also in that country without even informing women. So, in those cases we find difficulties and we have non-signing of Mutual Legal Assistance Treaty in many countries. As a result of that also we find difficulty.

Finding whereabouts of NRI husband, which most of the countries do not want to share because they have their different policies. They do not share their whereabouts with us, and there also we find difficulty. The legal assistance that is given to women outside the country is provided by our Embassies, but that is too less. So, we have also recommended that the cost should be increased there because women find it difficult to fight cases overseas when they have to fight against their husband. Mainly, it is non-signing of Mutual Legal Assistance Treaty because of which we find that women do not get help.” (page 16-17 Vrbtn 26.7)

1.37 While elaborating on the various difficulties faced by the Commission in dealing with NRI cases, the Commission explained that the Indian Government has entered into Mutual legal Assistance Treaties (MLAT) /Agreements in criminal matters with 43 countries. A list of the said 43 countries are given in Annexure II.

1.38 Expounding further, the Commission informed that Ministries/ Departments engaged in signing of the Mutual Legal Assistance Treaties are Ministry of External Affairs, Ministry of Home Affairs and Ministry of Law and Justice. Ministry of Home Affairs is the nodal Ministry and the Central Authority for seeking and providing mutual legal assistance in Criminal matters and Ministry of Law and Justice is the nodal Ministry and the Central Authority for seeking and providing mutual legal assistance in Civil and Commercial matters. Regarding

impounding the passport, Ministry of External Affairs is the concerned Ministry which acts as per the provisions of Passport Act, 1967.

1.39 When the Committee enquired whether NCW has brought the issue of limited scope of the extant guidelines for legal/financial assistance under Indian Community Welfare Fund(ICWF), the Commission informed that it has raised the issue in its agenda before the Integrated Nodal Agency (INA) and other Inter-Ministerial meetings from time to time. Detailing further, NCW informed as under

"Also, the Commission had received a communication from an Indian Mission apprising about such challenges faced by them in due course for providing Legal and Financial assistances to the distressed Indian women in India and abroad, in pursuance to which, the National Commission for Women augmented this issue before the Ministry of External Affairs, OIA-II Division, dated- 31st December, 2021, in order to initiate a way forward to address such gaps in legal aid services, thereby hindering access to justice to such women survivors of NRI distressed marriages.

Furthermore, the present issue of limited scope of the extant guidelines for legal/ financial assistance under Indian Community Welfare Fund (ICWF) Scheme was also raised recently in the Consultation organised by the National Commission for Women on 1st June, 2022, at IIC, Delhi before the Government authorities including M/o Women & Child Development, Ministry of External Affairs, Ministry of Home Affairs, Ministry of Law & Justice and other law enforcement agencies, etc."

1.40 Elucidating on this aspect, the Commission summed up the various challenges faced due to limited scope of extant guidelines under ICWF Scheme as under:

- legal/financial assistance offered is inadequate as the cases have long timelines and therefore the maximum limit of **\$4000** is reached at the very initial processing, leaving the complainant unable to pursue the case to its logical conclusion, where neither she is unable to withdraw, nor persuade the case, but liable to make huge payments.
- Financial support to the distressed Indian women to be able to live in abroad, visa issues, accommodation issues etc. not covered by the extant guidelines.
- According to Mission's empanelled lawyers, most of the cases are for divorce petition and immigration help which are time consuming, involving high expenditure on living, and legal fees.
- Visa matters not covered under the extant guidelines

- No sufficient funding due to which the Mission cannot fully support such women in most of the cases to provide dedicated lawyers.
- No legal aid available in Immigration related cases which makes most of the cases ineligible for legal aid as these women are on spousal visa and upon cancellation of the visa by the spouse, the woman has a few options left including returning to India in which case, the husband goes scot free and applying for Domestic Violence Indefinite Leave to Remain (DVILR - a visa type offered by the UK Home Office in special cases of domestic violence).
- No clear-cut criteria to determine financial needs of the woman-as the extant guidelines gives preference to applicants on the basis of financial needs of the woman, which is difficult to determine without a clear cut criteria.

XI. Helpline Numbers of NCW

1.41 The Committee were informed that the Commission had launched a WhatsApp number 7217735372 for reporting domestic violence cases amid lockdown. Since the launching of this WhatsApp number on 10th April, 2020 till 16th September, 2020, 1430 complaints of domestic violence were reported through this whatsapp number. These complaints were processed and coordinated even without formally registering with the Commission. The coordination with the complainants, police and other authorities were made telephonically, in order to have immediate and prompt action.

1.42 Besides the above mentioned number, National Commission for Women had launched 24X7 Women Helpline-7827170170 on 27th July, 2021, with an aim to provide an online support to women in distress through referral by linking them with the concerned Police, hospitals, legal services authorities, and psychological counselling etc. The portal is driven by Interactive Voice Response (IVR) mechanism developed by Digital India Corporation under Ministry of Electronics and Information Technology. Till 17.07.2022, the Commission has received all together 1,51,414 calls at this helpline number including 533 distress calls.

1.43 With regard to the steps taken to popularise the helpline numbers, the Commission informed in their written reply as under:

- "The Commission had issued a press note on the launch of the helpline which was carried in the media and also in the official handles of PIB (including regional). The Commission through its 'social media handles' has been regularly publishing the helpline number and the same is also shared by the official handles of different departments under Government of India.
- National Commission has taken initiative to advertise 24/7 Helpline through National Commission for Women's Website and Social Media sites.

- National Commission has started printing the contact details of the helpline on the letters heads of the authorities. "

1.44 When the Committee asked how the rural women approach to Commission to resolve their issues, the Chairperson of the Commission informed the Committee as under:

“..... they have 24x7 help line number 7827170170. Another pan India helpline number which is 181. What we are going to do now is we are going to upgrade it. Like we have emergency response support system 112, we are going to link it with 112. If a call lands at 181, and it relates to police assistance, then it would automatically get transferred to 112, and in case a call lands at 112 and it requires any other information, it will go to 181. That linkage we are going to do. We are going to have a state-of-the-art helpline where you can SMS, you can send WhatsApp message or you can send an e-mail, everything will get converted into a proper record, and from there you will get a response. This is something which will happen over a period of next six months or so. I just wanted you to know that we have this three-digit number, that is, 181, which is the Women Helpline number” (*Verbatim Number page 9,26/7*)

Thereupon, the Committee desired to provide a list of various helpline numbers and services provided from those numbers. Accordingly, NCW submitted a list to the Committee in a written reply (Annexure). However, the list contains several numbers indicating to the type of assistance sought. The Committee also desired to have a number which is easy to remember.

XII. Inspection of Jails

The Committee learnt that a specific provision under Section 10(1) (k) of the NCW Act 1990 also provides for the Commission to inspect or cause to be inspected a jail, remand home, women's institution or other places of custody where women are kept as prisoners or otherwise. With regard to the inspections carried out in jails and recommendations given by the Commission during the last five years, NCW furnished the following written reply:

"Inspection of following jails was conducted by the Commission during 2017-18.

- (i) Tihar Jail No.6 New Delhi
- (ii) Central Jail, Ambala, Haryana
- (iii) Central Jail, Nellore, Andhra Pradesh
- (iv) Sudhar Ghar (Central Jail), Amritsar, Punjab
- (v) Jail, Birsa Munda, Ranchi, Jharkhand
- (vi) Central Jail, Gurdaspur, Punjab
- (vii) Central Jail, Bangalore, Karnataka
- (viii) Central Jail, Bhopal, Madhya Pradesh

Inspection of following jails was conducted by the Commission during the year 2018-19.

- (i) Central Jail, Imphal, Manipur
- (ii) Central Jail, Motihari, Bihar
- (iii) Central Jail, Muzzafarpur, Bihar
- (iv) Central Jail, Faridkot, Punjab
- (v) Central Jail, Byculla, Mumbai, Maharashtra
- (vi) Central Jail, Yerwada, Pune, Maharashtra
- (vii) Central Jail, Bishalgarh, Tripura
- (viii) Sabarmati Central Jail, Ahemdabad, Gujarat
- (ix) Central Jail, Colvale, Goa
- (x) Central Jail, Vododara, Gujarat
- (xi) District Jail, Dimapur, Nagaland
- (xii) Puzhal Central Jail, Chennai, T.N
- (xiii) Tezpur Central Jail, Sonitpur, Assam
- (xiv) Central Jail, Udaipur, Rajasthan
- (xv) Central Jail, Nagpur
- (xvi) Central Jail, Thane
- (xvii) Central Jail, Gwalior
- (xviii) Loknayak Jaiprakash Narayan Central Jail Hazaribagh, Jharkhand

The Commission conducted Inspections of the following Jails during the year 2019- 2020.

- (i) Circle Jail, Cuttack, Odisha, (ii) District Jail, Kanpur Nagar, Uttar Pradesh
- (iii) Central Jail Beur, Patna, Bihar, (iv) Circle Jail Mysuru, Karnataka, (v) Central Jail, Bengaluru, Karnataka (vi) District Jail, Gorakhpur, Uttar Pradesh (vii) District Jail Maharajganj, Uttar Pradesh."

1.45 In the year 2020-21 and 2021-22, the Commission was restricted to plan for physical inspection of Prisons amidst Covid-19 pandemic. Hence, The Commission ensured well-being of the inmates by conducting online meetings with the stakeholders of Prisons. E-meeting/Video Conferencing were held with different stakeholders for monitoring the conditions of jails inmates.

1.46 The Commission has further informed the Committee through written replies that out of the 33 jails inspected by them since 2017-18, (i) Central Jail Beur, Patna, Bihar (ii) District Jail, Gorakhpur, Uttar Pradesh, (iii) Central Jail, Muzaffarpur, Bihar. (iv) Sabarmati Central Jail, Ahmadabad, Gujarat (v) Central Jail, Colvale, Goa (vi) Central Jail, Vadodara, Gujarat, (viii) District Jail, Dimapur, Nagaland, (ix) Puzhal Central Jail, Chennai, T.N, (x) Tezpur Central Jail, Sonitpur, Assam, (xi) Loknayak Jaiprakash Narayan Central Jail Hazaribagh, Jharkhand (xii) Central Jail, Nellore, Andhra Pradesh have furnished action taken reports to them.

PART II

OBSERVATIONS/RECOMMENDATIONS

1. Introductory

The Committee find that the National Commission for Women was constituted in the year 1992 in pursuance of the National Commission for Women Act, 1990 almost three decades ago with the objective of promoting and working towards recognition of the due role of women in the society and bringing forth the various rights envisaged by constitution makers for uplifting the status of women and equality in all spheres of their life. The Commission, as mandated, fared well in facilitating the redressal of grievances raised by women and in making recommendations on various women specific legislative and policy measures in order to root out social evils prevalent in the society against the women. The Commission has also played a pivotal role in the establishment of State Commissions for Women in various States and strive to work together with the State Commissions in effective enforcement of laws, implementation of schemes and devising strategies to empower women. The Committee are appreciative of the fact that the Commission has over the period of time emerged as an agent of change in uplifting the status of women in society. However, keeping in view the constantly changing socio-economic environment and technological advancement, the Committee are of the view that the Commission should be equipped with more powers by suitable amendments in the relevant sections of the National Commission for Women Act, 1990 to deal effectively in bringing women at par with their male counterparts in every aspect of socio-economic development in the country. Such amendments which are wanting in the functioning of the Commission are brought out in the succeeding paragraphs of this Report. In the light of the observations/recommendations brought out in the report the Committee expect that the

Commission would work with renewed energy and responsibilities in light of the continuously expanding and challenging roles played by women in nation building.

2. *Composition of the National Commission for Women*

The Committee find that the National Commission for Women as per the National Commission for Women Act, 1990 consist of a full time Chairperson, committed to the cause of women, five Members from amongst persons of ability, integrity and standing who have experience in law, legislation, management of industry or organization committed to increasing the employment potential of women, women voluntary organizations, administration, economic development, health, education or social welfare and a Member Secretary who shall be an expert in the field of management, sociological movement or a member of civil service . The Committee, therefore, note that as per the enabling legislation, there Should be a total of 07 Members in the Commission including that of Chairperson and Member Secretary. However, the Committee find that there are 02 vacancies existing in the Membership of the Commission. The Committee are concerned to note that these vacancies of members in the Commission may affect the timely disposal of the complaints/cases thereby defeating the very purpose of the constitution of the Commission. The Commission can function fully well based on the inputs that are given by the Members coming from various diverse backgrounds. Keeping in view the significant role played by the Commission in empowering the women, constantly changing socio-economic and technological advancement in the Country, the Committee in no uncertain words recommend that the Ministry should make all out efforts for appointing the remaining Members in the Commission to make it more vibrant , efficient and active in accomplishing their mission and fulfilling the visions of the Government to achieve gender equality in all walks of life. The initiative taken and the progress made must be intimated to the Committee within three months of the presentation of this Report. On this related issue, the Committee

would also desire that the information may be gathered from different State Commissions bringing out clearly; in a tabular form details depicting the sanctioned and vacant positions and the same may be supplied to the Committee.

3. Staff Strength

The Committee thought it prudent to glean through the issues concerning the shortage of staff in the Commission. In this regard, the Committee learn that the Staff Inspection Unit (SIU) of Department of Expenditure has conducted work study for National Commission for Women. In the SIU report, the proposal for creation of 36 posts, revival of 14 posts and abolition of 14 posts in different grades was made and the same is still under consideration. In this regard, certain queries were raised by the department of expenditure on 12.11.2021 but the NCW was yet to respond to these queries when the information was furnished to the Committee. The Committee strongly believe that for smooth and efficient functioning not only that of NCW but for any organization/institution of this nature they should be provided with adequate/sanctioned staff equipped with the desired skill set. The Committee are of the considered view that the post of Members, Law Officer, Research officer and other posts of consultants, counselors, technical experts etc. must also be filled up on a regular basis not only to meet the desired functional needs but also to avoid absence of institutional memory. The Committee, therefore, recommend that immediate steps should be taken by both the Ministry of Women and Child Development and National Commission for Women to resolve the queries of the Department of expenditure in the matter and thereafter expeditious measures should be initiated to create and fill up requisite number of Posts under various cadres in National Commission for Women so as to ensure smooth function of the Commission. The Committee also recommend to develop favorable working conditions within the commission so as

to attract, motivate and retain a talented pool ensuring excellent career development and future prospects while engaging with the Commission.

4. *Mandate and recommendations of National Commission for Women*

The Committee find that the main task of the Commission is to monitor and work for the matters relating to the constitutional, legal safeguards provided to women and to review the existing legislations, make suggestions and recommendations for suitable policy formulations aimed at mitigating hardships and ensuring welfare and empowerment of women. The Commission is mandated to look into the complaints received by them and also to take *suo-motu* cognizance of the cases involving deprivation of the women rights, non-implementation of laws enacted to provide protection to women. In pursuance of the above, the Commission has so far reviewed about 161 laws and suggested amendments thereto. Amendment to laws related to Child Marriage, Domestic Violence, Sexual harassment at Work place, Medical termination of Pregnancy, Acid Attack victims, Amendments pertaining to women safety in Indian Penal Code, Cr.P.C, the new and emerging cyber/exhortation crimes against woman are some of them to name.

However, the Committee note with concern that no time frame is followed for implementation of NCW's recommendations in various fields. In the opinion of the Committee it is a natural consequence of events that if the recommendations and suggestions made by the Commission languish for several years to be implemented, many of such recommendations and suggestions may lose their relevance over the period of time. The Committee understand that the recommendations and suggestions or amendments made by the Commission having far reaching consequences and repercussions require extensive consultation with concerned stakeholders and follow the due procedure for its implementation. However, the Committee

are of the considered view and in no unequivocal terms recommend that a mechanism be devised within the Ministry of Women and Child Development/Ministry of Law and Justice and/or other concerned Ministries for adhering to a certain/fixed time frame which includes a definite span of time for extensive consultation etc so as to ensure the implementation of recommendations and suggestions made by the Commission within a definite period of time.

5. *National Commission for Women Act and need for amendment.*

(i) The Committee understand that the National Commission for Women derives its power and functions from Section 10 of the National Commission for Women Act , 1990. Under Section 10 of the Act, Commission attempts to safeguard the various rights of women enshrined in the Constitution by giving recommendations and suggestions for reviewing the existing laws and policies and take *suo-moto* cognizance of the cases for the non-compliances of policy decisions, guidelines or instructions intended to empower women in the country.

The Committee find during their examination of the subject that there exists an impending and urgent need for reviewing the parent Act by making it more strong, independent and effective. The amendment proposed by the Commission include power to order costs (Financial penalty) for willful disobedience of summons, directions issued by the Commission, to deem every proceeding before the Commission as a judicial proceeding, to approach higher courts for direction or Orders, inserting a provision whereby the Commission can appoint its own administrative, technical, legal, research staff on regular basis, amongst others. However, the committee find that these proposed amendments to NCW Act, 1990 are still at proposal stage only and there was no forward movement since 2015 in this regard. Since NCW made the above mentioned recommendations about eight years ago and in the intervening period, there have been several big changes like digital evolution, changes in the

working of the organizations, etc, the Committee, therefore, recommend that NCW should chalk out its fresh proposals for amendments in NCW Act, 1990 and submit the same to Ministry of Women and Child Development which should finalize the same in a time bound manner for introducing an amendment Bill in Parliament.

(ii) The Committee also recommend to include the following proposals while considering amendments to the Act:-

(a) a statutory linkage with State Commissions for Women be established for smooth coordination with the respective States and to work in a more coherent, unified and result oriented manner for achieving the desired objectives and the common cause of upliftment and empowerment of women.

(b) To empower Commission with additional powers to ensure a certain degree of accountability of the police towards them to implement their directions and recommend a suitable penalty in case of willful disobedience of summons etc. in view of the record of non-cooperation of Police officials in varied number of cases dealt/recommended by the Commission.

6. *State Commissions for Women*

The Committee note that the States Commissions of Women are set up under their respective State Acts. On comparing the central legislation with that of the enactments of the state by virtue of which State Commissions were established, the Committee find that the lack of uniformity/conformity in the provisions made in the National and State Acts exists which evidently make it difficult to deal with cases arising out from the States. The Committee observe with concern that many big States like Bihar and Madhya Pradesh still do not have

their State Commissions for Women and in other States or Union Territories where Commissions have been established are not fully functional either due to non-appointment of Chairpersons and Members or lack of allocation of funds . The Committee, therefore, are of the view that full-fledged functioning of the State Commissions of Women will in no uncertain words help the National Commission in disposing of the complaints emanating from the States where State Commissions are fully functional and active. It is needless to mention here that functions of both national and state Commissions are complimentary to each other with the common defined objective. The Committee, thus, recommend the following :-

- (i) The Ministry of Women and Child Development should impress upon the States to strengthen their State Commissions by filling up vacancies of Chairperson, Members & other Staff and allocate sufficient funds to them; and**
- (ii) The Ministry of Women and Child Development should take up at the highest level with the States which have not yet established State Commission for Women and ensure that State Commissions are established forth with.**

State/UT-wise progress made in regard to the above recommendations should be furnished to the Committee within three months.

7. *Cooperation and Coordination between National Commission for Women & State Commissions for Women.*

The Committee observe that the National Commission for Women attempts to function in close collaboration with State Commissions for women to work for the common cause of empowering women. In order to strengthen networking and learn from the shared experiences, National Commission for Women organizes quarterly interactive meetings with the State Commissions since 2018. It is noted by the Committee that the Commission invites State

Commissions to its various programs, initiatives, at periodic capacity building workshops with the objective to support them to work in the interest of women and securing the common objective of promoting gender equality, upliftment and safeguarding rights of women envisaged by the constitution makers. However, Committee are constraint to note that in absence of an statutory linkage between the State Commissions for women, constituted under their respective State Acts, the National Commission for Women faces difficulties in coordination and redressal of grievances arising out from the different States. The Committee, hence, recommend to put in place a defined set of shared responsibilities between National Commission for Women and State Commissions for Women to avoid duplication in registration of complaints before National Commission for Women as well as State Commission for Women. Consequently, it would certainly result in speedy disposal of cases on women issues arising from the different States.

8. *Awareness programme & capacity building.*

The Committee observe that the National Commission for Women has taken various steps to bring their activities to the public domain through their website, amongst others. The website as the Committee find is informative and contains details such as Complaint and Investigation Cell (CNI), Legal Cell, Policy Monitoring and Research Cell (PMR Cell), NRI Cell, North East Cell, Jammu Kashmir and Ladkh Cell. It also has an important related link for complaint registration portal. The other means utilized by the Commission are through advertisements, outdoor publicity, etc. The National Commission for Women also undertakes legal awareness programmes, seminars, workshops, gender sensitization programmes, capacity building programmes for women elected representatives at national, States and at the level of local bodies etc. While appreciating such efforts, the Committee in no uncertain terms

recommend that a 'person to person contact programme' may be undertaken by all the Commissions with the all public representatives be it Members of Parliament, State Legislatures, Corporators and that of all local bodies. Such exercise may be undertaken at least once in a year or at the intervals deemed fit by the Commissions. While acknowledging the efforts made by the Commission for publicizing their activities, the Committee find that the majority of Indian women especially in rural areas, in backward, remote and Hilly areas as well as in the tribal belts are still unaware of their rights or even existence and functioning of National and State Commissions for Women which can enable them to protect their interests. The Committee, in this regard recommend that the Commission may contemplate and come out with new initiatives to create awareness amongst the women living in the areas mentioned above and also campaign tirelessly to make their presence felt by using all modes of communications including digital platforms/social media. It is needless to point out that advertisements on the radio which is still the biggest mode of mass scale communication in India should be relayed almost every day. Action taken in this regard should be intimated to the Committee.

9. *Complaint Redressal Mechanism & 24X 7 Helpline Number.*

- (i) The Committee find that Complaint & Investigation Cell of the Commission deals with complaints received physically or online from all over the country under 23 broad categories of grievances, criminal activity against women and on other issues related to deprivation of women rights for instance rape, acid attack, sexual harassment, stalking/voyeurism, trafficking ,dowry death, domestic violence, desertion by spouses etc. A registration number is generated on registration of the complaint to track the progress of cases. The

Committee further note that, Commission had launched a 24x7 helpline number(7827170170) on 27th July, 2021 with an aim to provide online support to women in distress and linking them with the concerned Police, Hospitals, Legal Services authorities, psychological counseling and rehabilitation centers. The Committee also find that the Commission is in the process of linking Emergency Response Helpline Number-112 (Police, Fire, Ambulance) with Women Help line number-181 within the next six months of time for better redressal mechanism. In addition to all these existing mechanisms, the Committee have been given to understand that the Commission, in order to deliver justice to destitute women in need of help acknowledges such cases on *suo-moto* cognizance. The Committee are happy to find that the Commission has taken *suo-moto* cognizance of 633 number of cases of atrocities and heinous crimes committed against women from 2018 to May,2022. With regard to final closure of complaints received, the Committee have been apprised that a case is treated as 'closed', if the matter becomes sub-judice, allegations made are proven wrong upon investigation, matters resolved or compromised or which are already decided by the Court or consequent to any kind of counseling and where complainant herself wants the closure of the case. While taking note of the concerted efforts being undertaken by the Commission, the Committee, in regard to 24x7 helpline number, recommend that Commission revisit the existing numbers and seriously consider to make them more simple and easy to remember to enable the users to make full use of the same. In undertaking this exercise it should be borne in mind that the new number(s) be widely publicized through various social media handles and other mode of print and electronic media to facilitate the registration of complaints by the aggrieved women.

Further, the Committee desire that they be updated about the latest development in the interlinking of Emergency Response and Women Help Line numbers i.e. 112 & 181 which, in the opinion of the Committee is of paramount importance in mitigating the atrocities faced by the women expeditiously.

- (ii) The Committee are concerned to note that out of 184297 complaints received during the period from 2015-16 to 2022-23, 114903 complaints have only been closed and the rest are yet to be resolved. Since the very purpose of lodging complaints will be defeated if inordinate delays occur in resolving complaints, the Committee feel that it is necessary to resolve the grievances/complaints lodged with the Commission in a time bound manner. The Committee , therefore recommend that both the ministry of Women and Child Development and National Commission for Women should look into the procedures being adopted by National Commission for Women for resolving complaints lodged with it particularly the time frame fixed to resolve a complaint and should take appropriate measures to resolve all the complaints within a definite period of time by streamlining the procedures, putting in place an efficient work force and in coordination with the concerned agencies.**

10. Effectiveness and issues of NRI Cell.

The Committee are happy to note that the National Commission for Women established an NRI Cell on 24th September, 2009 in pursuance of the recommendations of this Committee to deal with the issues arising from NRI marriages. The NRI Cell processes the complaints of Indian Women abandoned by their NRI/ Overseas husbands and extends all

possible assistance for re- conciliation and mediation between the parties by coordinating with different stakeholders like State Governments, Indian Embassies, Missions abroad and concerned Ministries like Ministry of Women and Child Development, Ministry of External Affairs & Ministry of Home Affairs. However, the Committee are concerned to observe that out of a total of 2056 registered cases since 2019, only 502 cases have been closed and 1554 cases are still pending to be settled. The Committee, in this regard, take a note of difficulty in effectively dealing with these cases due to Legal complexities like strict privacy laws, marriage laws, Private International Laws, treaties like Mutual Legal Assistance Treaty(MLAT) which falls under the purview of different countries thus imposing a limit on the effectiveness and scope of functioning of the NRI Cell. The Committee also observe that the limited scope of the extant guidelines for legal/financial assistance under Indian Community Welfare Fund(ICWF) scheme of Government of India which has been formed to help distressed overseas Indian Women in difficult situations and those abandoned by their spouses and sent back to India does not fully support the women in distress to fight their cases till the redressal. Therefore, in order to mitigate the difficulties faced by NCW dealing with NRI cases, the Committee recommend the following:-

- (i) The Government of India should enter into Mutual Legal Assistance Treaties (MLAT) with more countries.**
- (ii) The Committee note that the allocation of fund for rendering assistance through Indian Mission abroad is meager and insufficient for engaging the lawyers on the foreign soil. In this regard, the Ministry of Women and Child Development should urge upon the Ministry of Home Affairs and Ministry of External Affairs, to facilitate in dealing with criminal cases relating to the NRI marriage cases and**

to enhance the financial assistance under Indian Community Welfare Fund (ICWF).

- (iii) **The National Commission for Women should find ways and means for expeditiously resolving the cases and provide relief to the women who have been harassed, duped and deserted by NRI husbands in coordination with Local police, Indian Missions in these countries, Ministry of External Affairs and Home Affairs.**
- (iv) **A database on such harassment/duping cases be prepared and disseminated through print/electronic media for the awareness of the public. Moreover, NCW to take steps to create more awareness campaigns in India and outside by Indian Missions including airports, passport offices and marriage registration offices in order to make the society aware of such offenders and to facilitate inflow of information about the whereabouts such offenders.**
- (v) **A “one stop” center should be set up for providing legal, psychological counseling and rehabilitation to the distressed and abandoned Indian Women married to NRIs in India and abroad in coordination with Indian missions. A “single window” enquiry system should also be established with online and off-line in all such matters involving all concerned authorities including police, concerned Ministries, National Legal Service Authority (NALSA), Indian Missions Abroad, etc. for easy complaining of cases by women and their redressal.**
- (vi) **An “NRI cell” should also be established at a designated Police station in every district and at State level all over the country for easy access to women deserted by NRI husbands and to conduct sensitization programmes for Police officials in**

coordination with NGOs and other voluntary organizations especially in the States like Punjab and Andhra Pradesh.

- (vii) During the course of examination of the subject, the Committee found that in a number of cases it is not even possible to locate the husbands in foreign countries even after the deserted women complaining several times about it. In the wisdom of the Committee, this issue must be looked into with a very pragmatic angle and some kind of mechanism should be in place to locate such husbands through Social Security Number (SSN) or through the Indian Passports which they still possess. Any movement through the Indian Passport can be tracked easily and for any kind of employment etc and also in a foreign land SSN number is a necessity. The Committee, therefore, recommend that concrete measures should be taken to locate those husbands in foreign countries with the help of the concerned authorities in those countries. A definite role should be assigned to Indian Missions in those countries in this regard.**

11. *Jail Inspections by NCW`*

(i) The Committee find that the Commission under the Section 10(1)(k) of the NCW Act 1990, can inspect jail, remand Homes, Women's Institutions or other places of custody where women are kept as prisoners or otherwise and make recommendations on measures to be taken for improving conditions of inmates and jail authorities have to furnish the action taken report on the recommendations made thereof. In this regard, the Committee note that out of 33 jails inspected by the National Commission for Women since 2017, only a few action taken reports have been furnished 23to the Commission. The Committee, therefore, recommend that National Commission for Women should put in place a mechanism for timely submission of the Action Taken Reports and for strict adherence and implementation of the recommendations made thereon.

(ii) The Committee also observe that District Legal Service Authorities provide free legal aid and counseling to women jail inmates but due to shortage of experienced lawyers, their cases are not dealt with in a serious and proper manner. The Committee in this regard recommend that the National Commission of Women should bring National and States Legal Service Authorities on board to ensure availability of adequate numbers of experienced lawyers for providing free legal services specially for women inmates and other women who are in need of free legal counseling.

NEW DELHI
9th August 2023
18, Sravana, 1943, (Saka)

DR. HEENA VIJAYKUMAR GAVIT
Chairperson,
Committee on Empowerment of women

Annexure I

List of 43 countries with whom the Indian Government has entered into Mutual Legal Assistance Treaties (MLATs)/Agreements in criminal matters

1. Arab Republic of Egypt
2. Kingdom of Morocco*
3. Republic of Kazakhstan
4. Russian Federation
5. Bosnia & Herzegovina
6. Kingdom of Spain
7. Republic of Korea
8. State of Israel
9. Canada
10. Kingdom of Thailand
11. Republic of Maldives*
12. State of Kuwait
13. Commonwealth of Australia
14. Kyrgyz Republic
15. Republic of Mauritius
16. Sultanate of Oman
17. Confederation of Switzerland
18. Malaysia
19. Republic of Singapore
20. Ukraine
21. Democratic Socialist Republic of Sri Lanka
22. Mongolia
23. Republic of South Africa
24. Union of Myanmar
25. French Republic
26. People's Republic of Bangladesh
27. Republic of Tajikistan
28. United Arab Emirates
29. Hong Kong Special Administrative Region of the People's Republic of China
30. Republic of Azerbaijan
31. Republic of Turkey
32. United Kingdom of Great Britain and Northern Ireland
33. Islamic Republic of Iran
34. Republic of Belarus
35. Republic of Uzbekistan
36. United Mexican States
37. Kingdom of Bahrain
38. Republic of Bulgaria
39. Republic of Vietnam
40. United States of America
41. Kingdom of Cambodia*
42. Republic of Indonesia
43. Poland

DETAILS OF COMPLAINT/GRIEVANCE REDRESSAL SYSTEM PERTAINING TO WOMEN

Sl. No.	Platform	Details of Services
1.	Toll Free Helpline No. Emergency Response Support System - 112 & 112 India App (under Nirbhaya Fund)	Emergency Response <ul style="list-style-type: none"> • Police • Fire • Ambulance Functional in all States/UTs
2.	Women Helpline – 181 (under Nirbhaya Fund)	To provide 24 hour emergency and non-emergency response to women across the country by referral service. It is a toll-free 24-hours telecom service through short code 181. Women may seek support and information. It is functional in all States/UTs except West Bengal and Puducherry.
3.	Children Helpline No. 1098	It is a 24-hour a day, 365 days a year, free, emergency phone service for children in need of aid and assistance.
4.	Ministry of Women and Child Development dedicated E-Mail : complaint-mwcd@gov.in	This is dedicated mail id for facilitating all types of grievances related to Women such as sexual harassment, women facing violence and distress and violation of women rights etc.
5.	National Commission for Women Helpline No. 7827170170 To provide Digital Complaint Registration System for women in distress through trained counsellors. To facilitate psychological counselling or referral to the appropriate agencies such as <ul style="list-style-type: none"> • Police • Hospitals • District Legal Service Authority (DLSA) • Protection Officer (PO) • One Stop Crisis Centre (OSC). To provide information about the appropriate support services, gov	In order to help the women in registering complaints and provide psychological support, the NCW has taken initiative to start this Helpline. Any woman or girl (above 18 yrs) in distress seeking help can call this helpline. The helpline is staffed by Psychological Counsellors trained in topmost Mental Health and Counselling institutions.

	ernment agencies, etc.	
6.	National Commission for Women Complaint and Investigation Cell Online Complaint Registration link : http://ncwapps.nic.in/onlinecomplaintsv2/frmPubRegistration.aspx	Any woman or girl (above 18 yrs) can register complaint online through this link. On submission of complaint, system generated acknowledgement number is sent to the Complainant to enable her to see the progress of the case. In order to help the women in registering complaints and further providing necessary help to the complainant both above services Online Complaint Registration link and E-mail ID are useful.
7.	National Commission for Women dedicated Email ID : complaintcell-ncw@nic.in	Any woman or girl (above 18 yrs) may send her complaint in the form of an application/letter directly on email.
8.	National Commission for Protection of Child Rights' Complaints Portal: http://www.ebaalnidan.nic.in	It is an online Complaint Management System for lodging complaints related to any violation of child rights with the National Commission for Protection of Child Rights (NCPCR)
9.	Centralized Public Grievance Redress And Monitoring System (CPGRAMS) https://pgportal.gov.in	Any grievances related to Women can be filed.

COMMITTEE ON EMPOWERMENT OF WOMEN (2021-2022)**MINUTES OF THE FOURTH SITTING OF THE COMMITTEE HELD ON TUESDAY, THE
14th DECEMBER, 2021**

The Committee sat from 1530 hrs. to 17:15 hrs. in Committee Room B, Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Dr. Heena Vijaykumar Gavit - **Chairperson**

MEMBERS**LOK SABHA**

2. Smt. Locket Chatterjee
3. Smt. Sangeeta Kumari Singh Deo
4. Smt. Shardaben Anilbhai Patel
5. Smt. Riti Pathak
6. Smt. Navnit Ravi Rana
7. Smt. Satabdi Roy (Banerjee)
8. Smt. Geetha Viswanath Vanga

RAJYA SABHA

9. Smt. Ramilaben Becharbhai Bara
10. Dr. Fauzia Khan
11. Smt. Mamata Mohanta
12. Dr. Kanimozhi NVN Somu
13. Dr. Ameer Yajnik

SECRETARIAT

1. Dr. Sanjeev Sharma - Director
2. Smt. Reena Gopalakrishnan - Additional Director

REPRESENTATIVES OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT

1. Shri Ashish Srivastava - Additional Secretary
2. Dr. Rakesh Gupta - Joint Secretary

REPRESENTATIVES OF THE NATIONAL COMMISSION FOR WOMEN

1. Smt. Rekha Sharma - Chairman
2. Smt. Meeta Rajivlochan - Member Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee, the representatives of the Ministry of Women and Child Development and the National Commission for Women to the sitting convened to have briefing on the subject 'Working of National Commission for Women and State Commissions for Women'.

3. After the welcome address, the Chairperson read out Direction 55 of the Directions of the Speaker regarding confidentiality of the proceedings. Thereafter, the representatives of the National Commission for Women made their presentation on the subject before the Committee. The Members then raised queries on various issues pertaining to the subject which *inter-alia* included coordination between the National Commission for Women and the State Commissions for Women, key achievements of the Commission, need for training of elected women members of local bodies, nature of complaints received from residents and Non-Resident Indians, cases of crime against women, action taken by the Commission to curb physical attack on young girls, requirement of *pro-bono* lawyers in National Commission for Women, *suo- moto* interventions made by the Commission on matters relating to women, views on decriminalization of adultery law, unfilled posts/vacancies in National Commission for Women, need to strengthen National Commission for Woman by vesting it with more powers, surge in juvenile cases and counselling of school going children, etc.

4. The Chairperson and Members sought further clarifications on certain points *viz.* efforts of National Commission for Women to get the permanent posts at various levels in the Commission sanctioned, cyber crime against women, co-sharing of data and statistics with other organisations/commissions, interface arrangements with similar international organisations, Government's response to the recommendations of the National Commission for Women,

interaction/trainings jointly by National Commission for Women and State Commissions and the conduct of awareness programmes for rural women.

5. The Committee also desired to know the budgetary allocations of National Commission for Women from Government of India, pending cases of women in Sudhar Grahams and nature of domestic violence complaints received by National Commission for Women during COVID lockdown and period.

6. Clarifications on some of the points raised by the Chairperson and the Members were given by the representatives of the National Commission for women. However, the queries on which the information were not readily available, the Ministry/NCW were directed to furnish written replies at the earliest to the Committee.

7. Thereafter, the Chairperson thanked the witnesses for presenting their views before the Committee.

The witnesses then withdrew

The Committee then adjourned.

8. A copy of verbatim of the proceedings has been kept on record.

COMMITTEE ON EMPOWERMENT OF WOMEN (2021-22)

MINUTES OF THE TENTH SITTING OF THE COMMITTEE HELD ON TUESDAY, THE 26th JULY, 2022

The Committee sat from 1500 hrs. to 1605 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Dr. Heena Vijaykumar Gavit - *Chairperson*

MEMBERS

LOK SABHA

2. Smt. Locket Chatterjee
3. Smt. Sangeeta Kumari Singh Deo
4. Smt. Raksha Nikhil Khadse
5. Smt. Poonamben Hematbhai Maadam
6. Smt. Jaskaur Meena
7. Smt. Queen Oja
8. Smt. Riti Pathak
9. Smt. Navnit Ravi Rana
10. Smt. Satabdi Roy
11. Smt. Gomati Sai
12. Smt. Sarmistha Sethi

RAJYA SABHA

13. Smt. Ramilaben Becharbhai Bara
14. Dr. Fauzia Khan

SECRETARIAT

1. Shri M.K. Madhusudhan - Joint Secretary
2. Dr. Sanjeev Sharma - Director

Representatives of Ministry of Women and Child Development

1. Shri Indevar Pandey - Secretary
2. Shri Rakesh Gupta - Joint Secretary

Representatives of National Commission for Women

1. Mrs. Rekha Sharma - Chairperson, NCW
2. Ms. Meeta Rajivlochan - Member Secretary

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee convened to consider and adopt a draft Action Taken Report of the Committee and for taking oral evidence of the representatives of the Ministry of Women and Child Development and the National Commission for Women in connection with the examination of the subject “Working of National Commission for Women and State Commissions for Women”.

3. The Committee then took up for consideration the draft Action Taken Report on the action taken by the Government on the recommendations contained in their Fifth Report (17th Lok Sabha) on the subject ‘Empowerment of Women through Education with Special Reference to Beti Bachao - Beti Padhao Scheme’. After some deliberations on the Draft Report, the Committee adopted the same without any modification. The Committee also authorized the Chairperson to finalize the draft Report and present the same to both the Houses of Parliament.

[Witnesses were then called in]

4. The Chairperson then welcomed the witnesses and *inter alia* read out direction 55 regarding the confidentiality of the proceedings. Thereafter the Commission and the Ministry apprised the Committee about the status of recommendations made by NCW, the action taken by the Ministry of Women and Child Development on the recommendations of NCW, manpower issues and lack of institutional memory in the Commission, the difficulties faced by NCW in working with the Police, the need to grant the power to order a penalty for wilful disobedience to NCW, the status of NCW being an advisory body and not having any judiciary role, helpline numbers of the Commission and how the helpline number works once a distress call is received, steps taken by the Ministry to link number '181' with '112' for effectively addressing the grievances, Women Councils in districts, coordination and interaction between NCW and State Commissions for Women (SCW), various issues existing in shelter homes/correction homes, inspection of prisons by the Commission, the amendments made to Juvenile Justice Act and the expectant benefits emanating out of it etc.

5. The Members, thereafter, raised questions about the complexities involved in adoption process, the pitiable condition in which the children are kept in shelter homes, how the Ministry of Women and Child Development can expedite decisions on the recommendations made by NCW, whether the Ministry has held any consultation with civil society agents, women’s groups, lawyers, academics,

social workers etc. to deliberate on changes that will strengthen the autonomy and capacity of the NCW, whether the Ministry of Women and Child Development share information with the Commission on the status of the recommendations/ suggestions made by them apart from furnishing the same in the Annual Report placed before the Parliament, the meetings and deliberations between NCW and various Ministries, the efforts taken by NCW to follow up the status of the recommendations forwarded to various Ministries, the reasons for the Ministry not taking any decision on the amendments suggested by NCW in the Act, the observations of Ministry of Law and Justice in this regard, in how many instances the respondent has failed to appear before the Commission, the interventions required by NCW for effectively dealing with NRI cases etc.

6. Some of the issues raised by the Chairperson and the Members were replied to by the representatives of the Commission and the Ministry. However, on the queries on which the information was not readily available, they were directed to furnish written replies to the Secretariat within three days.

(The witnesses then withdrew)

The Committee then adjourned.

A copy of verbatim record of the proceedings has been kept.
