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**COMMITTEE ON EMPOWERMENT OF WOMEN
(2002-2003)**

(THIRTEENTH LOK SABHA)

FUNCTIONING OF NATIONAL AND STATE COMMISSIONS FOR WOMEN

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT)**

*[Action Taken on Second Report of Committee on Empowerment of Women
(Thirteenth Lok Sabha)]*

TENTH REPORT

**LOK SABHA SECRETARIAT
NEW DELHI**

February, 2003/ Magha, 1924 (Saka)

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(2002-2003)

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COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN
(2002-2003)

CHAIRPERSON **Smt. Margaret Alva**

MEMBERS

LOK SABHA

2. Dr. (Smt.) Anita Arya
3. Smt. Jayashree Banerjee
4. Shri Bhan Singh Bhaura
5. Smt. Krishna Bose
6. Smt. Santosh Chowdhary
7. Smt. Renuka Chowdhury
8. Dr. (Smt.) Beatrix D'Souza
9. Adv. Suresh Ramrao Jadhav
10. Smt. Abha Mahto
11. Dr. Ashok Patel
12. **Shri E. Ponnuswamy
13. Shri Bishnu Pada Ray
14. Smt. Sushila Saroj
15. Dr. (Smt.) V. Saroja
16. Smt. Minati Sen
17. Smt. Shyama Singh
18. Smt. Jayaben B. Thakkar
19. Shri Prakash Mani Tripathi
20. Dr. (Smt.) Vukkala Rajeswaramma

RAJYA SABHA

21. Smt. Shabana Azmi
22. Dr. (Ms.) P. Selvie Das
23. Smt. Saroj Dubey
24. *Smt. Vanga Geetha
25. Smt. S.G. Indira
26. *Smt. Gurcharan Kaur
27. *Smt. Chandra Kala Pandey
28. *Smt. Bimba Raikar
29. Miss Mabel Rebello
30. Smt. Savita Sharda

SECRETARIAT

- | | | | |
|----|--------------------|---|----------------------|
| 1. | Shri P.D.T. Achary | - | Additional Secretary |
| 2. | Shri K.V. Rao | - | Joint Secretary |
| 2. | Shri Ashok Sarin | - | Deputy Secretary |
| 3. | Smt. Veena Sharma | - | Under Secretary |
| 4. | Shri V.P. Goel | - | Committee Officer |

* Nominated to the Committee w.e.f. 20th May, 2002

** Nominated as Member of the Committee w.e.f. 28th August, 2002 *vice* Shri N.T. Shanmugam, MP ceased to be a Member of the Committee on his appointment as Minister.

INTRODUCTION

I, the Chairperson of Committee on Empowerment of Women, having been authorised by the Committee to present the Report on their behalf, present the Tenth Report (Thirteenth Lok Sabha) on the Action Taken by the Government on the recommendations contained in the Second Report of the Committee on Empowerment of Women (Thirteenth Lok Sabha) on 'Functioning of National and State Commissions for Women ' of the Ministry of Human Resource Development (Department of Women and Child Development).

2. The Second Report (Thirteenth Lok Sabha) of the Committee on Empowerment of Women was presented to both the Houses of Parliament on 19th April, 2001. Replies of the Government to all the Observations/Recommendations contained in the Report have been received.

3. A Sub-Committee was constituted to examine and process the replies in detail. The Sub-Committee after examining the replies sought clarification from the concerned Ministry on some of the points. The Members of the Sub-Committee were:-

- | | | | |
|----|----------------------------|---|-----------------|
| 1. | Miss Mabel Rebello | - | Convenor |
| 2. | Smt. Krishna Bose | | |
| 3. | Smt. Sushila Saroj | | |
| 4. | Shri Prakash Mani Tripathi | | |
| 5. | Dr.(Ms.) P.Selvie Das | | |
| 6. | Smt. Saroj Dubey | | |
| 7. | Smt. Savita Sharda | | |

4. The Draft Report was considered by the Committee on Empowerment of Women (2002-2003) at their sitting held on 8th January, 2003. The Report was eventually adopted by the Committee at their sitting held on 27th January, 2003. The Minutes of the sittings form Part II of the Report.

5. For facility of reference and convenience, the Observations/Recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix – I of the Report.

6. An Analysis of the Action Taken by the Government on the recommendations contained in the Second Report (Thirteenth Lok Sabha) of the Committee is given at Appendix II.

NEW DELHI;
February 10, 2003
Magha 21, 1924 (Saka)

MARGARET ALVA
CHAIRPERSON,
COMMITTEE ON EMPOWERMENT OF WOMEN.

CHAPTER – I

REPORT

1.1 This Report of the Committee deals with the action taken by the Government on the recommendations contained in Second Report (Thirteenth Lok Sabha) of the Committee on Empowerment of Women on the Ministry of Human Resource Development (Department of Women and Child Development).

1.2 The Second Report was presented to Lok Sabha on 19th April, 2001. Replies of Government in respect of all recommendations have been examined and are categorised as under:-

- i) Observations/Recommendations which have been accepted by the Government

Sl .Nos. 1.52, 1.53, 1.54, 1.57, 1.58, 1.59 (i), 1.59 (vii), 1.62, 1.64

- ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government:

Sl . Nos. 1.59 (ii) 1.59 (iii), 1.59 (v), 1.59 (vi), 1.59, (viii), 1.61

- iii) Observations/Recommendations, replies to which have not been accepted by the Committee and which require reiteration:

Sl. Nos. 1.55, 1.56, 1.59 (vi), 1.60, 1.63

- iv) Observations/Recommendations in respect of which final replies have not been received.

Nil

1.3 The Committee desire that the replies in respect of recommendations contained in Chapter I should be furnished to the Committee expeditiously.

The Committee will now deal with those action taken replies of the Government, which need reiteration or merit comments.

Delay and non- uniformity in Constitution of State Commissions for women in some States

(Recommendations (Para NoS. 1.55 and 1.56)

1.4 In para No. 1.55 of the original Report, the Committee had observed that although the State Governments were required to take proper action to set up State Commissions in their respective States, only 18 States had constituted the State Commissions for Women. The Committee had regretted to observe that despite the National Commission for Women Act, 1990 having been in existence for more than a decade, the setting up of such Commissions in some States was yet to become a reality (Arunachal Pradesh, Bihar, Gujarat, Manipur, Meghalaya, Nagaland, Sikkim, Uttar Pradesh and in the three newly created States i.e Chhattisgarh, Uttaranchal and Jharkhand). There were other states like Karnataka where the commission was not reconstituted for over a year and a half, leaving it to be run by an official of the state government. The absence of an autonomous statutory Commission armed with adequate powers had denied millions of women in those States the right to effectively fight for redressal of their grievances and to facilitate implementation of Gender policies. The Committee had urged the Department of Women and Child Development to impress upon those State Governments the need to constitute the State Commissions for Women in their respective States without any further delay.

1.5 In para 1.56 of the original Report, the Committee had observed that whereas the National Commission for Women was constituted as per the National Commission for Women Act, 1990, some State Commissions were just appointees of the Government and there was no uniformity in the appointment of such Commissions in States. The Committee had, therefore, urged upon the Department of Women and Child Development to take up the matter with the State Governments to ensure that the Women's Commissions in all the States were appointed by a statutory order.

1.6 In their action taken reply, the Department of Women and Child Development have stated that "Immediately after enactment of the National Commission for Women Act, on 31st August, 1990, the Government had, by way of a d.o letter dated 30-10-90 from the then Minister for Labour and Welfare, requested the Chief Ministers of all State Governments to consider constitution of State level women commissions with functions and powers similar to those of NCW. Since then, the Government has been requesting the State Governments to do so. D.O letters at the level of Minister-in-charge of the Ministry of Human Resource Development/Department of Women and Child Development have been issued on 22-2-93, 24-8-95, 25-10-96, 4-6-99 and on 20-8-2001. The issue of setting up of State Women Commissions is also taken up with the State Governments/UT Administrations during the meetings held by the Government periodically with State Ministers and Secretaries-in-charge of Women & Child Development."

1.7 The Department have stated that the following are the States /Union Territories which are yet to set up State level Womens Commissions:

States

1. Gujarat
2. Jharkhand
3. Manipur

4. Meghalaya
5. Nagaland
6. Sikkim
7. Uttaranchal
8. Arunachal Pradesh

UT Administrations

1. Andaman & Nicobar Islands
2. Chandigarh
3. Dadra & Nagar Haveli
4. Daman & Diu
5. Lakshadweep
6. Pondicherry

1.8 The Department have stated that as a result of the persistent efforts of the Department, some more State Governments viz. Bihar, Chhattisgarh and Uttar Pradesh have reported that they have constituted State level Women Commissions. In the case of Gujarat, the Bill has been enacted in March 2002. Action to set up the Commission had been delayed due to the conditions prevailing in the State over the past few months and presence of a caretaker Government elections.

1.9 In reply to a query, the Department of Women and Child Development have stated that the National Commission for Women Act, 1990 does not contain any provision for setting up of State level Commissions by the State Governments. In the absence of any Central Act or Constitutional provision which would have made it mandatory on the part of State Governments to constitute State Women Commissions, the Government has only a persuasive role in this matter. They have been actively pursuing the matter with State Governments and Union Territory (UT) Administrations. As a result, out of 28 states, State Commissions for Women have been constituted in 20 states and in the NCT of Delhi. Action is on to persuade other States and UT s to set up women commissions.

1.10 The responses of the State Governments/UTs who are yet to set up women commissions are indicated at Annexure 1.

1.11 During their recent visit (November, 2002) to Tamil Nadu, the Committee had interaction with the Chairperson and Members of State Commission for Women. The Chairperson of the Commission stated that the State Commission for Women in Tamil Nadu was constituted by the State Government's order and not by an Act passed by the Legislature. Further, the Members of the Commission were part time members and State Government allocated meagre funds for them and there was acute shortage of facilities and infrastructure . Due to these reasons, the State Commission has not been able to address the problems of the women in the State.

1.12 In their original Report, the Committee had noted that though the National Commission for Women Act, 1990 was in existence for more than a decade, only 18 States had constituted the State Commissions for Women in their respective States. The Committee had, therefore, urged upon the Department of Women and Child Development to impress upon those State Governments, which had not set up the

Commissions, to constitute the State Commissions for Women in their States without further loss of time.

1.13 The Department of Women and Child Development have stated that Government have been repeatedly requesting the State Governments to set up Women Commissions through D.O. letters at the level of Minister in-charge and during the meetings held by the Government periodically with State Ministers and Secretaries in-charge of Women and Child Development. Obviously, these measures have not proved effective as 8 States and 6 Union Territories have yet to set up Women's Commissions. The Committee feel that the approach of the Government has been rather casual which is evident from the fact that over a period of 11 years, only 5 D.O. reminders have been issued at the level of Minister in charge to the State Governments requesting them to set up State level Women Commissions. The Government should have realized that mere issuance of routine reminders once in two-three years would not serve the desired purpose . More effective and concrete steps should have been taken in this regard.

1.14 The Department have now conceded that in the absence of any Central Act or Constitutional provision, it is not mandatory for the State Governments to constitute State Women's Commissions. The Committee feel that the Government should amend the National Commission for Women Act to make it mandatory for the States to constitute Women Commissions. The Committee also recommend that the Members of the Commission should continue to function till a new Commission is appointed so that there is no gap in the work of the commission till the appointment of the new Commission. For this, an amendment in the National Commission for Women Act 1990 should be explored. The Committee wish to be apprised of the precise steps taken in this direction.

1.15 During their visit, to the states, the Committee noted that in several states, Commissions were constituted by a Government Order. The requisite infrastructural facilities and sufficient funds have not been allotted to them to function properly and effectively. To maintain uniformity in appointments of *State* Commissions for Women, the Committee would like to reiterate that the Government should impress upon the State Governments the need to set up the State Commissions for Women by a Statutory order. Adequate infrastructural facilities, staff, funds and autonomy besides appropriate protocol status should be provided, to enable them to function effectively

and address the grievances of women and facilitate implementation of policies and programmes for their economic and social empowerment.

Timely presentation of Reports of the National Commission for Women to Parliament

Recommendation (Para No.1.57)

1.16 The Committee in the aforesaid paragraph had observed that as per Section 14 of the National Commission for Women Act, 1990, the Central Government should cause the Annual Report of the Commission together with the memorandum of action taken on the recommendations contained therein, in so far as, they related to the Central Government, and the reasons for non acceptance, if any, of any of such recommendations, together with the Audit Report to be laid as soon as it might be after the Reports were received, before each House of Parliament. The National Commission for Women was constituted in January, 1992 and the first Report alongwith the ATR was presented to Parliament in 1995. The latest Annual Report of the Commission pertaining to 1996-97 was presented to Parliament in December, 1998. The Annual Reports for three years (1997-98, 1998-99 and 1999-2000) were pending and had not been presented to Parliament. In regard to the delay in laying Annual Reports of the Commission before Parliament, the Commission had attributed the delay partly to the lack of qualified staff support and other infrastructural facilities and partly to the time taken by the Department of Women and Child Development in presenting them with the ATRs. The Department of Women and Child Development had stated in this regard that they had to refer the Observations and Recommendations contained in the Report to various Departments and they took time in taking action thereon. The Committee had felt that if the Annual Reports of the Commission were not laid before Parliament in time, the very purpose of their laying was defeated. The Committee, therefore, had desired that the Department of Women and Child Development should coordinate with all the concerned Departments and procure the requisite action taken reports from them under a time bound programme to ensure timely and yearly presentations of the Annual Reports of the National Commission for Women. The Commission should also endeavor to submit their Annual Reports to the Department in time by taking suitable steps so that the Department could initiate the necessary action immediately. The National Commission for Women had suggested that the special Reports prepared by the Commission on important matters should also be tabled in Parliament apart from the Annual Reports.

1.17 The Department of Women and Child Development in their Action Taken reply have stated that the Commission has submitted the Annual Reports upto the year 2000-2001 to the Government. The Annual Report for 1997-98 and the relevant Action Taken Report (A.T.R) has already been laid on the Table of the House. These Annual Reports for the years 1998-99, 1999-2000 and 2000-2001 are still to be laid in Parliament. These Reports were received by the Government from NCW on 5-1-2001, 29-3-2001 and 13-12-2001 respectively. The recommendations contained in the Annual Reports for the years 1998-99 and 1999-2000 are already under circulation to the concerned Ministries and Departments from whom the ATRs are yet to be received. The Government is making every effort to lay the Annual Reports and A.T.R in Parliament by reducing delays to the extent possible for compilation of the A.T.Rs

1.18 As regards the suggestion made by NCW to lay their special reports in Parliament, the department stated that the matter is under the consideration of the Government as it is a policy matter.

1.19 Intimating the present status of laying of these Annual Reports, the Department have further stated that the Annual Report for the year 1998-99 (which contained 79 recommendations) alongwith the Action Taken Report on the recommendations contained therein has since been laid in Parliament. The compilation of the Action Taken Report in respect of the recommendations contained in the Annual Report for the year 1999-2000 is under progress and the Report will be laid in the Budget Session of Parliament.

1.20 The Department have added that the Annual Report of 1999-2000 has 102 recommendations. Action on these entails coordination with 15 Ministries/Departments apart from DWCD and its autonomous organizations. The Department has circulated the recommendations to the concerned Ministries and is actively pursuing Action Taken Reports (ATR) thereon. Inter-departmental meetings are also held with the representatives of the concerned Ministries to expedite action at their end. The Annual Report for 2000-2001 contains 46 recommendations. These have been communicated to the concerned Ministries/Departments for taking action under intimation to this Department.

Explaining about reasons for this delay, it was brought out during interaction held with the representatives of National Commissions for Women earlier, that for some months they did not have the Secretary as it took three months after the previous Secretary went, before the new Secretary was appointed. The Secretary, National Commission for Women further stated in this regard as under:-

“We have a full complement of our activities and everything is ready. But the audited report has to come from the auditors. By the time the audited report comes and we reply to their points giving reasons before it gets ready and translated, it takes about nine to ten months.”

1.21 Further, in the same context, the Department in reply to a query have stated that The National Commission for Women (NCW) has reported that `the main reason for delay in submission of the Annual Report for the year 1998-99 was that the Audit Report for that year was received from Director General (Audit), Central Revenues only on 30-11-2000, after which the replies to the audit Paragraphs were finalised and the Report was received in the Department in Jan 2001.

1.22 As regards the Annual Report for the year 1999-2000, NCW has stated that though the Receipt and Payments Account, Income and Expenditure Account for the year ended 31-3-2000 were examined by the audit party deputed by the Director General (Audit), Central Revenues alongwith relevant records, the final Audit certificate was received only in May, 2001, even though a copy of the Annual Report was received on 29-3-2001. The Audit report was received in the Department thereafter.

1.23 The Committee are constrained to note that the Annual Reports of National Commission for Women for the years 1999-2000 and 2000-2001 which were received by the Department of Women and Child Development from the Commission on 29.3.2001 and 13.12.2001 are still to be presented to Parliament. The Department in their action taken reply have stated that the Annual Report for the year 1998-99 alongwith the Action Taken Report on the recommendations contained therein has since been laid in Parliament. As regards the Action Taken Report pertaining to the year 1999-2000, the Department of Women and Child Development have stated that the compilation of the

Action Taken Report in respect of the recommendations contained in the Annual Report is under progress and the Annual Report will be laid in the Budget Session of Parliament.

1.24 The Department of Women and Child Development have stated that the main reason for delay in submission of the Annual Reports to them by National Commission for Women was the delay in receiving the audit report from Director General (Audit Central Revenues). The Committee had pointed out earlier that if Annual Reports are not laid in Parliament in time, the very purpose of their laying is defeated. The Committee therefore, desire that the National Commission for Women should endeavour to submit their Annual Reports to the Department of Women and Child Development by the end of the year as they have done in the case of Annual Report for the year 2000-2001 which they have submitted to the Department on 13.12.2001. Another way to quicken the process would be for the National Commission for Women to send their draft report to the Department of Women and Child Development while the audit was going on, to enable the Department to initiate action for circulation of the recommendations contained in the Annual Report to the concerned Ministers/Departments. The Committee also desire that the recommendations of National Commission for Women contained in their Annual Reports should be circulated expeditiously by the Department of Women and Child Development to the concerned Ministries/Departments so that the ATR is received in a time-bound programme. The Committee hope that the Department would look into these aspects and streamline its efforts in coordination with all the concerned Departments to ensure timely laying of Annual Reports of the Commission and ATRs before Parliament.

1.25 The Committee further desire that in addition to Annual Reports, the Special Reports of National Commission for Women submitted to the Department of Women and Child Development and Action Taken by the Government thereon, should also be presented in both the Houses of Parliament.

Expeditious finalisation of amendments to Acts concerning Women

(Recommendation Para No.1.58)

1.26 In para 1.58 of the Original Report the Committee had observed that since its inception the Commission had reviewed in detail 23 Acts having direct bearing on Women and had forwarded its recommendations for their amendment to the Department of Women and Child Development. In this regard, the Department of Women and Child Development has stated that recommendations in respect of 5 Acts had been received recently by them and

in respect of 2 Acts, the Commission had requested to withhold consideration of their recommendations as they intended to re-look at those Acts. In respect of the remaining 16 Acts, the Department of Women and Child Development were consulting other concerned Ministries/Departments and the relevant Cabinet Notes in this regard had been prepared/were being prepared. According to the National Commission for Women, the Government was not showing any urgency that the amendments of the Acts deserved. Such amendments were stated to have been finalised by the Commission after wide ranging discussions with the Expert Groups and with various Womens Organisations. It was high time the Government considered these recommendations and acted to bring the necessary amending legislation to Parliament.

1.27 In their action taken reply, the Department of Women and Child Development have stated that during September, 1996, the Government had requested the National Commission for Women to review all laws affecting women. 39 Central Acts were identified as having provisions affecting women. The Commission had sent to the Government the outcome of their review in respect of 32 Acts over a period of five years from 1997 onwards. (list at Annexure-II). The 32 Acts included the three Acts administered by the Department of Women & Child Development on which the Government has already initiated action i.e Indecent Representation of Women (Prohibition) Act, 1986, Immoral Traffic (Prevention) Act, 1956 and Commission of Sati (Prevention) Act, 1987 for amending them on the basis of recommendations made by NCW. The status of amendments to the said three acts according to Department of Women and Child Development, is as follows:

- **The Indecent Representation of Women (Prohibition) Act, 1986.**

1.28 It is proposed, inter- alia, to widen the scope of the Act by including indecent representation of women in electronic media such as the internet within its ambit and to enhance the punishment for offences under the Act. A draft Cabinet Note containing the proposal was considered by the Government but it deferred a decision on it and desired that the amendments proposed in the draft Bill be re-examined in consultation with the Ministry of Law, Justice & Company Affairs. Consultation with that Ministry is in progress.

- **The Immoral Traffic (Prevention) Act, 1956**

1.29 National Commission for Women held nation-wide consultations regarding amendments in the Act and its final recommendations have been considered by the Government and further action is being taken to amend the Act.

- **The Commission of Sati (Prevention) Act, 1987**

1.30 It is, inter-alia, proposed to amend the Act by excluding the women committing sati from penal action as she is a victim of prolonged social conditioning. The Cabinet Note containing the proposed amendments was circulated to all concerned Ministries/Departments on 2nd March, 2001. Based on the comments received, the Cabinet Note has been further amended and consultations are presently in progress with the Legislative Department for drafting a Bill to amend the Act.

1.31 Explaining the latest position with regard to the proposed amendments to the Indecent Representation of Women (Prohibition) Act, 1986, Immoral Traffic (Prevention)

Act, 1986 and the Commission of Sati (Prevention) Act, 1987, the Department of Women and Child Development have stated as follows:

“The Task Force on Women and Children, chaired by the Dy Chairman Planning Commission (August 2000) formed two sub groups to review legislations having a bearing on women and children. The amendments proposed by the NCW to various legislations affecting women were referred to the sub groups. These included the three Acts- Indecent Representation of Women (Prohibition) Act, 1986, Immoral Traffic (Prevention) Act, 1956 and the Commission of Sati (Prevention) Act, 1987. Based on the recommendations of the Task Force, which took into account amendments and suggestions proposed by the NCW as well as inputs of concerned Ministries action is being taken by the Department.

In the case of Indecent Representation of Women (Prohibition) Act, 1986, the Ministry of Law has advised that we may seek views of the National Law School of India University on definition of “Indecent Representation”.

1.32 In the case of Immoral Traffic (Prevention) Act, 1956, the Department have stated that it was felt necessary to set up a nodal authority at par with the Central Narcotics Control Bureau in view of the cross border and inter state activities of traffickers. Since the subject relates to Ministry of Home Affairs, the matter was referred to them and on their advice comments of various State Governments and UT s are being obtained. The penalty under Commission of Sati (Prevention) Act, 1987 is proposed to be enhanced and comments of State Governments and UTs and concerned Ministries/Departments are being obtained.

1.33 It has further been stated by the Department of Women & Child Development that they have already initiated necessary steps to amend the Acts administered by it. The recommendations made by NCW in the remaining Acts have been forwarded to the Ministries/Departments which are administratively responsible for the legislative aspects, for taking necessary action. The recommendations made by NCW have been further considered by sub-groups of the Task Force on Women and Children constituted by the Government. The observations of the sub-groups have also been forwarded to the concerned Ministries/Departments for their consideration. Inter-departmental Meetings at Secretary level are periodically held with a view to finalise the proposals.

1.34 Further, the Department is stated to be actively pursuing the matter with the concerned Ministries/Departments/organisations as well as State Governments and Union Territory Administrations so that their comments, wherever required, are obtained without loss of time and the proposals are finalised as early as possible.

1.35 National Commission for Women had sent to the Department of Women and Child Development the outcome of their review in respect of 32 Acts identified as having provisions affecting women over a period of 5 years from 1997 onwards. In their action taken reply, the Department of Women and Child Development have stated that they have initiated necessary steps to amend the three Acts administered by it viz. Indecent Representation of Women (Prohibition) Act, 1986, Immoral Traffic (Prevention) Act, 1956 and Commission of Sati (Prevention) Act, 1987, on the basis of recommendations made by National Commission for Women. Further, according to

the Department, two Sub-Groups constituted by the Task Force on Women and Children chaired by Deputy Chairman, Planning Commission also considered these three Acts along with amendments/suggestions proposed by National Commission for Women as well as the inputs of concerned Ministries. The Department is stated to be taking action on the recommendations of the Task Force in this connection.

Consultations with National Commission for Women, Ministry of Law, Justice and Company Affairs and other concerned Ministries/Departments are also stated to be in progress.

1.36 The Department have further stated that the recommendations of the Commission (NCW) in respect of the other 29 Acts reviewed by them, along with the observations of the Task Force on Women have been forwarded to the concerned Ministries/Departments for their consideration. According to the Department, inter-Departmental meetings at Secretary level are also held periodically with a view to finalise the proposals.

1.37 The Committee regret to observe that although the National Commission for Women had sent to the Government the outcome of their review in respect of 32 Acts having provisions affecting women over a period of five years from 1997 onwards, the amendments to any of the aforesaid Acts have not been finalised so far. The Committee are inclined to conclude that the steps taken by the Department in this connection in the last five years were not taken with the urgency and seriousness which they deserved. The slow pace at which the Government proceeded to have consultations with the concerned Ministries/Departments and to amend the Acts is regrettable. All this shows the lackadaisical manner of handling such an urgent matter as amendment of various Acts affecting women particularly when they have been suggested by the National Commission (NCW) after wide-ranging discussions with expert groups and women's organisations. The Committee would have appreciated if the Department had spelt out the steps taken to persuade the concerned Departments to send their comments under a time-bound programme and fixed a time-schedule for amendment of these Acts. It is high time the Government speeded up the process of finalising the requisite proposals with a view to bringing the necessary amendments to the Acts. The Committee would like to be informed of the steps taken in this direction.

Financial Autonomy to National Commission for Women

Recommendation [Para Nos 1.59 (iv)]

1.38 In Para 1.59(iv) of the original Report the Committee had observed that the Commission was not being given financial autonomy and had suggested that it must be given financial autonomy. There should be a three-tier system whereby the financial powers are shared amongst the Secretary, the chairperson and the Whole Commission depending upon the nature of expenditure to be incurred.

1.39 In their action taken reply the Department of Women and Child Development have *inter-alia* stated that Section 11(1) of the NCW Act, 1990 provides that the Central Government will pay to the Commission by way of grants such sums of money as it thinks fit. Section 11(2) states that the Commission may spend such sums as it thinks fit for performing its functions under the Act. The Commission has full powers to spend the money from the grants to carry out its functions. The approval of the Government is not required for this purpose. As such, the act gives the Commission full financial autonomy.

1.40 In reply to a query, the Department have further stated that in May, 2002, the Chairperson, National Commission for Women had requested the Government to delegate the financial powers of the Commission to the Chairperson of the Commission as per the pattern followed in other National Commissions such as National Commission for Scheduled Castes/Scheduled Tribes, National Commission for Backward Classes and National Commission for Minorities. After examining the proposal in consultation with the concerned Ministries, administrative order has since been issued conferring on the Chairperson of the National Commission for Women, the powers of the Ministry/Department of the Central Government relating to the Delegation of Financial Power Rules, 1978, the General Financial Rules, 1963, the Fundamental and Supplementary Rules, the Central Civil Services (Leave) Rules, 1972, the Central Civil Services (Joining Time) Rules, 1979 and the General Provident Fund (Central Services) Rules, 1960, Contributory Provident Fund Rules and similar other Rules.

1.41 In their original report the Committee had desired that the National Commission for Women should be given financial autonomy. There should be a three-tier system whereby the financial powers are shared amongst the Secretary, the Chairperson and the whole Commission to maintain the necessary checks and balances. The Department of Women and Child Development in their reply have stated that Section 11(2) states that the Commission may spend such sums as it thinks fit for performing the functions under the Act. The Commission has full powers to spend the money from the grants to carry out its functions. The approval of the Government is not required for this purpose. As such, the Commission has full financial autonomy. It has, however, been noticed that there is a lot of contradiction in this regard. In practice, the Commission is not allowed to exercise the financial autonomy and they are unable to spend the budget allocated to them annually. This fact has been brought out by the Members of the Commission during interaction with the Committee when they stated that for spending the amount allocated to the Commission, be it for research

projects or seminars etc. they have to get the approval and sanction of the Department of Women and Child Development.

1.42 Subsequently, the Department have stated that in May, 2002, the Chairperson, National Commission for Women requested the Government to delegate the financial powers of the Commission to the Chairperson of the Commission as per the pattern followed in other National Commissions. After examining the proposal in consultation with the concerned Ministries, an administrative order was issued conferring on the Chairperson of the National Commission for Women the powers of the Ministry of the Central Government relating to the delegation of Financial Power Rules, 1978, General Financial Rules, 1963 and similar other Rules. The Committee fail to understand as to why a need was felt by the Chairperson, National Commission for Women to request the Government to delegate the financial powers of the Commission to the Chairperson circumventing the existing procedure and practice, if the Commission has full financial autonomy as claimed by the Department of Women and Child Development; and why a fresh administrative order was issued by the Department conferring on the Chairperson of the Commission all Financial Powers.

1.43 While recommending in the Original Report the three-tier system, whereby the financial powers are shared amongst the Secretary, the Chairperson and the whole Commission, the idea of the Committee was to quicken and facilitate the approvals/sanctions of the expenditure to be incurred for various activities depending upon their nature and quantum, besides ensuring checks and balances within the Commission itself. Delegation of full power solely to the Chairperson, would not serve the desired objective and the Committee reiterate that the modalities of distribution of powers on the three-tier system as suggested by the Committee earlier, should be worked out and implemented. Implementation of this three-tier system may be confirmed to the Committee.

Need to amend the National Commission for Women Act, 1990

Recommendations [Para Nos. 1.59 (i), 1.59(iii), 1.59 (v) and 1.60]

Necessity of a Search Committee

1.44 In para number 1.59 (I) of the original Report, the Committee had observed that there was adhocism in appointment of Chairperson and Members of the Commission which should be avoided at all costs. The Committee had recommended that the appointment of

Chairperson and other members should be in consultation with concerned organisations dealing with women's rights and working for and with women. The selected people should have the perspective, the experience and capacity to implement the mandate of the commission freely and fairly. The Committee had therefore suggested that a Search Committee should be constituted which might consist of eminent personalities of considerable experience and working with the women's movement, to make the selection.

1.45 In their Action taken reply, the Department of Women and Child Development have stated that as the recommendation raises an issue of Policy, it is under the consideration of the Government. Subsequently in a note the Department have stated that the present system of nomination of Chairperson and Members of the Commission is at par with provisions available in the case of similar Commissions – National Commission for Minorities, National Commission for Backward Classes and National Commission for Scheduled Castes and Scheduled Tribes ; these provisions were legislated after prolonged and in depth deliberations, and it is the considered opinion of the government that the existing provisions may continue.

Enhancement of status of Chairperson and Members

1.46 The Committee had in Para 1.59 (iii) recommended that the National Commission for Women should be strengthened to work as a high powered autonomous and statutory body to protect the constitutional rights of women. The Commission must be given autonomous status along the lines of the National Human Rights Commission, since autonomous functioning of the Commission, its role as a watchdog body as well as mandatory consultations by Government on policy matters had been under severe pressure by Government at various times. The Commission should not be a subordinate office of the Department of Women and Child Development. As per section 10(4) of the Act, the Commission have the powers to summon and enforce the attendance of any person from any part of India and examine him/her on oath. The provision of the Section could be properly exercised only if the status of the Chairperson and Members of the Commission was suitably enhanced. For this, the Chairperson should be of the rank of Cabinet Minister and the Members should have the status of Minister of State.

1.47 In their Action taken reply, the Department of Women and Child Development have stated that the National Commission for Women (NCW) has been constituted as a statutory apex level body under an Act called the National Commission for Women Act, 1990 passed by the Parliament . The Commission is an autonomous body mandated to review the Constitutional and legal safeguards for women, to recommend remedial legislative measures, to facilitate redressal of grievances and to advise the Government on all policy matters affecting women. In terms of section 16 of the National Commission for Women Act, 1990, the Central Government invariably consults the Commission on all policy matters affecting women. For example, before finalising the National Population Policy, National Policy for the Empowerment of Women and National Tourism Policy, the advise of the NCW was taken and duly considered. Similarly, Cabinet Notes and State Legislative proposals containing proposals to amend laws affecting women which were received in the Department of Women and Child Development from the concerned Ministries/Departments were forwarded to NCW and its comments obtained before the views of the Government were finalised. For instance, while considering the (i) Cabinet Notes received from Ministry of Labour for amendments in the Employees State Insurance Act, 1948 (ii) Cabinet Note received from Ministry of Labour regarding amendment in Indian Succession Act, 1925

(iii) Cabinet Note received from Ministry of Social Justice & Empowerment regarding amendment in 15-Point Programme relating to welfare of minorities (iv) State legislative proposals forwarded by Ministry of Home Affairs for amendment in section 125 of Code of Criminal Procedure (maintenance order), the views of NCW were sought. As regards the question of according status to the Chairperson/Members of National Commission for Women, the recommendation is under the consideration of the Government.

1.48 In this connection, the Secretary, Department of Women and Child Development stated during evidence as under:-

“This was examined. The status of the Chairman and the members varies from Commission to Commission. For example, in respect of the Minorities Commission, judges have been appointed as Chairpersons. Where judges are there, they are automatically carrying their judicial status.....

Members are given some sort of an equivalent official status like the Secretary or the Additional Secretary or whatever it is. Except where judges are appointed, the uniform pattern is that they are more or less given the official equivalent status.”

Administrative Powers to appoint operational staff:

1.49 In Para 1.59(v) of the original report the Committee had observed that the Commission lacks administrative powers to appoint requisite operational staff, expert groups etc. Needless to say that these were basic facilities which the Commission ought to be provided for effective, proper and independent functioning. The Committee had desired that the Commission should have the freedom to appoint its own requisite staff within the allotted funds and till such amendment was made in the Act, the additional workforce asked for by the Commission, should be immediately provided by the Department of Women and Child Development

1.50 In their action taken note, the Department of Women and Child Development stated that the recommendation raises a matter of policy. This is under the consideration of the Government.

1.51 Explaining the position in this regard, the Secretary, Department of Women and Child Development stated during evidence as under:-

“As far as staff is concerned, there are two issues. One is the question of principle and another is the question of funds. As far as principle is concerned, it is the consistent policy of the Government – whatever may be the Government of the day – that regarding autonomy, functional autonomy is fully respected whether it is a university or a commission or the Judiciary. As far as administrative and financial parameters are concerned, the power for creation of posts has always been with the Government, including the Judiciary. The number of High Court Judges and the Supreme Court judges to be appointed is to be cleared by the Government because there is a constitutional principle involved. The constitutional principle is, if within the existing budget you say that posts can be created, the problem is you are incurring a recurring liability because a person once appointed will be there for 30 to 35 years.”

1.52 In their original report, the Committee had suggested the following measures to be initiated expeditiously by the Department for strengthening the Commission.

- i) There should be a Search Committee for selection of Chairperson and Members of National Commission for Women.**
- ii) The Status of the Chairperson should be of the rank of the Cabinet Minister and the members should have the status of Minister of State.**
- iii) The Commission should have the freedom to appoint its own staff within the allocated funds.**

The Committee had recommended that for this, the National Commission for Women Act, 1990 should be suitably amended and they be apprised of the action taken in this regard.

1.53 The Committee are constrained to point out that instead of implementing the aforesaid measures meant for strengthening the National Commission for Women to work as a high powered autonomous and statutory body to protect the constitutional rights of women, the Department of Women and Child Development have chosen to tender explanations which are far from satisfactory and have stated that it is their considered opinion that the existing provisions should continue. In regard to the constitution of a Search Committee consisting of eminent personalities of considerable experience and working with the women's movement, the Department of Women and Child Development have contended that the present system of nomination of Chairperson and Members of the Committee is at par with provisions available in the case of similar Commissions – National Commission for Minorities, National Commission for Backward Classes and National Commission for Scheduled Castes and Scheduled Tribes and hence implying that there is no need for a Search Committee. The Committee would like to point out that past experience has shown that persons nominated to the Commission have not always been able to address the problems of women due to lack of expertise and experience. It is, therefore, important that the Members nominated to the Commission should be persons of ability, integrity and standing who are articulate, have capacity and commitment to work for the down-trodden women. The selected persons should have the competence, eminence, and stature to implement the mandate of the Commission. The Committee, therefore, feel

that the existence of a Search Committee made up of eminent personalities with expertise and experience of working with the women's movement is absolutely necessary.

Similarly, the present status of Chairperson and Members of the Commission has been justified on the ground that the Government invariably consults the Commission on all policy matters affecting women and Members have been given some sort of official status equivalent to the Secretary and Additional Secretary of the Government of India. The Department have obviously not taken into consideration the fact that the Women's Commission deals with 50% of the population and it is all the more important that the Chairperson and Members of the National Commission for Women should be given status equivalent to the Chairpersons and Members of other National Commissions. The Status of Chairpersons and Members of the State Commissions also require revision.

1.54 The Department have asserted that the Commission cannot have the freedom to appoint its own staff as it is the consistent policy of the Government that the power for creation of posts must always be with the Government. The Committee would like to point out that the Commission has time and again mentioned that they should have freedom to appoint operational supporting staff. The Committee are of the view that if the Commission appoints some supporting operational staff, the financial burden therefor can be met by the Commission from its Annual Budget, and the appointments made could be on the basis of contract and co-terminus with the term of the Commission. This, in the Committee's view, can meet the repeated demand of the National Commission for Women.

1.55 The Committee, therefore, feel that the measures suggested by them in their Original Report should be implemented to strengthen the Commission. For this, the National Commission for Women Act, 1990 should be suitably amended. The Committee would like to be informed about the steps taken in this direction.

CHAPTER II

OBSERVATIONS /RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendations (Para No.1.52)

To ensure equality between men and women and full integration of women in all sectors of national life, a need was felt for an agency for coordination and implementation of measures to improve the status of women. Various Commissions and reports also suggested setting up of a single agency for fulfilling a watchdog function as well as to facilitate redressal of grievances. Thus, the National Commission for Women was constituted as an autonomous statutory body in January, 1992 under the National Commission for Women Act, 1990 (Act No. 20 of 1990 of Government of India) to review the constitutional and legal safeguards for women, recommend remedial legislative measures, facilitate redressal of grievances and advise the government on all policy matters affecting women.

Reply from the Ministry

These are observations of a factual nature made by the Committee. No action is required.

(Department of Women and Child Development's O.M No.6-107/2000-WW
(Vol.II)
dated 5.3.2002)

Recommendations (Para No.1.53)

The Commission consists of a Chairperson, five Members and a Member Secretary who are appointed by the Government (Department of Women and Child Development) for a period of three years.

Reply from the Department

These are observations of a factual nature made by the Committee. No action is required.

(Department of Women and Child Development's O.M No.6-107/2000-
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dated 5.3.2002)

Recommendations (Para No.1.54)

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 has also to look into the complaints and take suo motto notice of the cases involving deprivation of the rights of women in order to provide support, legal or otherwise, to helpless women. The Commission is also to 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.

Reply from the Department

These are observations of a factual nature made by the Committee. No action is required.

(Department of Women and Child Development's O.M No.6-107/2000-
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Recommendations (Para No.1.57)

As per Section 14 of the National Commission for Women Act, 1990, the Central Government shall cause the Annual Report of the Commission together with the memorandum of action taken on the recommendations contained therein, in so far as, they relate to the Central Government and the reasons for the non acceptance, if any, of any of such recommendations and the audit report to be laid as soon as it may be after the reports are received, before each Houses of Parliament. The National Commission for Women was constituted in January, 1992 and the first Report alongwith the ATR was presented to Parliament in 1995. The latest annual report of the Commission pertaining to 1996-97 was presented to Parliament in December, 1998. The annual reports for three years (1997-98, 1998-99 and 1999-2000) are pending and have not been presented to Parliament. In regard to the delay in laying annual reports of the Commission before Parliament, the Commission have attributed the delay partly to the lack of qualified staff support and other infrastructural facilities and partly the time taken by the Department of Women and Child Development. The Department of Women and Child

Development have stated in this regard that they have to refer the observations and Recommendations contained in the Report to various other Departments and they take time in taking action thereon. The Committee feels that if the annual Reports of the Commission are not laid before the Parliament in time, the very purpose of their laying is defeated. The Committee, therefore, desire that the Department of Women and Child Development should coordinate with all the concerned Departments and procure the requisite action taken from them under a time bound programme to ensure timely and yearly presentations of the annual reports of the National Commission for Women. The Commission should also endeavour to submit their Annual reports to the Department in time by taking suitable steps so that the Department could initiate the necessary action immediately. The National Commission for Women had suggested that the special reports prepared by the Commission on urgent matters should also be tabled before the Parliament apart from the Annual Report.

Reply from the Department

The Commission has submitted the Annual Reports upto the year 2000-2001 to the Government. The Annual Report for 1997-98 and the relevant Action Taken Report (A.T.R) has already been laid on the Table of the House. The Annual Reports for the years 1998-99, 1999-2000 and 2000-2001 are still to be laid in Parliament. The Annual Reports for 1998-99, 1999-2000 and 2000-2001 were received by the Government from NCW on 5-1-2001, 29-3-2001 and 13-12-2001 respectively. The recommendations contained in the Annual Reports for the years 1998-99 and 1999-2000 are already under circulation to the concerned Ministries and Departments from whom the ATR is yet to be received. The Government is making all out efforts to lay the annual Reports and A.T.R in Parliament by shortening time to the extent possible for compilation of the A.T.R

As regards the suggestion made by NCW to lay their special reports in Parliament, the matter is under the consideration of the Government as it is a policy matter.

(Department of Women and Child Development's O.M No.6-107/2000-
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Recommendations (para No.1.58)

The Committee have been informed that since its inception the Commission have reviewed in detail 23 Acts (as detailed in Annexure I) having direct bearing on Women and have forwarded the recommendations

for their amendment to the Department of Women and Child Development. In this regard, the Department of Women and Child Development have stated that recommendations in respect of 5 Acts have been received recently by them and in respect of 2 Acts, the Commission have requested to withhold consideration of their recommendation as they intend to relook at those Acts. In respect of remaining 16 Acts, the Department of Women and Child Development is consulting other concerned Ministries/Departments and the relevant Cabinet Notes in this regard have been prepared/are being prepared. According to National Commission for Women, the Government is not showing any urgency that the amendments of the Acts deserve. Such amendments are stated to have been finalised by the Commission after wide ranging discussion within the Expert Groups and with various Women Organisations. It is high time the Government considers and acts so as to bring the necessary legislation to Parliament in the current budget session.

Reply from the Department:

During September, 1996, the Government had requested the National Commission for Women (NCW) to review all laws affecting women. 39 Central Acts were identified as having provisions affecting women

The Commission had sent to the Government the outcome of their review in respect of 32 Acts over a period of five years from 1997 onwards. (list at Annexure-I). The 32 Acts included the three Acts administered by the Department of Women & Child Development on which the Government has already initiated action i.e Indecent Representation of Women (Prohibition) Act, 1986, Immoral Traffic (Prevention) Act, 1956 and Commission of Sati (Prevention) Act, 1987 for amending these Acts on the basis of recommendations made by NCW. The status of amendments in the said three Acts is as follows:

- The Indecent Representation of Women (Prohibition) Act, 1986.

It is proposed, inter-alia, to widen the scope of the Act by including indecent representation of women in electronic media such as the internet within its ambit and to enhance the punishment for offences under the Act. . A draft Cabinet Note containing the proposal was already considered by the Government but deferred a decision on it and desired that the different provisions proposed in the draft Bill for amending the Act be re-examined in consultation with the Ministry of Law, Justice & Company Affairs. The consultations with that Ministry is in progress.

- The Immoral Traffic (Prevention) Act, 1956

National Commission for Women held nation-wide consultations regarding amendments in the Act and its final recommendations have been

considered by the Government and further action is being taken to amend the Act.

- The Commission of Sati (Prevention) Act, 1987

It is, inter-alia, proposed to amend the Act by excluding the women committing sati from penal action as she is a victim of prolonged social conditioning. The Cabinet Note containing the proposed amendments was circulated to all concerned ministries/Departments on 2nd March, 2001. Based on the comments received, the Cabinet Note has been further amended and consultations are presently in progress with the Legislative Department for drafting a Bill to amend the Act.

As seen from the above, the Department of Women & Child Development has already initiated necessary steps to amend the Acts administered by it. The recommendations made by NCW in the remaining Acts have been forwarded to the Ministries/Departments which are administratively responsible for the legislative aspects, for taking necessary action. The recommendations made by NCW have been further considered by sub-groups of the Task Force on Women and Children constituted by the Government. The observations of the sub-groups have also been forwarded to the concerned Ministries/Departments for their consideration. Inter-departmental Meetings at Secretary level are periodically held with a view to finalise the proposals.

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Recommendations Para No.1.59 (i)

The Committee had detailed interaction with serving and former chairpersons and Members of National Commission for Women on the functioning of the Commission and the problems/constraints, if any, experienced by them in discharge of their mandated responsibilities. The Committee had also heard the views of Chairpersons and Members of various State Commissions for Women in this regard, while on tour to those States. Various NGOs closely associated with the working of National Commission for Women have also heard their views with the Committee. Some of the important points/suggestions which have come up before the Committee for strengthening the Commission are as under-

- i) There is adhocism in appointment of Chairperson and Members of the Commission which should be avoided at all costs. The appointment of Chairperson and other members should be in consultation with concerned organisation dealing with womens' rights and people working for and with women. The selected people should have the perspective, the experience and capacity to implement the mandate. For this section, a Search Committee should be constituted which may consist of eminent personalities of considerable experience and working with the women's movement.

Reply from the Department

As the recommendation raises an issue of Policy, it is under the consideration of the Government.

Recommendation [Para NO. 1.59 (vii)]

As per Section 16 of the Act, the Central Government is to consult the Commission on all major policies affecting women. However, in actual practice, the Commission is stated to be rarely consulted. All the Ministries/Departments of the Government of India must be directed to consult, work and network with, the Commission, whenever they frame policies pertaining to women and the girl child.

Reply from the Department

This is provided for in the Act itself and has been re-iterated several times to Ministries and Departments in the Government of India

Recommendation (Para No. 1.62)

A view is expressed that networking between the National Commission for Women and State Commissions for women is not proper. Without such a strong network, it may not be possible to work for the welfare of women in a vast country like ours. There ought to be formal mechanism so that the National Commission for Women and State Commissions for Women network and work in coordination to avoid overlapping of activities. Often it is seen that the State commissions for women work independent of National Commission for Women. It is, therefore, high time that the National Commission takes the initiative and works in close association with the State Commissions for Women.

Reply from the Department

State Commissions for women are set up by the respective State Governments under a Government Order/State Act. As such the NCW and the State Commissions are independent entities, independent of each other in their mandate and reporting.

However, the NCW endeavours to maintain networking with the State Commissions. The State Commissions are invited to the programmes conducted by NCW and the Chairperson/Members of NCW meet their counterparts of the State women commissions during their visit to the respective states. In inquiries instituted by NCW, state commissions are generally made part of the inquiry team. The NCW has also been organising annual/regional meetings of NCW with the State Commissions for Women. However, NCW informed that a formal mechanism may not be possible due to the inherent structure of the organisations.

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Recommendation (Para No. 1.64)

The Committee has noted that whenever the State Commission for Women have been constituted, adequate powers, status, funds and infrastructure facilities have not been provided to them. In the absence of such basic provisions, the State Commissions for women are finding it extremely difficult to function. In some cases they do not have funds even to organise meetings and seminars to make the public in general aware of the existence of such a Commission in their State. In the preceding paragraphs, the Committee has dealt with various problems experienced by the National Commission for Women in regard to status, powers and facilities etc. and have urged the Government to take steps to overcome those difficulties so that the Commissions could function effectively and properly. The Department of Women and Child Development should take up with the State Governments urgently, at appropriate level, the need to take such measures as are recommended above, so that the State Commissions for Women are also given adequate powers and facilities and their functioning is not hampered, in order to enable them to work for the welfare of women and deal with their social and economic problems.

Reply from the Department

As stated in the reply to recommendation at S.No. 1.55, the Government had on several occasions requested the State Governments to set up State Women Commissions with the same powers and functions as that of NCW. In future also, the Government would continue to actively pursue the matter with the State Governments.

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CHAPTER - III

OBSERVATIONS/RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES RECEIVED FROM THE GOVERNMENT

Recommendation [Para No. 1.59 (ii)]

The Member-Secretary of the Commission should not be a Member of the Commission but should be Secretary to the Commission for facilitating the administrative needs of the Commission. The Chairperson should have the final powers to implement the decisions taken by the Commission.

Reply from the Department

As the recommendation raises an issue of Policy, it is under the consideration of the Government.

Recommendation [Para No. 1.59 (iii)]

The National Commission for Women should be strengthened to work as a high powered autonomous and statutory body to protect the constitutional rights of women. The Commission must be given autonomous status along the lines of the National Human Rights Commission, since autonomous functioning of the Commission, its role as a watchdog body as well as mandatory consultations by Government on policy matters has been under severe pressure by Government at various times. The Commission should not be a subordinate office of the Department of Women and Child Development. As per section 10(4) of the Act, the Commission have the powers to summon and enforce the attendance of any person from any part of India and examine him/her on oath. The provision of the Section can be properly exercised only if the status of the Chairperson and Members of the Commission is suitably enhanced. For this, the Chairperson should be of the rank of Cabinet Minister and the Members should have the status of Minister of State.

Reply from the Department

The National Commission for Women (NCW) has been constituted as a statutory apex level body under an Act called National Commission for Women Act, 1990 passed by the Parliament in the year 1990. The

Commission is an autonomous body mandated to review the Constitutional and legal safeguards for women, to recommend remedial legislative measures, to facilitate redressal of grievances and to advise the Government on all policy matters affecting women. In terms of section 16 of the National Commission for Women Act, 1990, the Central Government invariably consults the Commission on all policy matters affecting women. For example, before finalising the National Population Policy, National Policy for the Empowerment of Women and National Tourism Policy, the advice of the NCW was taken and duly considered. Similarly, Cabinet Notes and State Legislative proposals containing proposals to amend laws affecting women which were received in the Department of Women and Child Development from the concerned Ministries/Departments were forwarded to NCW and its comments obtained before the views of the Government are finalised. For instance, while considering the (i) Cabinet Notes received from Ministry of Labour for amendments in the Employees State Insurance Act, 1948 (ii) Cabinet Note received from Ministry of Labour regarding amendment in Indian Succession Act, 1925 (iii) Cabinet Note received from Ministry of Social Justice & Empowerment regarding amendment in 15-Point Programme relating to welfare of minorities (iv) State legislative proposals forwarded by Ministry of Home Affairs for amendment in section 125 of Code of Criminal Procedure (maintenance order), the views of NCW were sought.

As regards the question of according status to the Chairperson/Members of NCW, the recommendation is under the consideration of the Government

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Recommendation [Para No. 1.59(v)]

The Commission lacks administrative powers to appoint requisite operational staff, expert groups etc. Needless to say that these are basic facilities which the Commission ought to be provided for effective proper and independent functioning. The Commission should have the freedom to appoint its own requisite staff within the allotted funds and till such amendment is made in the Act, the additional workforce asked for by the Commission, should be immediately provided by the Department of Women and Child Development.

Reply from the Department

The recommendation raises a matter of Policy. This is under the consideration of the Government.

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Recommendation [Para No. 1.59 (vi)]

Delay in filling up of regular vacancies of Chairperson and Members of the Commission also hampers the functioning of the National Commission for Women. Action to appoint the Chairperson and Members of the Commission should be initiated well in advance before their term comes to an end. There could be a system whereby 1/3rd of its Members are appointed every year and 1/3rd of the Members retire every year to ensure continuity of the functions of the Commission. Another alternative could be to let the Commission members continue in office, until the Commission is reconstituted.

Reply from the Department

There is no delay in appointing Chairperson/Members of NCW. As for the suggestion regarding continuity in the Commission, it may be stated that this is already taken care of, as all Members do not retire simultaneously. For instance, during December, 2001 out of five Members, only two Members retired and others continued/will continue till February, 2002/September, 2003. This is because their dates of appointment are different.

Recommendation [Para NO. 1.59 (viii)]

The commission has the power to summon and enforce the attendance of any person from any part of India and examine him/her on oath. A provision for penalty in case the person fails to appear before the Commission without reasonable cause, may also be made.

Reply from the Department

As per section 10(4) of the Act, the Commission has all the powers of a civil court trying as suit and in particular, in respect of matters such as summoning and enforcing the attendance of any person from any part of the country. It is felt that this is adequate.

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Recommendation (Para No. 1.61)

The Committee notes that in the context of the rising trend of crimes, atrocities and violence against women, the need for setting up of the Commissioner for Women's Rights has been felt for quite some time. The National Perspective Plan for Women (1988-2000 AD) had recommended the setting up of the Office of Commissioner for Women's Rights. The National Commission for Women has also demanded the post of Commissioner for Women's Rights with supporting officers and staff so that it could effectively deal with complaints and in making enquiries. During interaction with the Committee, the representatives of the Department of Women and Child Development stated that the proposal to set up the Commissioner for Women's Rights was under their consideration, though the details and modalities for its functioning were not yet finalised. The Committee would like the Department of Women and Child Development to take urgent steps to set up the Office of the Commissioner for Women's Rights without any further delay.

Reply from the Department

The recommendation to set the Office of Commissioner for Women's Rights within NCW is under the consideration of the Government.

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CHAPTER IV

OBSERVATIONS/RECOMMENDATIONS REPLIES TO WHICH HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation (Para NO. 1.55)

The State Governments were also required to take proper action to set up State Commissions in their respective States. So far, as per the information made available to the Committee, only 18 States have constituted the State Commissions for Women in their respective States. In some States, the Women Commissions have been set up recently. The Committee regret to observe that despite the National Commission for Women Act, 1990 having been in existence for more than a decade, the setting up of such Commissions in some States is yet to become a reality (Arunachal Pradesh, Bihar, Gujarat, Manipur, Meghalaya, Nagaland, Sikkim, Uttar Pradesh and in the three newly created States i.e Chhattisgarh, Uttaranchal and Jharkhand). There are other states like Karnataka where the commission is not reconstituted for over a year and a half, leaving it to be seen by an official of the state government. The absence of an autonomous statutory Commission armed with adequate powers has deprived millions of women in those States the right to effectively fight for redressal of their grievances and to facilitate implementation of Gender policies. The Committee would urge upon the Department of Women and Child Development to impress upon those State Governments to constitute the State Commissions for Women in their States without any further loss of time.

Reply from the Department

Immediately after enactment of National Commission for Women Act, 1990 on 31st August, 1990, the Government had, by way of d.o letter dated 30-10-90 from the then Minister for Labour and Welfare, requested the Chief Ministers of all State Governments to consider constitution of State level women commissions with functions and powers similar to that of NCW. Since then, the Government has been requesting the State Governments to set up State level Women Commissions. D.O letters at the level of Minister-in-charge of the Ministry of Human Resource Development/Department of Women and Child Development have been issued on 22-2-93, 24-8-95, 25-10-

96, 4-6-99 and on 20-8-2001. The issue of setting up of State Women Commissions is also taken up with the State Governments/UT Administrations during the meetings held by the Government periodically with State Ministers and Secretaries-in-charge of Women & Child Development.

Comments of the Committee

(Department of Women and Child Development's O.M No.6-107/2000-
WW(Vol.II)
dated 5.3.2002)

(Please see Para Nos. 1.12 to 1.15 of Chapter I of the Report)

Recommendation (Para No. 1.56)

It has also come to the notice of the Committee that whereas the National Commission for Women is constituted as per the National Commission for Women Act, 1990, some State's Commissions are just appointees of the Government and there is no uniformity in the appointment of such Commissions in States. The Committee would, therefore, urge upon the Department of Women and Child Development to take up the matter with the State governments to ensure that the State Commissions in all the States are appointed by a statutory order.

Reply from the Department

As stated in the Action Taken Report in respect of recommendation at para No. 1.55, the Government has on several occasions urged the Chief Ministers of all State Governments to set up Women Commissions in their State with powers and functions similar to that of NCW.

(Department of Women and Child Development's O.M No.6-107/2000-
WW(Vol.II)
dated 5.3.2002)

Comments of the Committee

(Please see Para Nos. 1.12 to 1.15 of Chapter I of the Report)

Recommendation [Para No 1.59 (iv)]

The Commission must be given financial autonomy. There should be a three-tier system whereby the financial powers are share amongst the Secretary, the chairperson and the Whole Commission depending upon the nature of expenditure to be incurred. The modalities of distribution of powers may be worked out by the Commission itself. But necessary checks and balances must be maintained.

Reply from the Department

Section 11(1) of the NCW Act, 1990 provides that the Central Government will pay to the Commission by way of grants such sums of money as it thinks fit. Section 11(2) states that the Commission may spend such sums as it think fit for performing the functions under the Act. The Commission has full powers to spend the money from the grants to carry out its functions. The approval of the Government is not required for this purpose. As such, the Commission has full financial autonomy. It may be added that from 1992 onwards, there has been a steady increase in the quantum of grants; from Rs. 11.00 lakhs in 1991-92 to Rs.5.00 cores (BE) in 2001-02 as indicated below:

(Rs. in crores)

S.No	Year	Grants released	Amount spent by NCW	Unspent balance
(1)	(2)	(3)	(4)	(5)
1	1991-92	0.11	.01	.10
2	1992-93	1.26	.89	.37
3	1993-94	1.75	1.66	.09
(1)	(2)	(3)	(4)	(5)
4	1994-95	1.03	.50	.53
5	1995-96	2.00	.50	1.50
6	1996-97	0.50	.39	0.11
7	1997-98	2.50	2.35	0.15
8	1998-99	2.75	2.50	0.25
9	1999-2000	3.25	3.25	0.25
10	2000-2001	3.50	3.47	0.28
11	2001-02	4.17 (till date)	-	-

Comments of the Committee

(please see Para Nos. 1.41 to 1.43 of Chapter I of the Report)

Recommendation (Para No. 1.60)

The Committee strongly feel that the aforesaid measures ought to be initiated expeditiously by the Department of Women and Child Development to ensure that the Commission is able to achieve its avowed objectives. For this, the National Commission for Women Act, 1990 must be suitably amended as suggested and the Committee be apprised of the action taken in this regard.

Reply from the Department

A proposal to amend the NCW Act, 1990 to enhance the powers of NCW is under the consideration of the Government.

(Department of Women and Child Development's O.M No.6-107/2000-
WW(Vol.II)
dated 5.3.2002)

Comments of the Committee

(please see para Nos. 1.52 to 1.55 of Chapter I of the Report)

Recommendation (Para No. 1.63)

While the Committee feels that the Commission needs to be strengthened by providing more powers, status and facilities, it is also necessary that the Commission makes an assessment of how far it has been able to serve the purposes for which it was set up, despite the limited resources and infrastructure made available. It is essential to identify the weaknesses and shortcomings, if any, which may be prevalent, with a view to taking suitable remedial steps to overcome them. The Committee may be apprised about the result of such a study and the action taken by them. As an image-building exercise, the Commission should hold regular press interaction to disseminate information and provide necessary inputs to the Central and State Governments on matters affecting women. The Commission must engage experts, consultants, activists in this exercise and become an accepted and recognised instrument to influence policy decisions.

The Committee note that to create awareness of rights, duties and entitlements of women, a legal literacy campaign called the 'Mangalam Project' was launched in Pondicherry in 1994 which involves women themselves in a participatory arrangements in the delivery of justice to women. The Project was successfully implemented in Pondicherry and the second 'Mangalam Project' has been launched in January 2001 in Tirupati district. The Committee recommend that the 'Mangalam Project' for awareness generation and legal literacy should not be confined to 2 or 3

districts. The Commission must make this its thrust area of activity by spreading its reach through State Commission, NGOs and local bodies.

Reply from the Department

The NCW has brought out a publication titled 'A Decade of Endeavour' in January, 2001 which documents the activities and achievements of the Commission right from inception of NCW till December, 2000. NCW has informed that they have provided this publication to the Parliamentary Committee. A second volume is proposed to be brought out shortly, which would document similar achievements for the year 2001.

NCW has also informed that in its Annual Report for the year 2000-2001, they have included a chapter on the present status of recommendations as per the Action Taken Reports laid by the Department of Women and Child Development in Parliament.

As regards Mangalam Project, it was a pilot project launched by NCW in Pondicherry in 1994. The NCW has tried to motivate NGOs and State Governments to take up this project. The second Mangalam Project has been launched in January, 2001 in Tirupati District. Since implementation of the project is to be carried out by the State Governments in collaboration with the NGOs, the NCW can only carry on advocacy. NCW informed that implementation of the project is beyond their mandate.

(Department of Women and Child Development's O.M No.6-107/2000-
WW(Vol.II)
dated 5.3.2002)

Comments of the Committee

(Para Nos. 1.52 to 1.55 of Chapter I of the Report)

CHAPTER V

OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH THE GOVERNMENT HAVE FURNISHED INTERIM REPLIES

-Nil-

New Delhi;
February, 2003
Magha, 1924 (Saka)

MARGARET ALVA,
Chairperson,
Committee on Empowerment of Women

(Vide Para No. 1.10 of the Report)

The Responses of the State Governments/UTs who are yet to set up Women Commissions

(State Government)

S.No.	Name of State	Response
1	Gujarat	As a result of the matter being taken up by the Minister of Human Resource Development with the Chief Minister of Gujarat, the Bill was enacted in March, 2002.
2	Manipur	The state informed that the matter is under active consideration.
3	Jharkhand	Has assured that the matter is being examined
4	Nagaland	Action by the State Govt. is being considered
5	Sikkim	Informed that the incidence of crime/atrocities on women is negligible and the Department of Women and Child Welfare would be able to take care of responsibilities.
6	Meghalaya	Women have been enjoying equal and respectable status in society and setting up of additional Commission at state level is not considered necessary.
7	Uttaranchal	Response has not been received
8	Arunachal Pradesh	Response has not been received

(Union Territories)

S.No.	Name of UT	Response
1	Chandigarh	Setting up of a independent Commission for women in this small UT would not be justified as it will lead to unnecessary expenditure.
2	Dadra and Nagar Haveli	Considering the size of the territory a separate Commission for Women is not feasible. Reliance will be laid upon State Commission of Gujarat whenever constituted.
3	Daman & Diu	Sought action by Ministry of Home
4	Andaman & Nicobar Islands	The Administration of Andaman & Nicobar Islands pointed out that since that Union Territory does not have a legislature, the Lt.Governor may be delegated with the powers to constitute the Commission. Since the matters relating to the Union Territories are administered by the Ministry of Home Affairs, the point raised by the Administration, Andaman & Nicobar Islands has been referred to that Ministry.
5	Lakshadweep	Is under consideration
6	Pondicherry	Response has not been received

APPENDIX – I

OBSERVATIONS/RECOMMENDATIONS

Sl. No.	Para No.	Ministry/Department	Observations/ Recommendations
1.	1.12	Ministry of Human Resource Development (Department of Women and Child Development)	In their original Report, the Committee had noted that though the National Commission for Women Act, 1990 was in existence for more than a decade, only 18 States had constituted the State Commissions for Women in their respective States. The Committee had, therefore, urged upon the Department of Women and Child Development to impress upon those State Governments, which had not set up the Commissions, to constitute the State Commissions for Women in their States without further loss of time.
2.	1.13	-do-	The Department of Women and Child Development have stated that Government have been repeatedly requesting the State Governments to set up Women Commissions through D.O. letters at the level of Minister in-charge and during the meetings held by the Government periodically with State Ministers and Secretaries in-charge of Women and Child Development. Obviously, these measures have not proved effective as 8 States and 6 Union Territories have yet to set up Women's Commissions. The Committee feel that the approach of the Government has been rather casual which is evident from the fact that over a period of 11 years, only 5 D.O. reminders have been issued at the level of Minister in charge to the State Governments requesting them to set up State level Women Commissions. The Government should have realized that mere issuance of routine reminders once in two-three years would not serve the desired purpose . More effective and concrete steps should have been taken in this regard.
3.	1.14	-do-	The Department have now conceded that in the absence of any Central Act or Constitutional provision, it is not mandatory for the State Governments to constitute

State Women's Commissions. The Committee feel that the Government should amend the National Commission for Women Act to make it mandatory for the States to constitute Women Commissions. The Committee also recommend that the Members of the Commission should continue to function till a new Commission is appointed so that there is no gap in the work of the commission till the appointment of the new Commission. For this, an amendment in the National Commission for Women Act 1990 should be explored. The Committee wish to be apprised of the precise steps taken in this direction.

4. 1.15 -do-

During their visit, to the states, the Committee noted that in several states, Commissions were constituted by a Government Order. The requisite infrastructural facilities and sufficient funds have not been allotted to them to function properly and effectively. To maintain uniformity in appointments of State Commissions for Women, the Committee would like to reiterate that the Government should impress upon the State Governments the need to set up the State Commissions for Women by a Statutory order. Adequate infrastructural facilities, staff, funds and autonomy besides appropriate protocol status should be provided, to enable them to function effectively and address the grievances of women and facilitate implementation of policies and programmes for their economic and social empowerment.

6. 1.23 -do-

The Committee are constrained to note that the Annual Reports of National Commission for Women for the years 1999-2000 and 2000-2001 which were received by the Department of Women and Child Development from the Commission on 29.3.2001 and 13.12.2001 are still to be presented to Parliament. The Department in their action taken reply have stated that the Annual Report for the year 1998-99 alongwith the Action Taken Report on the recommendations contained therein has since been laid in Parliament. As regards the Action Taken Report pertaining to the

year 1999-2000, the Department of Women and Child Development have stated that the compilation of the Action Taken Report in respect of the recommendations contained in the Annual Report is under progress and the Annual Report will be laid in the Budget Session of Parliament.

7. 1.24

The Department of Women and Child Development have stated that the main reason for delay in submission of the Annual Reports to them by National Commission for Women was the delay in receiving the audit report from Director General (Audit Central Revenues). The Committee had pointed out earlier that if Annual Reports are not laid in Parliament in time, the very purpose of their laying is defeated. The Committee therefore, desire that the National Commission for Women should endeavour to submit their Annual Reports to the Department of Women and Child Development by the end of the year as they have done in the case of Annual Report for the year 2000-2001 which they have submitted to the Department on 13.12.2001. Another way to quicken the process would be for the National Commission for Women to send their draft report to the Department of Women and Child Development while the audit was going on, to enable the Department to initiate action for circulation of the recommendations contained in the Annual Report to the concerned Ministers/Departments. The Committee also desire that the recommendations of National Commission for Women contained in their Annual Reports should be circulated expeditiously by the Department of Women and Child Development to the concerned Ministries/Departments so that the ATR is received in a time-bound programme. The Committee hope that the Department would look into these aspects and streamline its efforts in coordination with all the concerned Departments to ensure timely laying of Annual Reports of the Commission and ATRs before Parliament.

8. 1.25

-do-

The Committee further desire that in addition to Annual Reports, the Special

Reports of National Commission for Women submitted to the Department of Women and Child Development and Action Taken by the Government thereon, should also be presented in both the Houses of Parliament.

- | | | | |
|-----|------|------|--|
| 9. | 1.35 | -do- | <p>National Commission for Women had sent to the Department of Women and Child Development the outcome of their review in respect of 32 Acts identified as having provisions affecting women over a period of 5 years from 1997 onwards. In their action taken reply, the Department of Women and Child Development have stated that they have initiated necessary steps to amend the three Acts administered by it viz. Indecent Representation of Women (Prohibition) Act, 1986, Immoral Traffic (Prevention) Act, 1956 and Commission of Sati (Prevention) Act, 1987, on the basis of recommendations made by National Commission for Women. Further, according to the Department, two Sub-Groups constituted by the Task Force on Women and Children chaired by Deputy Chairman, Planning Commission also considered these three Acts along with amendments/suggestions proposed by National Commission for Women as well as the inputs of concerned Ministries. The Department is stated to be taking action on the recommendations of the Task Force in this connection. Consultations with National Commission for Women, Ministry of Law, Justice and Company Affairs and other concerned Ministries/Departments are also stated to be in progress.</p> |
| 10. | 1.36 | -do- | <p>The Department have further stated that the recommendations of the Commission (NCW) in respect of the other 29 Acts reviewed by them, along with the observations of the Task Force on Women have been forwarded to the concerned Ministries/Departments for their consideration. According to the Department, inter-Departmental meetings at Secretary level are also held periodically with a view to finalise the proposals.</p> |
| 11. | 1.37 | -do- | <p>The Committee regret to observe that although the National Commission for Women had sent to the Government the outcome of their review in respect of 32</p> |

Acts having provisions affecting women over a period of five years from 1997 onwards, the amendments to any of the aforesaid Acts have not been finalised so far. The Committee are inclined to conclude that the steps taken by the Department in this connection in the last five years were not taken with the urgency and seriousness which they deserved. The slow pace at which the Government proceeded to have consultations with the concerned Ministries/Departments and to amend the Acts is regrettable. All this shows the lackadaisical manner of handling such an urgent matter as amendment of various Acts affecting women particularly when they have been suggested by the National Commission (NCW) after wide-ranging discussions with expert groups and women's organisations. The Committee would have appreciated if the Department had spelt out the steps taken to persuade the concerned Departments to send their comments under a time-bound programme and fixed a time-schedule for amendment of these Acts. It is high time the Government speeded up the process of finalising the requisite proposals with a view to bringing the necessary amendments to the Acts. The Committee would like to be informed of the steps taken in this direction.

12. 1.41

-do-

In their original report the Committee had desired that the National Commission for Women should be given financial autonomy. There should be a three-tier system whereby the financial powers are shared amongst the Secretary, the Chairperson and the whole Commission to maintain the necessary checks and balances. The Department of Women and Child Development in their reply have stated that Section 11(2) states that the Commission may spend such sums as it thinks fit for performing the functions under the Act. The Commission has full powers to spend the money from the grants to carry out its functions. The approval of the Government is not required for this purpose. As such, the Commission has full financial autonomy. It has, however, been noticed that there is a lot of contradiction in

this regard. In practice, the Commission is not allowed to exercise the financial autonomy and they are unable to spend the budget allocated to them annually. This fact has been brought out by the Members of the Commission during interaction with the Committee when they stated that for spending the amount allocated to the Commission, be it for research projects or seminars etc. they have to get the approval and sanction of the Department of Women and Child Development.

13. 1.42 -do-

Subsequently, the Department have stated that in May, 2002, the Chairperson, National Commission for Women requested the Government to delegate the financial powers of the Commission to the Chairperson of the Commission as per the pattern followed in other National Commissions. After examining the proposal in consultation with the concerned Ministries, an administrative order was issued conferring on the Chairperson of the National Commission for Women the powers of the Ministry of the Central Government relating to the delegation of Financial Power Rules, 1978, General Financial Rules, 1963 and similar other Rules. The Committee fail to understand as to why a need was felt by the Chairperson, National Commission for Women to request the Government to delegate the financial powers of the Commission to the Chairperson circumventing the existing procedure and practice, if the Commission has full financial autonomy as claimed by the Department of Women and Child Development; and why a fresh administrative order was issued by the Department conferring on the Chairperson of the Commission all Financial Powers.

14. 1.43 -do-

While recommending in the Original Report the three-tier system, whereby the financial powers are shared amongst the Secretary, the Chairperson and the whole Commission, the idea of the Committee was to quicken and facilitate the approvals/sanctions of the expenditure to be incurred for various activities depending upon their nature and quantum, besides ensuring checks and balances within the

Commission itself. Delegation of full power solely to the Chairperson, would not serve the desired objective and the Committee reiterate that the modalities of distribution of powers on the three-tier system as suggested by the Committee earlier, should be worked out and implemented. Implementation of this three-tier system may be confirmed to the Committee.

15. 1.52 -do-

In their original report, the Committee had suggested the following measures to be initiated expeditiously by the Department for strengthening the Commission.

- i) There should be a Search Committee for selection of Chairperson and Members of National Commission for Women.**
- ii) The Status of the Chairperson should be of the rank of the Cabinet Minister and the members should have the status of Minister of State.**
- iii) The Commission should have the freedom to appoint its own staff within the allocated funds.**

The Committee had recommended that for this, the National Commission for Women Act, 1990 should be suitably amended and they be apprised of the action taken in this regard.

16. 1.53 -do-

The Committee are constrained to point out that instead of implementing the aforesaid measures meant for strengthening the National Commission for Women to work as a high powered autonomous and statutory body to protect the constitutional rights of women, the Department of Women and Child Development have chosen to tender explanations which are far from satisfactory and have stated that it is their considered opinion that the existing provisions should continue. In regard to the constitution of a Search Committee consisting of eminent personalities of considerable experience and working with the women's movement,

the Department of Women and Child Development have contended that the present system of nomination of Chairperson and Members of the Committee is at par with provisions available in the case of similar Commissions – National Commission for Minorities, National Commission for Backward Classes and National Commission for Scheduled Castes and Scheduled Tribes and hence implying that there is no need for a Search Committee. The Committee would like to point out that past experience has shown that persons nominated to the Commission have not always been able to address the problems of women due to lack of expertise and experience. It is, therefore, important that the Members nominated to the Commission should be persons of ability, integrity and standing who are articulate, have capacity and commitment to work for the down-trodden women. The selected persons should have the competence, eminence, and stature to implement the mandate of the Commission. The Committee, therefore, feel that the existence of a Search Committee made up of eminent personalities with expertise and experience of working with the women's movement is absolutely necessary.

Similarly, the present status of Chairperson and Members of the Commission has been justified on the ground that the Government invariably consults the Commission on all policy matters affecting women and Members have been given some sort of official status equivalent to the Secretary and Additional Secretary of the Government of India. The Department have obviously not taken into consideration the fact that the Women's Commission deals with 50% of the population and it is all the more important that the Chairperson and Members of the National Commission for Women should be given status equivalent to the Chairpersons and Members of other National Commissions. The Status of Chairpersons and Members of the State Commissions also require revision.

17. 1.54

-do-

The Department have asserted that the Commission cannot have the freedom to appoint its own staff as it is the consistent

policy of the Government that the power for creation of posts must always be with the Government. The Committee would like to point out that the Commission has time and again mentioned that they should have freedom to appoint operational supporting staff. The Committee are of the view that if the Commission appoints some supporting operational staff, the financial burden therefor can be met by the Commission from its Annual Budget, and the appointments made could be on the basis of contract and co-terminus with the term of the Commission. This, in the Committee's view, can meet the repeated demand of the National Commission for Women.

18. 1.55

-do-

The Committee, therefore, feel that the measures suggested by them in their Original Report should be implemented to strengthen the Commission. For this, the National Commission for Women Act, 1990 should be suitably amended. The Committee would like to be informed about the steps taken in this direction.

APPENDIX II

(Vide Para 1.2 of the Report)

ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE 2nd REPORT OF COMMITTEE ON EMPOWERMENT OF WOMEN (13TH LOK SABHA)

(i) Total number of Recommendations

(ii) Observations/Recommendations which have been accepted by the Government:

1.52, 1.53, 1.54, 1.57, 1.58, 1.59(i), 1.59(vii), 1.62, 1.64

Total 9

Percentage 45%

(iii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government:

1.59(ii), 1.59(iii), 1.59(v), 1.59(vi), 1.59(viii), 1.61

Total 6

Percentage 30%

(iv) Observations/Recommendations, replies to which have not been accepted by the Committee and which require reiteration.

1.55, 1.56, 1.59(iv), 1.60, 1.63

Total 5

Percentage 25%

(v) Observations/Recommendations in respect of which the Government have furnished interim replies.

Total NIL

MINUTES OF THE FIRST SITTING OF THE ACTION TAKEN SUB-COMMITTEE OF COMMITTEE ON EMPOWERMENT OF WOMEN (2002-2003) ON 'FUNCTIONING OF NATIONAL AND STATE COMMISSIONS FOR WOMEN'.

The Sub-Committee sat on Monday the 24th June, 2002 from 1630 hours to 1730 hours in Room No. 115, Parliament House Annexe, New Delhi.

PRESENT

IN CHAIR

Miss Mabel Rebello - Convenor

MEMBERS

LOK SABHA

2. Smt. Sushila Saroj

RAJYA SABHA

3. Dr. (Ms.) P.Selvie Das
4. Smt. Saroj Dubey
5. Smt. Savita Sharda

SECRETARIAT

1. Shri Ashok Sarin - Deputy Secretary
2. Smt. Veena Sharma - Under Secretary

2. At the outset, the Convenor welcomed the Members to the first sitting of the Action Taken Sub-Committee on 'Functioning of National and State Commissions for Women'. The Sub-Committee then took up for consideration, the action taken replies received from the Ministry of Human Resource Development (Department of Women and Child Development) on the action taken by them on the recommendations made by the Committee on Empowerment of Women (2001-2002) in their Second Report on the subject.

3. The Sub-Committee took note of the procedure being followed after the receipt of the action taken replies from the concerned Ministry/Department on the

original reports. As per this procedure, after receipt of the replies from the concerned Ministries/Departments, the replies are categorised into four categories viz. (i) Observations/Recommendations which have been accepted by the Government; (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government; (iii) Observations/Recommendations replies to which have not been accepted by the Government and which require reiteration; (iv) Observations/Recommendations in respect of which Government have furnished interim replies.

After categorisation of the replies, the Draft Action Taken Report is prepared which is considered and adopted by the Action Taken Sub-Committee.

The Sub-Committee then decided that a comprehensive list of points arising out of the action taken notes received from the Department of Women and Child Development seeking further clarifications be prepared and sent to the concerned Ministry for eliciting requisite information. The Action Taken Sub-Committee also decided to interact with Chairperson and Members of National Commission for Women on some of the points arising out of the action taken notes received from the Department of Women and Child Development.

The Sub-Committee then adjourned.

MINUTES OF THE SECOND SITTING OF THE ACTION TAKEN SUB-COMMITTEE OF COMMITTEE ON EMPOWERMENT OF WOMEN (2002-2003) ON 'FUNCTIONING OF NATIONAL AND STATE COMMISSIONS FOR WOMEN'.

The Sub-Committee sat on the 25th July, 2002 from 1600 hours to 1635 hours in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

IN CHAIR

Miss Mabel Rebello - Convenor

MEMBERS

LOK SABHA

2. Smt. Krishna Bose
3. Shri Prakash Mani Tripathi

RAJYA SABHA

4. Smt. Saroj Dubey
5. Smt. Savita Sharda

SECRETARIAT

1. Shri Ashok Sarin - Deputy Secretary
2. Smt. Veena Sharma - Under Secretary

REPRESENTATIVES OF NATIONAL COMMISSION FOR WOMEN

1. Smt. Poornima Advani - Chairperson
2. Smt. K.Santha Reddy - Member
3. Kum. Anusuiya Uike - Member
4. Smt. Nafisa Hussain - Member
5. Baby Rani Maurya - Member
6. Smt. Reva Nayyar - Member Secretary

At the outset, the Convenor welcomed the Members of the Sub-Committee and the Chairperson and Members of the National Commission for Women to the sitting of the Sub-Committee. The Convenor then informed the Members that after detailed examination, the Committee on Empowerment of Women (2001-2002) had presented their Second Report to the Parliament on the subject 'Functioning of National and State Commissions for Women'. The action taken replies from the Ministry of Human Resource Development (Department of Women and Child Development) had been received which had been circulated to the Members of the Sub-Committee.

2. The Convenor then requested the Chairperson and Members of the National Commission for Women to share their views on the action taken notes furnished by the Government on the recommendations made by the Committee in their Original Report on the subject.

3. The Chairperson, National Commission for Women, however, requested that as they were not fully prepared on the subject as yet, they might be given some more time to again appear before the Committee to enable them to share their views on the subject. The Convenor took serious note of the submission of the Chairperson stating that the permission to postpone the sitting should have been taken in advance of the sitting to avoid inconvenience caused to the Members.

4. The Convenor then informed that the sitting of the Sub-Committee on the subject would be held at a subsequent date and the Chairperson of the National Commission for Women would be accordingly informed about the fresh date of the sitting.

The Sub-Committee then adjourned.

MINUTES OF THE THIRD SITTING OF THE ACTION TAKEN SUB-COMMITTEE OF COMMITTEE ON EMPOWERMENT OF WOMEN ON 'FUNCTIONING OF NATIONAL AND STATE COMMISSIONS FOR WOMEN (2002-2003)

The Sub-Committee sat on the 3rd September, 2002 from 1600 hours to 1725 hours in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

IN CHAIR

Miss Mabel Rebello - Convenor

MEMBERS

RAJYA SABHA

2. Dr. (Ms.) P. Selvie Das
3. Smt. Saroj Dubey

NATIONAL COMMISSION FOR WOMEN

- | | | |
|----|-----------------------|------------------|
| 1. | Dr. Poornima Advani | Chairperson |
| 2. | Smt. K. Santha Reddy | Member |
| 3. | Kum. Anusuiya Uike | Member |
| 4. | Smt. Nafisa Hussain | Member |
| 5. | Smt. Baby Rani Maurya | Member |
| 6. | Smt. Sudha Malaiya | Member |
| 7. | Smt. Reva Nayyar | Member Secretary |
| 8. | Smt. Nita Kapoor | Joint Secretary |

SECRETARIAT

1. Shri Ashok Sarin - Deputy Secretary
2. Smt. Veena Sharma - Under Secretary

At the outset, the Convenor welcomed the Chairperson and Members of the National Commission for Women to the sitting of the Sub-Committee. The Convenor then requested the Chairperson of the National Commission for Women to express her views on the action taken by the Department of Women and Child Development on the

recommendations contained in the Second Report of the Committee on Empowerment of Women (2001-2002) regarding 'Functioning of National and State Commissions' for Women' and whether the Commission was satisfied with the steps taken by the Department. The Chairperson of the National Commission for Women offered her comments on the Action Taken Notes furnished by the Department. She explained about the steps taken by them to persuade the State Governments for setting up of State Commissions for Women. She also briefed the Sub-Committee about the efforts made by the Commission for timely submission of their Reports to the Department and on various other points arising out of the action taken notes furnished by the Department. Queries of Members of the Sub-Committee were also replied to by the Members of the National Commission for Women.

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

The sitting of the Sub-Committee then adjourned.

MINUTES OF THE TENTH SITTING OF THE COMMITTEE ON EMPOWERMENT OF WOMEN (2002-2003).

The Committee sat on Thursday, the 10th October, 2002 from 1500 hours to 1715 hours in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

IN CHAIR

Smt. Margaret Alva

Chairperson

MEMBERS

LOK SABHA

2. Smt. Jayashree Banerjee
3. Smt. Renuka Chowdhury
4. Shri E.Ponnuswamy
5. Dr. (Smt.) V.Saroja

RAJYA SABHA

6. Dr.(Ms.) P.Selvie Das
7. Smt. Saroj Dubey
8. Smt. S.G.Indira
9. Smt. Gurcharan Kaur
10. Smt. Chandra Kala Pandey
11. Smt. Bimba Raikar
12. Miss Mabel Rebello
13. Smt. Savita Sharda

MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT)

- | | |
|-------------------------------|--------------------|
| 1. Dr. R.V.Vaidyanatha Ayyar, | Secretary |
| 2. Smt. Roli Srivastava | Joint Secretary |
| 3. Smt. Anjali Goyal | Director (Finance) |

SECRETARIAT

- | | |
|----------------------|------------------|
| 1. Shri Ashok Sarin | Deputy Secretary |
| 2. Smt. Veena Sharma | Under Secretary |

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of the Ministry of Human Resource Development (Department of Women and Child Development) to the sitting of the Committee. The Chairperson then mentioned that the action taken replies from the Department of Women and Child Development on the recommendations contained in the Second Report of the Committee on the subject 'Functioning of National and State Commissions for Women' had been received. The replies to further clarifications sought by the Action Taken Sub-Committee on the action taken notes had also been received.

3. The Chairperson then requested the representatives of the Ministry of Human Resource Development (Department of Women and Child Development) to explain about the steps taken by the Department for setting up of State Commissions for Women in all the States and Union Territories, the efforts made by them to ensure timely presentation of Reports of the National Commission for Women to the Parliament and whether the Commission was now being consulted by the Government Departments when they formulate and finalise the women related policies. The Secretary, Department of Women and Child Development explained the steps taken by the Department to persuade the State Governments to constitute State Women Commissions, the extent to which they were successful in their efforts and the steps proposed to be taken by them in this regard. He further explained about the steps initiated by the Department to ensure that the Annual Reports of the National Commission for Women are received timely and laid in the Parliament together with the Action Taken Reports and the extent of consultations with the National Commission for Women by other Ministries/Departments of the Central Government. Other queries of the Members relating to the subject were also replied to.

4. A verbatim recording of the proceedings has been kept.

5. The Committee then adjourned.

MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE ON EMPOWERMENT OF WOMEN ON 'FUNCTIONING OF NATIONAL AND STATE COMMISSIONS FOR WOMEN (2002-2003)

The Committee sat on the 8TH January, 2003 from 1130 hours to 1245 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

IN CHAIR

Smt. Margaret Alva - Chairperson

MEMBERS

LOK SABHA

2. Shri Bhan Singh Bhaura
3. Smt. Krishna Bose
4. Dr. (Smt.) Beatrix D'Souza
5. Dr. Ashok Patel
6. Shri E. Ponnuswamy,
7. Dr. (Smt.) V. Saroja
8. Smt. Shyama Singh
9. Smt. Jayaben B. Thakkar
10. Shri Prakash Mani Tripathi

RAJYA SABHA

11. Smt. Shabana Azmi
12. Dr. (Ms.) P. Selvie Das
13. Smt. Saroj Dubey
14. Smt. S.G.Indira
15. Smt. Gurcharan Kaur
16. Smt. Chandra Kala Pandey
17. Smt. Bimba Raikar
18. Miss Mabel Rebello

SECRETARIAT

1. Shri Ashok Sarin - Deputy Secretary
2. Smt. Veena Sharma - Under Secretary

At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then took up for consideration the draft Action Taken

Report on the subject 'Functioning of National and State Commissions for Women'. The Committee considered the suggestions put forth by some Members. After some deliberations, the Committee decided that necessary amendments may be carried out in the draft Report in the light of the suggestions put forth by the Members. After approval of Hon'ble Chairperson, the draft Report may be circulated to the Members of the Committee for further suggestions, if any. In case no suggestions were received within a week, the draft Report might be deemed as adopted.

2. The Committee authorised the Chairperson to finalise and present the Report to the Parliament during the ensuing Budget Session.

3. The Committee, thereafter, decided to undertake on-the-spot study tour to Jaipur and Udaipur during the first week of February, 2003 in connection with the subjects under examination.

4. The Committee decided to meet again on 27th January, 2003 to consider draft Action Taken Report on the subject 'Women in Detention'.

The Committee then adjourned.

**MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE ON
EMPOWERMENT OF WOMEN ON DRAFT ACTION TAKEN REPORT ON WOMEN
IN DETENTION (2002-2003)**

The Committee sat on the 27th January, 2003 from 1100 hours to 1245 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

IN CHAIR

Smt. Margaret Alva - Chairperson

MEMBERS

LOK SABHA

2. Dr. (Smt) Anita Arya
3. Smt. Jayashree Banerjee
4. Smt Santosh Chowdhary
5. Adv. Suresh Ramrao Jadhav
6. Dr. Ashok Patel
7. Shri E. Ponnuswamy,
8. Smt. Sushila Saroj
9. Smt. Shyama Singh

RAJYA SABHA

10. Smt. Shabana Azmi
11. Dr. (Ms.) P. Selvie Das
12. Smt. Saroj Dubey
13. Smt. Vanga Geetha
14. Smt. S.G. Indira
15. Smt. Gurcharan Kaur
16. Smt. Chandra Kala Pandey
17. Smt. Bimba Raikar
18. Miss Mabel Rebello
19. Smt. Savita Sharda

SECRETARIAT

Shri Ashok Sarin - Deputy Secretary

At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Chairperson then informed the Members that the Draft Action Taken Report on the subject 'Functioning of National and State Commissions for Women' was considered by the Committee at their sitting held on 8th January, 2003 and all the suggestions/amendments of the Committee have been incorporated in the draft Report and therefore the Report might be considered as adopted. The Committee then adopted the Draft Action Taken Report on 'Functioning of National and State Commissions for Women'.

2. The Committee then took up for consideration the Draft Action Taken Report on 'Women in Detention'. After some deliberations, the Committee adopted the Draft Report and authorised the Chairperson to finalise and present the same to the Parliament during the ensuing Budget Session along with the Action Taken Report on 'Functioning of National and State Commissions for Women'.

3. The Committee, thereafter, decided that the on-the-spot study tour to Jaipur and Udaipur which was scheduled to be undertaken from 3rd to 6th February, 2003 might now be undertaken from 5th to 8th February, 2003.

4. The Committee also decided that a Seminar on the Economic Empowerment of Women might be organised on the 1st March, 2003, in collaboration with CII, focussing on Self Help Groups, Economic linkages, funding, management and marketing support to women entrepreneurs.

The Committee then adjourned.