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**COMMITTEE ON EMPOWERMENT
OF WOMEN (2001-2002)**

THIRTEENTH LOK SABHA

**FUNCTIONING OF NATIONAL AND STATE
COMMISSIONS FOR WOMEN**

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

**DEPARTMENT
OF WOMEN AND CHILD DEVELOPMENT**

SECOND REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

April, 2001/Chaitra, 1923 (Saka)

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COMMITTEE ON EMPOWERMENT OF WOMEN
(2001-2002)

(THIRTEENTH LOK SABHA)

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COMMISSIONS FOR WOMEN

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
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Presented to Lok Sabha on 19.4.2001
Laid in Rajya Sabha on 19.4.2001



LOK SABHA SECRETARIAT
NEW DELHI

April, 2001/Chaitra, 1923 (Saka)

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COMPOSITION OF THE COMMITTEE ON EMPOWERMENT
OF WOMEN (2001-2002)

Smt. Margaret Alva—*Chairperson*

MEMBERS

Lok Sabha

2. Dr. (Smt.) Anita Arya
3. Smt. Jayashree Banerjee
4. Smt. Renuka Chowdhury
5. Smt. Santosh Chowdhary
6. Dr. (Smt.) Beatrix D'Souza
7. Shri P.D. Elangovan
8. Kumari Bhavana Pundlikrao Gawali
9. Smt. Abha Patel
10. Dr. Ashok Patel
11. Smt. Phoolan Devi
12. Prof. (Smt.) A.K. Premajam
- *13. Dr. (Smt.) V. Saroja
14. Smt. Kanti Singh
15. Smt. Shyama Singh
16. Smt. Jayaben B. Thakkar
17. Shri Prakash Mani Tripathi
18. Shri D. Venugopal
19. Smt. D.M. Vijaya Kumari
20. Dr. (Smt.) Sudha Yadav

*Nominated as a Member of the Committee *w.e.f.* 20th March, 2001 *vice* Shri P.H. Pandian resigned.

(iv)

Rajya Sabha

21. Smt. Shabana Azmi
22. Smt. Chandresh Kumari
23. Dr. (Ms.) P. Selvie Das
24. Smt. Saroj Dubey
25. Smt. Jayaprada Nahata
26. Smt. Jayanthi Natrajan
27. Prof. (Smt.) Bharati Ray
28. Miss Mabel Rebello
29. Smt. Basanti Sarma
30. Smt. Savita Sharda

SECRETARIAT

1. Shri P.D.T. Achary — *Joint Secretary*
2. Shri Ashok Sarin — *Deputy Secretary*
3. Smt. Veena Sharma — *Under Secretary*
4. Shri H.R. Kamboj — *Committee Officer*

INTRODUCTION

1, the Chairperson of Committee on Empowerment of Women, having been authorised by the Committee to submit the Report on their behalf, present their Second Report on the 'Functioning of the National and State Commissions for Women'.

2. This Report is based on the inputs including material received from the Ministry of Human Resource Development (Department of Women and Child Development), National Commission for Women and State Commissions for Women.

3. The Committee on Empowerment of Women (2000-2001) interacted with the National Commission for Women on the subject on 8th January, 2001. In this connection, the Committee took oral evidence of the representatives of Ministry of Human Resource Development (Department of Women and Child Development) on 9th January, 2001. The Committee also heard the views of former Chairperson and Members of the Commission on 22nd February, 2001 and exchanged ideas with Non-Governmental Organisations on 23rd February, 2001.

4. The Report was considered and adopted by the Committee on Empowerment of Women (2001-2002) at their sitting held on 10th April, 2001. The Minutes of the sitting are at Annexure I.

5. The Committee wish to express their thanks to the Ministry of Human Resource Development (Department of Women and Child Development), National Commission for Women, State Commissions for Women, former Chairperson and Members of the National Commission for Women and Non-Governmental Organisations etc. for placing before them material and information in connection with the examination of the subject and for giving evidence before them.

6. For facility of reference, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;
12 April, 2001

22 Chaitra, 1923 (Saka)

MARGARET ALVA,
Chairperson,
Committee on Empowerment of Women.

REPORT

Genesis regarding National Commission for Women Act, 1990

The UN Commission on the Status of Women in its 25th Report had recommended establishment of National Commissions or similar bodies 'with a mandate to review, evaluate and recommend measures and priorities, to ensure equality between men and women, and the full integration of women in all sectors of national life'. Surveying the scenario, the Government of India set up a high powered Committee on the Status of Women in India. The Committee in 1974 recommend the constitution of a Commission at the Centre and in the State with the functions of collection of information, evaluation of existing policies, programmes and laws that have a bearing on the status of women, and recommendations for new laws, policies or programmes, as well as redressal of grievances. The 'National Commission on Self-Employed Women' and Women in the Informal Sector, in its report submitted in 1988, recommended the setting up of an Equal Opportunities Commission under Central law. In order to meet the enormous challenge of fighting atrocities against women and effectively raising their status, it was felt that a nodal agency should be set-up. This agency would be responsible for enforcement of the constitutional guarantees on the equal status of women, for review as and when necessary of existing legislation for monitoring its effect on women, for ensuring training and legal literacy and awareness amongst women, for providing a forum for women for redressal of their grievances and complaints. Successive Committees/Commissions/Plans including the National Perspective Plan for Women (1988-2000) recommended the constitution of such an apex body for women.

1.2 Women's voluntary organisations and women activists had also made persistent demands for a National Women's Commission. During 1990, the Central Government held consultations with NGOs, social workers and experts, regarding the structure, functions, powers, etc. of the 'Commission' proposed to be set up. Women's organisations and gender experts rejected the suggestion to set up a commission under an executive order of the Government and instead on an autonomous, statutory commission armed with adequate powers.

1.3 Keeping in mind the various suggestions, the Ministry of Human Resource Development prepared the National Commission for Women Bill and consulted Central Ministries and State Governments. In May 1990, the Bill was introduced in the Lok Sabha. In July, 1990 a national level conference was organised by the Ministry of Human Resource Development seeking suggestions from the women MPs, women's organisations and experts regarding the Bill. Subsequently, the Government itself introduced new provisions in the Bill to vest the Commission with powers of a civil court for the purpose of investigation.

1.4 The National Commission for Women Bill was passed by the Lok Sabha and the Rajya Sabha on 9th and 23rd August 1990 respectively. The Bill received the assent of the President on the 30th August, 1990.

In pursuance of the National Commission for Women Act, 1990 the National Commission for Women was constituted on 30th January, 1992 as an autonomous statutory body. The State Governments were also requested to set up similar State Commissions for Women in their respective States. The Department of Women & Child Development is the nodal Department for the National Commission for Women.

1.5 The Committee has been informed that the State Commissions for Women have been set up in the following States under their own executive or statutory orders:—

1. Andhra Pradesh
2. Assam
3. Delhi
4. Goa
5. Haryana
6. Himachal Pradesh
7. Karnataka
8. Kerala
9. Madhya Pradesh
10. Mizoram

11. Maharashtra
12. Orissa
13. Punjab
14. Rajasthan
15. Tamil Nadu
16. Tripura
17. West Bengal
18. Jammu & Kashmir

National Commission for Women

1.6 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, 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.

Organisational Structure

1.7 The National Commission for Women consists of a full time Chairperson, five Members and a Member Secretary. They are all appointed by the Government of India (Department of Women and Child Development) for a period of three years from the date of assumption of office.

Functions of the Commission

1.8 The functions of the National Commission for Women are laid down in Section 10 of National Commission for Women Act, 1990. The mandate covers a wide range of issues, empowering the Commission to:—

- investigate and examine the legal safeguards provided for women under the Constitution and other laws and recommend to Government, measures for their effective implementation;
- review the existing provisions of the Constitution and other laws affecting women and recommend amendments to meet any lacunae, inadequacies or shortcomings in such laws;

- look into complaints and take *suo moto* notice of matters relating to deprivation of women's rights, etc. and take up the issues with appropriate authorities;
- take up studies/research, etc. on socio-economic issues;
- participate and advise on the planning process of socio-economic development of women and evaluate the Progress made;
- inspect jails, remand homes, etc. where women are kept under custody and seek remedial action where necessary.

1.9 While investigating cases of violation of safeguards for women and complaints relating to deprivation of women's rights, the Commission has the powers of a Civil Court trying a suit. The Commission can summon any person and examine the person on oath. It can requisition documents and receive evidence on affidavits. Section 16 of the Act makes it obligatory on the part of the Central Government to consult the Commission on all major policy matters affecting women.

Financial performance

1.10 Section 11 of the National Commission for Women Act, 1990 lays down that the Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of the Act. The Act also provides that the Commission may spend such sums as it thinks fit for performing the functions under the Act and such sums shall be treated as expenditure payable out of the grants referred to above.

1.11 When asked to state the quantum of grants released to the National Commission for Women, the Department of Women and Child Development has stated that the following amounts were released as grants to the Commission during the last five years:

Sl. No.	Year	Grant released (Rs. in lakhs)
1.	1995-96	200.00
2.	1996-97	200.00
3.	1997-98	250.00
4.	1998-99	275.00
5.	1999-2000	325.00
6.	2000-2001	350.00

1.12 The Committee desired to have the break-up of funds sanctioned and amount utilised by the Commission. The following statement was furnished to the Committee by the National Commission for Women:—

*Statement Showing Break-up of Funds Sanctioned and Expenditure
Incurred—Financial Year 1997-98 to 2000-2001*

Financial Year	Budget Sanction	Expenditure					Total Amount (In Lakhs)
		* **	***				
		Establishment Charges (in lakhs)	other Establishment Charges (in lakhs)	Seminar Conference (in lakhs)	Special Studies (in lakhs)	Misc. Expenditure (in lakhs)	
1997-98	250	94.65	89.52	39.23	17.16	2.58	243.14
1998-99	275	86.01	81.64	34.92	5.64	35.99	244.90
1999-2000	325	109.78	141.54	23.89	4.28	45.72	325.21
2000-2001 (Upto 31.01.2001)	245	96.38	112.63	33.22	12.18	15.77	270.18

* Establishment Charges include, salary of Chairperson and Members, Salary of Office Staff, Wages to Daily Wagers, Fees to Consultants, Travel Expenses.

** Other Establishment Charges include office Expenses, Rent Rates Taxes, Advertisement and Publicity, Litigation, Audit Fee, Maintenance of Vehicle, Maintenance of Furniture and Fixtures, Maintenance of Machinery and Equipment etc.

*** Misc. Expenditure includes, various advances to staff, Non-Recurring-Furniture Fixture, Machinery Equipment, Motor Vehicle, Publication etc.

1.13 On being asked to state whether sufficient funds are allocated to the National Commission for Women to discharge its mandated responsibilities the Committee has been informed by the Commission that sufficient funds are allocated but the process of actual release of funds is not timely and being in a piecemeal fashion, does hamper the Commission's efforts to work in a planned structured manner.

Staff strength

1.14 Section 5 of the National Commission for Women Act, 1990 lays down that the Central Government shall provide to Commission such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

1.15 The Committee desired to know whether the Commission has been provided with adequate staff to discharge its mandated functions. The Commission has replied that the main demand of the Commission has been for the provision of adequate and competent staff to enable the Commission to fulfil its mandate. Under section 5 of the National Commission for Women Act, it is for the Central Government or provide the National Commission for Women with such officers and employees as may be necessary of the efficient performance of the Functions of the Commission under its Act. Although requests were made from time to time to the Department of Women and Child Development (DWCD), the Commission's requirements were assessed by the Government's Staff Inspection Unit (SIU) in January-February, 1999. Even after the SIU's report containing its recommendations were submitted, only some of the additional posts recommended have finally been sanctioned in October, 2000, and the posts are yet to be filled up. The position is contained in Annexure II, showing that the shortfall still continues.

1.16 The Commission has further stated in a note that since the Commission finds itself ill equipped to deal with complaints and in making enquiries, it has sent a request for sanction of the post of Commissioner for Women's Rights with supporting officers and staff. The demand has been for:—

Post	No. of Post
Commissioner for Women's Rights	1
Dy. Commissioner for Women's Rights	2
Asstt. Commissioner for Women's Rights	4
Section Officer/Law Officer/Asstt.	3 (one each)
Accounts Officer	—
Asstt./Inspector	8
UDC/Stenographers	4 (two each)
PS/PA, Stenographers	5
LDC	7
Drivers	3
Peons	7

1.17 This is in keeping with the proposed amendments of the NCW Act, 1990 by insertion of a new Section 4A to provide for the appointment of a Commissioner for Women's Rights and as many Dy. Commissioners or Assistant Commissioners as may be deemed fit. The Commissioner shall be vested with powers to examine and investigate any complaint received, and may also file any complaint to the police or any court etc.

1.18 In a note furnished to the Committee, the Department of Women and Child Development have informed that in the year 1992, when the Commission was first constituted, it was provided with a staff of 28 in various grades. Over the years, there has been a steady increase in the activities of the Commission and to cope with the workload, 9 more posts were created in January 1997. The Commission has been requesting additional posts as the volume of work handled by the Commission has increased tremendously. The 37 posts sanctioned so far related to house keeping and administration activities. According to the Commission, for specialized nature of work handled by the Commission like review of laws, treatment of complaints made by victims on atrocities etc., no posts with requisite expertise have been sanctioned. Based upon the SIU Study, the Department of Expenditure has since approved creation of five additional posts in National Commission for Women. Besides creation of the 5 posts mentioned above, National Commission for Women has been allowed to engage 4 full-time Counsellors at a consolidated monthly fee of Rs. 4000/- as and when their services are required by it. It may, however, be added that the Commission had recruited a number of (nearly 104) persons over and above the sanctioned strength of 37. When NCW tried to dispense with their services, they filed a writ petition in the Delhi High Court and 24 of such persons unauthorisedly recruited by NCW have obtained a stay order against their retrenchment. The Commission has therefore to retain them in service. They are in the grade of LDC Steno and Peon. The case is due to come up in Delhi High Court on 22.04.2001.

Accountability to Parliament

1.19 As per Section 14 of the NCW Act, 1990, the Commission is required to present to the Central Government annually their reports.

1.20 However, it has come to the notice of the Committee that the Commission had not been able to submit annually its Report to the Government. The latest Annual Report of the Commission submitted to the Parliament pertains to the year 1996-97.

1.21 The Committee desired to know the specific reasons for delay in submission of their Annual Reports to the Government and in turn the time taken by the Government to lay their Reports before the Parliament. The Commission, in their reply, attributed the delay in preparation of reports to lack of qualified staff support and other infrastructural facilities.

1.22 Explaining the position in this regard the Department of Women and Child Development have informed the Committee that as per Section 14 of the National Commission for Women Act, 1990, the Annual Reports of the Commission are to be laid on the Table of both the Houses of Parliament alongwith the Action Taken Report on the recommendations contained therein. The recommendations contained in the Annual Reports pertain to subjects handled by various Ministries/Departments of the Government of India. Therefore, the Department has to circulate the recommendations to the concerned Ministries/Departments and obtain their comments/Action Taken Report thereon. These are then compiled and laid on the Tale of both the Houses of Parliament along with the Annual Report. The dates on which the Annual Reports alongwith ATR were laid on the Tables of each House of Parliament were as follows:—

S. No.	Year of Annual Report	Date of receipt of Annual Report from NCW	Date of laying on the Table of Lok Sabha with ATR	Date of laying on the Table of Rajya Sabha with ATR
1.	1992-93	January, 95	26.8.95	25.8.95
2.	1993-94	Not readily available	16.5.97	16.5.97
3.	1994-95	Oct. 97	14.12.98	18.12.98
4.	1995-96	July, 98	23.12.99	12.5.2000
5.	1996-97	Dec. 98	23.12.2000	12.5.2000
6.	1997-98	January, 2000	The ATR is being compiled	

1.23 Explaining further in this regard, the Secretary, Department of Women and Child Development, during evidence stated:—

“The Commission has, under the Act, to submit a Report to the Government from time to time and the Government, then, under the Act, prepares an Action Taken Report on that and that is laid before the Parliament. Since the formation of the Commission,

the first Report for the year 1992-93 was laid and the last Report for the year 1996-97 was laid. That was in December, during the last Session of Parliament. The Commission has not so far submitted its Report for the year 1999-2000 to the Government. In regard to the Report for the year 1997-98, the Report of the Commission had been received and it had been circulated to various Ministries for getting the actions which they have taken on the recommendations of the Commission. The Report for the year 1998-99 was received last Friday and based on that, we will be circulating it to various Ministries for getting their comments. It did take a lot of time for the Commission to prepare the Report during the initial period of formation because perhaps it was not very well organised. Now, the Reports are getting practically on line and current. We have been assured by the Commission that the Reports for the year 1999-2000 would be available to us very shortly. With that, we would be able to become almost current and we would be able to lay it on the Table of the Parliament along with the Action Taken Report on various issues."

Specific Mandate

1. Review of Laws and Legislative measures

1.24 One of the important functions of the Commission is to review from time to time the existing provisions of the constitution and other laws affecting women and recommend amendments thereto, so as to suggest remedial legislative measures, to meet any lacunae, inadequacies or shortcomings in such legislation.

1.25 When asked to specify the legislations that had been reviewed by the National Commission for Women, the Commission informed the Committee that out of 40 legislations having direct bearing on women, the Commission had reviewed and suggested remedial legislative measures in respect of 23 Acts and had forward their recommendations to the Department of Women and Child Development.

1.26 Explaining the position in this regard, the Secretary Department of Women and Child Development during evidence stated:

"First of all, I would like to say that out of those 20-22 odd Acts they have mentioned, five Acts have been sent to us in the last one week. As far as the remaining 17 are concerned, I would

just run through you the action that we have taken and the Cabinet notes that we have floated. We hope that we would be bringing a legislation in the coming Budget Session. There are a few Acts on which unfortunately the Commission has not given the recommendation, has gone back and said that they would like to reconsider it. For example, Immoral 'Traffic Prevention Act. We had finalised the Cabinet note. We were going to put it before the Committee. Then we got a letter from the Commission that they would not like us to go ahead because they are holding 21 seminars through out the country and before we finalise these recommendations, kindly do take that into consideration. Therefore, we put that on hold. Another Act is Dowry Prohibition Act. They sent us the recommendations. As we were finalising this, we were told to hold on because they were working out the seminars, therefore, they are reconsidering it and they asked us not to move ahead. That is the position as far as the two Acts are concerned."

1.27 The gist of recommendations made by the National Commission for Women with regard to amendments in Acts and the present status of their implementation is given in Annexure I. It may be seen therefrom that out of 23 Acts, Cabinet notes in respect of 4 Acts have been prepared and are under consideration; in respect of 2 Acts, the amendments were being finalized and in respect of the remaining Acts, the Department of Women and Child Development was consulting other concerned Ministries/Departments of Government of India.

II. Complaints and Counselling

1.28 Under Section 10 of the National Commission for Women act, the Commission processes the various categories of written and oral complaints received or *suo-moto* taken up by the Commission. Asked to elaborate the method of disposing the complaints, the Commission stated that on receipt of the complaints, they are categorized into various types like harassment for dowry, dowry deaths, torture, desertion, bigamy, rape refusal to register FIR by the police, discrimination in employment, domestic violence, incest and cruelty by husbands, in-laws etc. The cases which require counseling are separated and are sorted out through persistent counselling. The complaint cases of remote areas/States are referred to State Women Commissions, Police Authorities, Employers etc. for appropriate action.

1.29 At the instance of the Committee, the Commission have said that since 1997 upto 2000 they have received 18564 complaints, the details of which are as under:—

Year	No. of Complaints
1997	3900
1998	5594
1999	4329
2000	4741 (upto October)
	18564

1.30 The following action is stated to have been taken by the Commission on the complaints received by them:—

No. of Complaints	Action Taken by National Commission for Women
14564	Referred to the various agencies/Police Authorities in various States for action.
2000	Complaints referred to State Commissions for Women.
2000	Complaints on which no action was taken.
18564	

1.31 As regards the State-wise break-up of the complaints received and disposed of by the National Commission for Women since 1997, the following statement was furnished to the Committee by the Commission:—

Complaints Received from States Year-wise Statement

Sl.No.	Name of State	Total No. of Complaint			
		1997	1998	1999	2000
1	2	3	4	5	6
1.	Andhra Pradesh	30	76	53	477
2.	Arunachal Pradesh	2	8	9	—

1	2	3	4	5	6
3.	Assam	4	4	13	8
4.	Bihar	521	1008	943	525
5.	Gujarat	20	53	37	16
6.	Haryana	317	324	216	277
7.	Himachal Pradesh	19	82	30	25
8.	Jammu & Kashmir	6	10	7	5
9.	Karnataka	22	146	87	30
10.	Kerala	12	40	42	19
11.	Madhya Pradesh	347	485	310	515
12.	Maharashtra	46	95	86	112
13.	Manipur	4	4	5	2
14.	Meghalaya	3	4	3	1
15.	Mizoram	2	2	3	—
16.	Nagaland	—	1	2	—
17.	Orissa	32	65	62	33
18.	Punjab	45	75	86	68
19.	Rajasthan	329	258	207	239
20.	Sikkim	5	3	7	—
21.	Tamil Nadu	26	135	130	50
22.	Tripura	2	10	8	8
23.	Uttar Pradesh	1203	1723	1323	1790
24.	West Bengal	35	80	50	57
25.	Goa	3	4	4	7
26.	Andaman & Nicobar Islands	—	—	1	2
27.	Dadra & Nagar Haveli	—	—	—	5
28.	Chandigarh	5	18	24	—
29.	Daman & Diu	—	—	1	—
30.	Lakshadweep	—	1	—	897
31.	Delhi	858	876	574	—
32.	Pondicherry	2	3	6	3
Total		3900	5594	4329	4741

1.32 The Committee desired to know the reasons as to why the complaints are referred to the State Commission for Women. In reply, the Member-Secretary stated during evidence:

"We have been receiving a lot of complaints. Sometimes they come to us directly and sometimes they are delayed. There is no way for us to call the complainant all the way to Delhi, if there is a State Commission, it would be more logical for the State Commission to take over those complaints and alongwith our recommendations they can call the complainant locally."

1.33 In this connection, the Chairperson, NCW added:

"The local sub-culture and language can be handled more effectively by the State Commission than us."

1.34 On being asked as to how the Commission attend to complaints where there was no State Commission, the Chairperson, NCW replied:

"When those people write back to us, at times we have gone to NGOs to look into that. It is not possible for them to come here."

III. Legal Awareness Programme

1.35 Ignorance of legal provisions is the main factor leading to violence and injustice committed against women. In fact even the educated women in our country are unaware of their rights and protection assured to them through various legislations. The National Commission for Women sponsors country wide legal awareness programmes for women so as to impart the knowledge of legal safeguards to women from the Panchayat Members to girls to foster gender justice. The Commission also extends financial support to NGOs and educational institutions to conduct legal awareness Programmes to enable women and girls to know their rights, to understand the procedure and method of access to the legal system.

1.36 Explaining about the initiatives taken by NCW to create legal awareness amongst women, the Chairperson, NCW, during evidence stated:

"A number of legal literacy campaigns have been held in different States of the Country. One of us tries to be present in each one of them to the extent possible to get an idea of the kind of gathering, the status of women in that region and the efficiency and effectiveness with which these campaigns are held so that

on the basis of our observations we can involve the NGOs concerned with more of our work. We have been having several meetings with NGOs focused on certain areas whether it is sensitisation of the police or whether it is looking at the status of women in a comparative way as to what it was and what it has become now and so on. We have been holding workshops on gender justice in order to forge partnerships with various law-enforcing agencies. Various other campaigns are also in the pipeline. Some of them have been already launched."

1.37 The Committee were informed 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 arrangement in the delivery of justice to women. Among other things, the programme has the following objective.

- (i) Create awareness of rights, duties and entitlements of women;
- (ii) Mobilise women in the area to take civic responsibilities seriously and to participate in local self-Government;
- (iii) Provide legal advice, counselling and para-legal services to enable them to prevent exploitation or injustice and to seek entitlements from local structures and offices;
- (iv) Enable women to co-operate and act as village ombudsman and to make social audit of welfare and development administration in the area;
- (v) Empower women to resolve disputes among themselves or with their kith and kin or with neighbours or with local administration through informal methods such as mediation, conciliation and public advocacy;
- (vi) Empower women to seek legal aid and assistance for equal justice under the law;
- (vii) Create respect in them for rule of law and human rights and generate forces of good governance at the grass roots level.

1.38 Asked to state about the number of States in which the 'Mangalam Project' was implemented, the Commission replied that the project was successfully implemented in Pondicherry and the second 'Mangalam Project' has been launched in January, 2001 in Tirupati district.

IV. More Powers to NCW

1.39 Under Section 10(4) of the NCW Act, 1990, while investigating and examining matters relating to the safeguards provided for women under the Constitution or other laws, or looking into the complaints or taking *suo-moto* notice of matters relating to deprivation of women's rights, the Commission have all the powers of a civil court trying a suit and in particular in respect of, (*inter-alia*), summoning and enforcing the attendance of any person from any part of India and examining him on oath.

1.40 When the Committee desired to know whether the Commission enjoys adequate powers under the National Commission for Women Act, the representative of the Commission during interaction with the Committee stated that inadequate powers under the NCW Act was one of the major constraints for effective functioning. In terms of its mandate, it requires greater powers of investigation and instituting prosecutions. Therefore, the National Commission for Women Act should be amended.

1.41 Responding to this, the Department of Women and Child Development in the note submitted to the Committee stated that the NCW has proposed amendment of the National Commission for Women Act, 1990 to confer it with more powers while investigating into cases of violation of Constitutional rights of women at par with the powers enjoyed by the National Human Rights Commission, inclusion of penal provisions in the Act which are to be invoked against those who defy the orders/summons of the Commission or decline to furnish information required by it and for appointment of a Commissioner for Women's Rights who will conduct investigation into specific complaints of atrocities against women. The proposal has been discussed in a meeting taken by Secretary, Department of Women and Child Development with the representatives of NCW on 19.07.2000 and action is being taken to amend the Act.

1.42 When the Committee desired to know whether the NCW Act, 1990 should be amended to ensure attendance of the concerned party before the Commission by the police authorities, the Commission stated that the Commission also has the same powers as a Civil Court as provided under Section 32 of Civil Procedure Code. Under this

Section 32, the Court may compel any person to whom summons have been issued and for this purpose may:—

- (a) Issue a warrant for his arrest;
- (b) Attach and sell his property;
- (c) Impose a fine upon him not exceeding five hundred rupees;
- (d) Order him to furnish security for his appearance and in default commit him to civil prison.

1.43 It was further stated that legal advice obtained by the Commission has agreed with the above position. Hence no specific amendment for compelling attendance of a person before the Commission by the police authorities has been suggested in the NCW Act. Implementation of Section 32(a) would mean seeking the assistance of police authorities who would execute the warrant. It is, however, stated that this course of action has not yet been tested in practice.

1.44 However, the Commission has suggested introduction of a new Section 16A, which provides for penalty for failing to appear without reasonable cause. The penalty provided for is a term of imprisonment which may extend to three months or with fine which may extend to one hundred rupees for every day during which such default continues.

1.45 Explaining further, the Secretary, Department of Women and Child Development during evidence stated:—

“Secondly, as several Members are pointing out, these powers, we feel, are still not adequate. We have, therefore, started with an amendment to the NCW Act. The powers, which we plan to give to the Commission, are broadly on the basis which are available to the National Human Rights Commission. We find that those are much more effective powers. There is, at present, a proposal under consideration of the Government. We hope that we would be able to put forth this amended legislation before Parliament either in the coming Budget Session or if not later.”

1.46 Asked to state whether the Commission would have the powers to summon and punish who defy the orders, the Secretary further added:—

“The powers which NHRC had is not punishing them summarily, directly on the spot but what powers they have is that they can report the matter wherever necessary to the High Courts and

others. Then contempt of court proceedings can be initiated against the person. So, those are pretty effective powers. Apart from that, unfortunately, the Commission has never brought to our notice that at least, I can say about myself such and such officer has not appeared before them in spite of summon and there is any difficulty in summoning. In case it has brought to our notice, we assure the Committee that such an officer will not go unpunished."

1.47 The Committee interacted with the former Chairpersons and Members of the National Commission for Women on 22nd February, 2001 and the following suggestion have emerged therefrom:—

- (i) There should not be any ad-hocism in the appointment of the Chairperson and Members.
- (ii) There should not be any post of Members-Secretary. There should be only a Secretary for the administrative set up for the Commission and Secretary should facilitate the functioning of the Commission in administrative matters only.
- (iii) The Commission should have the powers to appoint experts.
- (iv) The Commission must be consulted by the various Departments whenever they frame policies pertaining to women and the girl child.
- (v) Commission ought to be totally accessible to the public.
- (vi) National and State Commissions should identify the areas of work and there should not be any overlapping of their activities.

1.48 On 23rd February, 2001, the Committee also heard the views of some NGOs who are closely associated with the functioning of the Commission. The various points/suggestions put forth by the NGOs in the meeting were as under:—

- (i) NCW should be strengthened to work as a high powered autonomous and statutory body to protect the constitutional rights of women.
- (ii) National Commission for Women must be given autonomous status along the line of National Human Rights Commission and the status of the Chairperson and Members of the Commission should be suitably enhanced.

- (iii) There ought to be strong network of State Commissions that should work in coordination with National Commission for Women.
- (iv) There should be time limit within which the new appointments are made at all levels in the Commission.
- (v) The Chairperson should have the powers to authenticate the decisions taken by the Commission.
- (vi) More publicity needs to be given to the work and powers of National Commission for Women.
- (vii) 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.
- (viii) The necessary staff and infrastructural facilities essential to ensure proper functioning of the Commission need to be provided.
- (ix) Delay on the part of the Government in taking action on the specific recommendations made by the Commission."

State Commissions for Women

1.49 During their tour to the various States, the Committee had informal discussion with the Chairpersons and Members of the following State Commissions for Women:—

- (i) Delhi Women Commission
- (ii) Goa State Women Commission
- (iii) Haryana State Women Commission
- (iv) Himachal State Women Commission
- (v) Karnataka State Women Commission
- (vi) Kerala State Women Commission
- (vii) Maharashtra State Women Commission
- (viii) Punjab State Women Commission

1.50 During interaction with these State Commissions, the following points emerged:—

- (i) Status of Chairperson and Members of the Commission to be defined to invoke better response.
- (ii) Lack of adequate powers and statutory status to the Commissions need attention.
- (iii) Need to fill up the vacancies for Members in some State Commissions.
- (iv) Powers to appoint its own staff rather than getting staff of deputation basis from the Government.
- (v) Shortage of adequate and competent staff support.
- (vi) Allocation of insufficient funds to the Commission.
- (vii) Most of the Commissions do not have their own building.
- (viii) Non-availability of computers, fax and other facilities to some of the Commissions.
- (ix) Non-availability of adequate infrastructure, conveyance and other facilities.
- (x) Delay in acceptance of recommendations made by the State Commissions by the Government.
- (xi) In order to ensure continuity of its functions, amendment to the Act needed to ensure that 1/3rd of Members retire every year.

1.51 The Committee have also received written notes from the various State Commissions for Women indicating *inter-alia* their constitution, functions, facilities and infrastructure provided to them and their activities. These notes are reproduced as Annexure II.

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.

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.

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 legislation's and suggest amendments, wherever necessary. It has also to look into the complaints and take *suo motu* notice of the cases involving deprivation of the rights of women in order to provide support, legal or otherwise, to helpless women. The Commission is also to monitor the proper implementation of all the legislation's 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.

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 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 have deprived millions of women in those States the right to effectively fight for redressal of their grievances and to facilitate implementation of the 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.

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 States' Commissions are just appointees of the Government and there is no uniformity in 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.

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 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) are pending and have not been presented to Parliament. In regard to the delay in laying of Annual Reports of the Commission before the Parliament, the Commission have 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. 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 Report 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.

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 the 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 the National Commission for Women, the Government is not showing the 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.

1.59 The Committee had detailed interaction with serving and former chairpersons and Members of the 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 shared 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 ad-hocism 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 its mandate. For this selection, a Search Committee should be Constituted which may consist of eminent personalities of considerable experience and working with the women's movement.

- (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.**
- (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.**
- (iv) **The Commission 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 the 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.**
- (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 allocated 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.**

- (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.**
- (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.**
- (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.**

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 appraised of the action taken in this regard.

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 Commission for Women's Rights has been felt for quite some time. The National Perspective Plan for Women (1998-2000 A.D.) 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 Commission 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.

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 the 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.

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 purpose 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 appraised 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 recognized 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 arrangement 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.

1.64 The Committee has noted that wherever the State Commissions 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.

NEW DELHI;
April 12, 2001
Chaitra 22, 1923 (Saka)

MARGARET ALVA,
Chairperson,
Committee on Empowerment of Women.

MINUTES OF THE FIRST SITTING OF THE COMMITTEE ON
EMPOWERMENT OF WOMEN (2001-2002)

The Committee sat on Tuesday, the 10th April, 2001 from 11.30 hours to 12.15 hours in Room No. 115, First Floor, Parliament House Annexe, New Delhi.

PRESENT

Smt. Margaret Alva — *Chairperson*

MEMBERS

Lok Sabha

2. Dr. (Smt.) Anita Arya
3. Smt. Santosh Chowdhary
4. Dr. (Smt.) Beatrix D' Souza
5. Smt. Shyama Singh
6. Shri Prakash Mani Tripathi
7. Dr. (Smt.) Sudha Yadav

Rajya Sabha

8. Smt. Saroj Dubey
9. Miss Mabel Rebello
10. Smt. Savita Sharada

SECRETARIAT

1. Shri P.D.T. Achary — *Joint Secretary*
2. Shri Ashok Sarin — *Deputy Secretary*
3. Smt. Veena Sharma — *Under Secretary*

At the outset, the Chairperson introduced the new Member (Shri Prakash Mani Tripathi) to the Committee and welcomed him and other Members to the sitting of the Committee. The Committee then took up for consideration the Draft Report on the subject "Functioning of the National and State Commissions for Women" and after some deliberations adopted the same. The Committee authorised the Chairperson to present the Report to the Parliament.

The Committee then adjourned.

SUMMARY OF RECOMMENDATIONS/OBSERVATIONS

Sl. No.	Para No.	Recommendations/Observations
1	2	3
1.	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.
2.	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.
3.	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 legislation's and suggest amendments, wherever necessary.

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It has also to look into the complaints and take suo motu notice of the cases involving deprivation of the rights of women in order to provide support, legal or otherwise, to helpless women. The Commission is also to monitor the proper implementation of all the legislation's 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.

4.**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 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 have deprived millions of women in those States the right to effectively fight for redressal of their grievances and to facilitate implementation of the 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.

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- 5. 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 States' Commissions are just appointees of the Government and there is no uniformity in 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.
- 6. 1.57** As per Section 14 of the Nations 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 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) are pending and have not been presented to Parliament. In regard to the delay in laying of Annual Reports of the Commission before the Parliament, the Commission have attributed the delay partly to the lack of qualified staff support and other infrastructural facilities and partly to the time
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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 Report 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.

7.**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

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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 the 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 the National Commission for Women, the Government is not showing the 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.

8.**1.59**

The Committee had detailed interaction with serving and former chairpersons and Members of the 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 shared their views with the Committee. Some of the important points/suggestions which have

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come up before the Committee for strengthening the Commission are as under:—

- (i) There is ad-hocism 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 its mandate. For this selection, a Search Committee should be Constituted which may consist of eminent personalities of considerable experience and working with the women's movement.
 - (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.
 - (ii) 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
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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.

- (iv) The Commission 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 the 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.
 - (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
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effective, proper and independent functioning. The Commission should have the freedom to appoint its own requisite staff within the allocated 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.

- (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.
- (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.
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(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.

9. 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 appraised of the action taken in this regard.
10. 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 (1998-2000 A.D.) 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
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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.

11.**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 the 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.

12.**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 purpose 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 appraised about the result of such a study and the action taken by them. As an image-building

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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 recognized 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.

13.

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The Committee has noted that wherever 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

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Commission in their State. In the preceding paragraphs, the Committee has dealt with various problems experienced by the National Commissions 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.

ANNEXURE III

GIST OF RECOMMENDATIONS MADE BY NCW WITH REGARD TO AMENDMENT
IN ACTS AND THE PRESENT STATUS OF IMPLEMENTATION

Sl.No.	Name of Act	Gist of Recommendation Made by NCW/Deptt. of WCD	Name of Min./Deptt. Administratively concerned with the Act	Present status
1	2	3	4	5
1.	The Commission of Sati (Prevention) Act, 1987	To amend sec. 3 and sec. 4 of the Act to widen the scope of the Act. To amend sec. 6 to make the punishment more stringent and to amend sec. 9 to make courts of competent jurisdiction to try offences under the Act rather than allowing only Special Courts to do so.	Department of Women and Child Development	The Cabinet Note containing the proposal is under the consideration of the Department
2.	The Dowry Prohibition Act, 1961		Department of Women and Child Development	The Commission has informed that they are holding nation-wide consultations regarding amendments in the Act and its final

recommendations will be sent to the Department after the reports of these consultations are assimilated. The same is awaited from NCW.

3. Indecent Representation of Women (Prohibition) Act, 1986

- To amend the title of the Act from 'Indecent Representation of Women (Prohibition) Act' to 'The Derogatory and Indecent Representation of Women (Prohibition) Act' including its consequential amendments
- To amend Sections 2(a) which concerns amendment of the term 'advertisement' to specifically include electronic and other media
- To insert section 2(g) to enlarge the definition of the word 'publish' to cover the web services
- To insert Section 4A empowering authorized officers and notified voluntary organisations to make complaints

Department of Women and Child Development.

The Cabinet Note containing the proposal has been circulated to all concerned Ministries/Departments of the Government of India on 22-12-2000 for obtaining their comments.

— To amend section 6 to enhance punishment for offences under the Act

4. Immoral Traffic (Prevention) Act, 1956

Department of WCD

The Commission has informed that they are holding nation-wide consultations regarding amendments in the Act and its final recommendations will be sent to the Department after the reports of these consultations are assimilated. The same is awaited from NCW.

5. Medical Termination of Pregnancy Act, 1971

Section 2(a) & 2 (b) relating to the definition of the word 'guardian' 'lunacy' proposed to be amended. Further, women's consent is to be obtained in every case of termination of Pregnancy

Ministry of Health & Family Welfare

A Cabinet Note was received from the Ministry of Health & Family Welfare on 9th May, 2000 regarding amendments in the Act. The Department of WCD has sent its comments on the Cabinet Note to that Ministry with the approval of the Minister of Human Resource Development.

6. The Family Courts Act, 1984

The competence of the Family Courts be extended to cover certain offences under IPC, domestic violence and offences under Child Marriage Restraint Act.

of Department of Justice informed that the proposal made by NCW regarding extending the jurisdiction of Family Courts to cover criminal cases is not feasible as such cases can be dealt with by women courts. The Law Commission, in its 154th Report had also recommended that certain IPC offences against women should be tried only by Women Courts presided over by women. the 154th Report of Law commission is under consideration in consultation with the State Governments. The proposal of NCW can be considered at the time of finalisation of the recommendations contained in the 154th Report of the Law Commission. The action taken on this recommendation to be by the Department of Justice.

7. **Child Marriage Restraint Act, 1929** Marriage of a Minor should be made void if the minor is taken out or enticed out of the keeping of the lawful guardian, sold for the purpose of marriage or by force compelled or by any deceitful means induced to go from any place. Also suggested amendment in sec. 359 of IPC to change the definition of kidnapping.

This was discussed in a meeting taken by Secretary (WCD) on 7-7-2000. As per the decision taken in the meeting, the Legislative Department has circulated the accepted amendments to all State Governments on 1st August, 2000 to obtain their views. In a meeting held by Secretary (WCD) on 2.2.2001, Secretary (Legislative Department) was reminded to follow up.

8. **The Guardians and Wards Act, 1890** Sections 10(1)(b), 19(a) & (b) 21 and 41(1)(a) 41(1)(d) may be amended to expand the scope of the Act to cover females as well as males. Section 19(a) of the Act to be amended to provide that a minor is in competent to act as a guardian of any minor, except his own spouse or child.

This was discussed alongwith other Acts administered by the Legislative Department on 31.8.2000. The Amendments proposed by NCW in Sec. 10(1)(b), 21(a)&(b), 41(1)(a) &(b) and 41(1)(d) was agreed to and sent to Legislative Department for further action. This was also discussed in a meeting taken by Secretary (WCD) with Secretary, Legislative Department on 2.2.2001.

9. The Indian Divorce Act, 1869 (comments on Christian Marriage Bill, 2000) To amend sections 10, 17, 20 and 22 of the Act. Legislative Department
- The Department had sent its comments on the proposals contained in the Cabinet Note circulated by Legislative Department. The Cabinet approved the amendments in its meeting held on 16.11.2000.
10. Foreign Marriage Act, 1969 Addition of a clause relating to consent of bride and bridegroom as a condition to the marriage in section 4 short title and sub section(1) of Section 18 to be substituted with the words 'Matrimonial reliefs to be under the Marriage Act, 1954' instead of the existing 'Matrimonial reliefs to be under Special Marriage Act, 1954'.
- The proposal made by NCW were sent to the Legislative Department on 16.9.97. This was also discussed alongwith other Acts administered by the Legislative Department on 31.8.2000. Since the proposals, in its present form, are not substantive enough and it is linked with the proposed Marriage Bill of NCW, it was decided to drop the proposal for the present.

out investigation into complaints of atrocities against women and to initiate prosecution against the guilty.

14. Hindu Marriage Act, 1955

Removal of epilepsy as a ground for divorce compulsory registration of marriages.

Section 4 of the Act to be amended to provide, *inter-alia*, that a marriage between two parties, at least one whom an Indian citizen, may be performed in foreign country, provided that such a person, if a male has completed the age of 21 years and in the case of female, has completed the age of 18 years. The short title of Section 18 to be amended to read as 'matrimonial relief to be under the Marriage Act, 1994'.

Necessary legislation to further amend Hindu Marriage Act, 1955 and Special Marriage Act, 1954 for removing epilepsy as a ground for annulling marriages was passed by the Parliament. The Bill, namely, the Marriage Laws (Amendment) Bill, 1999, was assented by the President on 29th December, '99. Legislative Department also informed that a provision for registration of marriages already exists in the Indian Christian Marriage Act, 1972 the Parsi Marriage and Divorce Act, 1936 and the Special Marriage Act, 1954. Section 8 of

the Hindu Marriage Act, 1955 which govern about 80 per cent of the population in the country also contains the provision for registration of marriages.

The recommendations have been forwarded to Minimum of Home Affairs *vide* O.M. No. 14.9.99-WW dt: 20.09.2000. Action to be taken by the Ministry of Home Affairs.

15. Indian Penal Code (i) The age of consent under Sec. 375 & Sec. 376 be uniformly raised to 18 years.
 (ii) Definition of rape to be widened to include sexual assault.
 (iii) Exception clause to marital rape in Sec. 375 to be deleted.
 (iv) Punishment to be enhanced where accused knowingly transmits HIV to the victim.

Ministry Home Affairs

16. Code of Criminal Procedure (i) The limit of maintenance under Sec. 125 may be raised from the existing Rs. 500/- to Rs. 5000/-.
 (ii) The amount of maintenance should not be less than one-third

The recommendation was sent to Ministry of Home Affairs *vide* Department of WCD's O.M. No. 14-46./99-WW dt: 12.1.2000. Action to be taken by the Ministry of Home Affairs.

of the monthly income of the person from whom the maintenance is claimed as in the amendment made by Government of Maharashtra.

(iii) A provision that if the other party fails to appear in the court for 3 successive occasions, then on the third occasion, the judge must issue order ex-parte may be include in Section 125 of Cr. PC.

17. Indian Evidence Act Clause 4 of Section 155 dealing Legislative with prior sexual history of the Department victim to be deleted.

The recommendations have been forwarded to Legislative Department *vide* O.M. No. 14-9/99-WW dt: 20.9.2000. Action to be taken by the Legislative Department. Reminded in a meeting taken by Secretary (WCD) with Secretary, Legislative Department on 2.2.2001.

<p>18. Hindu Succession Act, 1956</p>	<p>Section 6 of the Act to be amended to confer property rights to women in a Joint Hindu Family.</p>	<p>Legislative Department</p>	<p>The recommendation was sent to Legislative Department vide Secretary (WCD)'s d.o. letter dated 22.11.2000.</p>
<p>19. The Hindu Adoptions and Maintenance Act, 1956</p>	<p>Section 8 of the Act be amended to give equal rights to a married Hindu woman to adopt a child during the subsistence of marriage.</p>	<p>Legislative Department</p>	<p>Received in the Department on 24.11.2000. The recommendations duly examined by the Department were forwarded to Legislative Department on 9.1.2001 for further action.</p>
<p>20. Factories Act, 1948</p>	<p>Sec. 22 and 27 of the Act to be amended to substitute the words 'No woman or a young person' with the words 'No person below the age of 18 years or a pregnant woman or a person with disabilities' Sec. 43 to be amended to provide for separate places for male and female workers to keep cloths not worn during</p>	<p>Ministry of Labour</p>	<p>Received in the Department on 28.12.2001. The proposals have been examined in the Department and forwarded it to Ministry of Labour for comments on 9.2.2001.</p>

working house. Sec. 47 to be similarly amended to provide for separate shelter/rest rooms for female and male workers. Clause (d) of sub-section 2 of Sec. 46 to be amended to stipulate that there shall be at least one woman worker in the canteen managing committee. Sec. 66 regarding restrictions on employment of women be deleted.

<p>21. Minimum Wages, 1948</p>	<p>Section 19 to be amended to provide that 10% of the Inspectors appointed for the purposes of the Act shall be women. The State Govt. may authorize teachers, members of panchayats and Doctors of Govt. hospitals to act as Inspectors. Sarpanch of the</p>	<p>Ministry of Labour</p>	<p>Received in the Department on 27.12.2000. Secretary (WCD) held a meeting on 8.2.2001 with representatives of NCW and Ministry of Labour to discuss the amendments.</p>
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village should deemed to be an inspector. The Act should provide for constitution of Supervisory Committee by the Government with powers to inspect documents and record statements of workmen.

22. Employees' State Insurance Act, 1948 Insertion of a new section 101 under which the benefits of the Act shall be available to employees in all such establishments which are covered by the Maternity Benefits Acts, 1961. The Maternity Benefits under the Act shall include nursing breaks and exemption from heavy work.

Ministry of Labour Received in the Department on 28.12.2000. The proposal is under process in the Department.

**STATEMENT SHOWING CATEGORY-WISE SANCTIONED STRENGTH,
STRENGTH ASSESSED BY SIU AND POSTS APPROVED BY
DEPARTMENT OF EXPENDITURE IN NCW**

S.No.	Category of post & scale of pay	Sanctined strength	Strength assessed by SIU	Posts approved by Deptt. of Expenditure
1	2	3	4	5
1.	Joint Secretary (Rs. 18400-22400)	1	1	—
2.	Deputy Secretary (Rs. 12000-18000)	1	1	—
3.	Under Secretary-cum-PRO (Rs. 10000-15200)	1	1	—
4.	Under Secretary (Rs. 10,000-15,200)	—	1	1
5.	Pay & Accounts Officers (Rs. 10,000-15,200)	1	1	1
6.	Senior Research Officer (Rs. 10,000-15,200)	—	1	1
7.	Law Officer (Rs. 10,000-15,200)	—	1	1
8.	Section Officer (Rs. 6,500-10,500)	2	1	—
9.	PS/Sr. PA (Rs. 6,500-10,500)	8	8	—
10.	P.A. (Rs. 5,500-9,000)	1	1	—
11.	Assistant (Rs. 5,500,9,000)	4	4	—

1	2	3	4	5
12.	Library Information Assistant (Rs. 5,000-8,000)	—	1	1
13.	Jr. Hindi Translator (Rs. 5,000-8,000)	1	1	—
14.	Junior Accountant (Rs. 4,000-6,000)	—	1	1
15.	Steno Grade 'D' (Rs. 4,000-6,000)	1	3	—
16.	L.D.C. (Rs. 3,050-4,590)	3	8	—
17.	Driver (Rs. 3,050-4,590)	5	7	—
18.	Despatch Rider (Rs. 3,050-4,590)	—	1	—
19.	Daftry (Rs. 2,610-3,540)	1	1	—
20.	Peon (Rs. 2,550-3,200)	7	16	—
21.	Counsellor (Rs. 4,000/- monthly fee)	1	4	4
Total		37	64	9

**NOTES RECEIVED FROM VARIOUS STATE
COMMISSIONS FOR WOMEN**

State Commissions for Women

As per the National Commission for Women Act, 1990, the State Governments were 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 18 States have constituted the State Commissions for Women in their respective States. In some States the Commissions have been set up recently. The information furnished to the Committee regarding their constitution, functions, facilities and infrastructure etc., major activities undertaken by the Commission, important recommendations and problems/constraints being faced by them in their efficient functioning which are briefly as under:—

Andhra Pradesh Women's Commission

The Andhra Pradesh Women's Commission consists of a Chairperson and six Members. However, at present there are five Members and one post of Member is lying vacant.

Staff

One Director, one Administrative Officer and other personnel of the rank of Section Officers, Stenographers and Attendants support the Commission.

Facilities and infrastructure

About the facilities and infrastructure provided to the Commission, it has been informed that the Commission is working in a rented accommodation and have been provided with computers and other office facilities including telephones.

Recommendation made by the Commission

Some of the important recommendations made by the Commission to the State Government are:—

1. The Commission have recommended amendment to Section 125 Cr. PC to enhance the Maintenance Allowance from Rs. 500/- per month to Rs. 3000/- per month. The recommendation has been accepted by the Government of Andhra Pradesh and the Bill has already been passed by Andhra Pradesh State Legislative Assembly. However, the Bill is awaiting the assent of the President of India.
2. The Commission have recommended compulsory registration of marriages to check bigamy.
3. Amendment to Section 498-A of IPC and make the offence under this Act as compoundable offence as it would give a chance to the reconciled spouses to start their marital life afresh.

Activities of the Commission

It has been stated that the Commission received 718 petitions relating to domestic violence, dowry harassment, bigamy, desertions, rape and refusal by police to register FIR, sexual harassment of women at workplace. Out of 718 petitions the Commission had disposed of 662 cases and only 56 cases were pending. The petitions were disposed of by the Commission through counselling and issuing necessary instructions to the police to expedite the investigations.

The Commission had also visited women prisons in Hyderabad, Warangal, Kurnool, Guntur and Vijayawada and suggested to the concerned authorities to make best use of existing facilities and to encourage the under-trials prisoners to participate in vocational training imparted to them. The Commission had also visited the short-stay homes at Hyderabad and directed the matron to keep Commission informed about the progress of the cases of the inmates.

Assam State Commission for Women

The Assam State Commission for Women is constituted under Assam State Commission for Women Act, 1994. The Commission consists of the Chairperson, the Vice-Chairperson and 7 Members of the Commission and a Member Secretary. However, the post of Vice-Chairperson is lying vacant. The Commission is supported by other staff mostly in the grade of UDC, LDC. etc.

Facilities and Infrastructure

The Commission has been allotted three rooms in the official building of the Bal Bhawan in the campus of the Directorate of Social Welfare, Assam. Recently, The Government have handed over a plot of land for construction of office building of the Commission. The proposal has been sent to the Government giving detailed plan and estimates amounting to Rs. 340 lakhs from Non-Lapsable of Central Pool Resources of Department of Women and Child Development of the Government of India.

Major activities of Commission

The Commission conducted the following seminar for the women:—

- (i) On socio-economic programme for women in 1994.
- (ii) Rehabilitation of destitute women in the State.
- (iii) Importance of primary education in the remote areas of Assam.
- (iv) Role of women in preventing terrorism and violation of Human Rights.

Important Recommendations submitted by the Commission

- (i) Appointment of lady constable and sub-inspector in the police force and suggested that the women task force should be attached to each police station.
- (ii) The Commission has recommended that such girls and women who are forcibly engaged in prostitution should be rescued immediately and given an opportunity to lead an honest life with gainful employment.
- (iii) In order to check growing menace of prostitution in Guwahati city the commission has recommended that the Superintendent of Police should prepare the list of beauty parlours and prepared the names of the parlour girls.

Major problems/constraints

- (i) Inadequate allocation of funds to the Commission. The Commission has been getting only Rs. 6 Lakhs as grants in aids annually from the Government of Assam. There is no other source for getting funds.
- (ii) The Commission is accommodating in three Rooms of the Directorate of Social Welfare.
- (iii) Inadequate staff.

Delhi Women Commission

The Delhi Commission for Women was constituted in 1994 under the Delhi Commission for Women Act. The Commission consists of a Chairperson, two Members and a Member Secretary, though the sanctioned strength of the Commission is a Chairperson and five Members. The Commission is assisted by an office Superintendent, an Accounts Officer, Stenographer, Two UDCs and two caretakers. Besides, three Legal Advisors, four Project Coordinators, one Field Worker and two Secretarial Assistants assist the Commission on contractual basis.

Functions

- (i) To investigate and examine all the matters relating to the safeguards provided for women under the Constitution and other laws.
- (ii) Take up the case of violation of the Provisions of the Constitution and of other laws relating to women with the appropriate authorities.
- (iii) Look into complaints and take *suo moto* notice of matters relating to deprivation of women's rights, non-implementation of laws enacted to provide protection to women, non-compliance of policy decisions for mitigating hardships;
- (iv) Make recommendations to Government for effective implementation of those safeguards for improving the conditions of women in the capital.

Facilities and infrastructure

The Commission is functioning in the office area of 300 sq.mtrs. and is under tight space constraints. The Commission has been provided four vehicles, three computers, fax machine and other office equipment for discharge of its mandated functions.

Important recommendations made by the Commission to the State Government

- (i) Enhancement of the maintenance allowance admissible under Section 125 Cr. PC to a divorced wife from Rs. 500/- to Rs. 5000/- or one-third of the total salary of the husband, whichever is maximum.

- (ii) Delivery of summons issued by the Commission through the Police.
- (iii) Only women lawyers and judges should handle rape cases.
- (iv) All rape cases should be decided in three months time.
- (v) Parole should be liberally granted to women prisoners.
- (vi) Liberal use of the provisions of the criminal laws for granting bail to those women prisoners who are not guilty of heinous crimes and who are not professional criminals.
- (vii) Night shelters especially for women should be created and should be safe and hygienic.

Major activities of the Commission

1. **Sahyogini:** This is an ongoing project of Delhi Commission for Women. It functions like a pre litigation family-counselling unit where cases come from different sections of society. The complaints, once received, are acted upon promptly. The panel comprises Members and Legal Counsellors.
2. **Helpline:** This ambitious project of DCW was started on 8th March, 2000. The Commission has received approximately 1800 calls from women since inception. The caller usually belongs to middle and lower middle class aged anywhere between 20 to 75. The calls are mainly regarding divorce, maintenance, harassment of women by husband, in-laws, demand for dowry and other problems of the public relating to women. Some cases are settled there and then and others that need to be worked upon are referred to Sahyogini and a follow up is maintained.
3. **Sahara:** Sahara is an initiative set up to provide support to victims of rape, domestic violence and torture. Delhi Commission for Women, Delhi Police and networked NGOs work in an integrated partnership to run these centres called Crisis Intervention Centres.

At present, these centres are working in all seven districts of Delhi. These centres also provide counselling/legal aid and rehabilitation of the victims.

Commission provides linkages for crisis cases by providing linkage with hospitals for medical examination, providing legal aid, other relevant interventions to seek support and rehabilitation to women in distress specially rape victims.

Goa State Commission for Women

Composition

The sanctioned strength of the Members of the Commission is as follows:

- (i) Chairperson
- (ii) Six Members
- (iii) One MLA elected lady representative for Legislative Assembly and;
- (iv) Member Secretary

Staff assisting the Commission

The Commission is assisted by one UDC, one Junior Stenographer, one LDC, driver and a Peon. From time to time, the staff of Directorate of Women and Child Development have been assisting the Commission and they have been paid the honorarium for doing the Commission's work.

Facilities and Infrastructure

The necessary office space, a vehicle, a telephone etc. has been provided to the Commission. They, however, require infrastructure such as a computer, a Xerox machine and a separate vehicle for the Chairperson.

Problems being faced by the Commission

A demand for providing the necessary facilities and infrastructure has been made to five successive Governments during the three-year term of the Commission and although assurance was given with respect to fulfilling these demands, due to political instability, no action was taken. There have also been frequent changes in the Member Secretary during the term of the previous Commission which has hindered its efficient functioning. The Commission has made the following demands regarding amendments to be made in the Goa State Commission for Women's Act:—

- (i) That there should be at least one Member of the Commission on a full-time basis.

- (ii) In order to ensure continuity of its functioning, an amendment to the Act should be made to the effect that one-third of the Members retire every year.
- (iii) The Goa State Commission for Women is deficient in areas of punitive action. Hence amendment is necessary in this regard.

Important recommendations suggested by the Commission

The following important recommendations have been suggested by the Commission:—

- (i) Regarding problems of women in the red light areas of Baina. Action of the Government is awaited.
- (ii) To implement the excise act strictly. Action of the Government is awaited.
- (iii) Problems faced by Anganwadi workers. Government has taken a decision to increase the honorarium.

Major activities and achievements of the Commission since its inception:

Till date, the Commission has over 150 cases registered with them and the Commission assisted in various ways such as:—

- (i) Counselling
- (ii) Giving legal advice
- (iii) Working out reconciliation
- (iv) Taking up cases with the Government
- (v) Follow-up at the police stations
- (vi) Carrying out awareness campaign against violence

The Commission demanded setting up of the fully functional special cell for women with police personnel. On 17th August, 2000, an all women police station has been started but is yet to be given the requisite staff.

The Commission has conducted workshop on amendments to family laws. Though there are inheritance and property rights to the women but there is a general bias in administration of property which needs to be looked into.

In spite of the compulsory registration of marriage, bigamy does take place and, therefore, the Commission has made certain recommendations in procedure of marriage.

The Commission has conducted workshops on Dowry Prohibition Act with the National Commission for Women and submitted its recommendations.

Requirements of the Commission

In view of increase in number of complaints received, services of a lawyer and a counsellor have become necessary. The Government need to increase the grants-in-aid to the Commission to enable them to take care of the financial burden due to the services of these professionals.

Haryana State Commission for Women

The Haryana State Commission for Women was constituted in December, 1999. The Commission consists of a Chairperson, Vice-Chairperson, four non-official Members, two official Members and a Member Secretary. The Commission was set up as a consultative body to advise the Government on legislative and departmental policies concerning women, undertake steps at the level of Government and public to protect the constitutional and legal rights of women and to improve the status of women. The Commission also had to monitor the implementation of laws and welfare measures, investigate complaints, demand prosecution in offences committed against women, inspect police stations, sub-jails and rescue homes, etc., and to conduct public interest litigation and conduct studies and researches, etc.

Facilities and Infrastructure

Most of facilities and infrastructure required by the Commission have already been provided to the Commission and it had its independent office. The request/demands of the Commission are given due consideration by the State Government and during the year 2000-2001, a sum of Rs. 40 lakh has been provided to the Commission.

Important recommendations made by the Commission to the State Government

The Commission has suggested amendments to the Dowry Prohibition Act and the Immoral Traffic (Prevention) Act.

Himachal Pradesh State Commission for Women

The Himachal Pradesh State Commission for Women was constituted under the H.P. State Commission for Women Act, 1996 with the aim of furthering the fundamental rights guaranteed by Articles 14, 15 and 16 of the Constitution of India with respect to women and to give effect to the Directive Principles of State Policy and in particular those enshrined in Articles 38,39,39A and 42 of the Constitution. The Commission has strived to improve the status and dignity of women in society, to investigate into and take or suggest suitable remedial measures against practices derogatory to women. It also effectively monitored and implemented laws affecting women and advice the Government in all matters related to the improvement and upliftment of status and dignity of women in the society. The Commission consists of a Chairperson and two Members only and the remaining four posts of Members are lying vacant.

Facilities and infrastructure

The Commission does not have its own office premises. They have a very low budget of Rs. 14 lakh which included expenses on infrastructure, salaries, transport, etc. The Commission has been requesting the State Government to release more funds to the Commission to enable them to hold seminar to create awareness amongst women in rural areas.

Major activities of the Commission

Ever since the Commission came into being, 193 cases/complaints relating to deprivation of women's rights and atrocities against women had been received by the Commission of which 82 had been settled/disposed of after investigation/intervention by the Commission. Apart from this, the Commission had organised 8 camps on Awareness Generation and Empowerment of Women at various places of the State during the year 1999-2000.

Important recommendations made by the Commission to the State Government

The Commission had visited a number of women jails and had suggested reforms in prisons.

Main demands of the Commission

One of the important demands of the Commission is to grant statutory status to the Commission and allocation of sufficient funds and powers.

Karnataka State Women Commission

The Karnataka State Women Commission was constituted on 12th August, 1996 and it consists of 6 non-official members and 3 ex-officio members. The functions of the Commission are:—

- (i) To present reports and recommendations to the Government for improving the conditions of women.
- (ii) To review the existing provisions of the constitution affecting the women.
- (iii) To conduct studies of investigation into specific problems of women.
- (iv) To look into complaints and take *suo-moto* notice of matter relating to women's rights.
- (v) To involve voluntary organisations besides Governmental departments in discharging its function.
- (vi) To conduct Adalaths and Legal Awareness Programmes.

Facilities and infrastructure

The State Government sanctions grants-in-aid to the Commission every year. During the year 2000-2001, an amount of Rs. 40 lakh has been sanctioned to the Commission.

Important programmes implemented and recommendations made by the Commission

- (i) A conference of rehabilitation of Devadasis held and number of resolutions passed.
- (ii) Conference held demanding 33% reservation for women in Parliament and resolution passed.
- (iii) Meeting with Chairpersons of different State Commissions held and a resolution passed demanding women's representation at all levels in Government and other bodies.
- (iv) Conducted awareness programme for tribal women.
- (v) Unorganised Sector Women Workers Conference held and reported to State Government.
- (vi) A report on the Baina Beach issues in Goa submitted to State Government

Besides, the State Commission was planning to solve some petitions through counselling and in this connection, Central Social Welfare Board, New Delhi had sanctioned a Family Counselling Centre for the year 1999-2000.

Kerala State Women Commission

The Kerala State Women Commission was constituted on 14.3.96 under the Kerala Women's Commission Act, 1990 (Act 17 of 1995) to improve the status of women in the State of Kerala and to enquire into unfair practices affecting women in the State of Kerala.

The Commission has seven Members including Chairperson, who are all, appointed directly by the Government. The Commission is assisted by Secretary and a Director.

Functions of the Commission

The main functions of the Commission are as under:—

- (i) To inquire into any unfair practices affecting women in the State of Kerala, take decision thereon and to recommend to the Government the action to be taken.
- (ii) Cause investigations to be made by the Director on issues of importance concerning women, and on issues concerning unfair practice and to report thereon to the Government on the corrective measures to be taken.
- (iii) To submit to the Government annual reports on the lacunae and inadequacies in the laws which affect the constitutional rights to equality and fair treatment of women and to suggest remedial legislative measures.
- (iv) To submit to the Government annual reports on the monitoring of the working of laws in force concerning women and recommend to Government to initiate legislation for removal of discrimination in the case of inheritance, guardianship, adoption and divorce or for matters relating to safeguarding the dignity of women.
- (v) Inspect Police Stations, Prisons, lockups, Rescue homes and places where women find shelter, help, etc.

Facilities and infrastructure

The Commission does not have its own building and had to shift from two buildings in three years. Further, the Commission does not have a computer system or fax.

The six members of the Commission having the status of Deputy Speakers have just one car among themselves to cover 13 districts in the State under the purview.

Lack of funds

The Commission was not given any funds during the year 1996-97 and 1997-98. During the years 1998-99 and 1999-2000, Rs. 5 lakh in each financial year was provided to the Commission. During the year 2000-2001, an amount of Rs. 20 lakh has been earmarked in the plan budget. Due to lack of funds, The Commission was unable to conduct Adalats or initiate research programmes in the State. The Commission requested the National Commission for Women which sanctioned Rs. 80,000/- in 1998 to meet the expenses of Adalats. Last year, the Kerala Women's Commission approached the State Women's Development Corporation and got Rs. 2.5 lakh for conducting Adalats. In the current year, UNFPA has sanctioned certain grants to the Commission to start awareness campaigns including seminars and classes on legal literacy, research programmes, publications of books, a video film on atrocities against women, gender sensitisation programmes for police personnel, etc.

Important recommendations made by the Commission to the State Government

- (i) The Commission has recommended amendment to the Dowry Prohibition Act, 1961; The Immoral Traffic (Prevention) Act, 1956; The Indian Evidence Act, 1872; The Hindu Succession Act, 1956; The Indian Penal Code, 1872 etc.
- (ii) Enhancement of the maternity leave to six months considering the importance of breast feeding which had received universal acclaim by organisations like WHO and UNICEF.
- (iii) To permit women employees having children below the age of one year to work for half a day till the children attained the age of one year with half of the salary.

- (iv) Pension to the divorced daughters who are not getting any maintenance from their former husbands.
- (v) The Anganwadi workers should be treated as Government servants and all benefits available to the Government servant should be extended to them.

The recommendations submitted by the Commission to the State Government are pending with them.

Madhya Pradesh State Commission for Women

The Madhya Pradesh State Commission for Women has a Chairperson and 6 Members. Out of the 6 Members five Members are Non-Official and one Member is Official.

Staff

The Commission has been sanctioned 46 posts. However, presently 40 employees are working and 6 posts are lying vacant.

As regards other information, the Madhya Pradesh State Commission for Women has informed the Committee that the requisite information would be sent to the Committee subsequently. However the information is still awaited.

Mizoram State Commission for Women

The Mizoram State Commission for Women consists of one Chairperson and five Members and one Member as part-time Member Secretary. The Commission is assisted by other supporting staff of the rank of UDC and LDC.

Facilities & Infrastructure

The Mizoram State Commission for Women have been provided one vehicle and three telephones to discharge its responsibilities.

The Mizoram State Commission for Women is not legislated and as such all the facilities and infrastructure have not been provided to it.

Important Recommendations made by the Commission to the Government

The Mizoram State Commission for women has recently been constituted. The Commission has organised awareness campaigns and seminars of legal safeguards for women in many villages.

The Committee have been informed that the Commission has not been given any power and is not really very effective.

Maharashtra State Commission for Women

The Maharashtra State Commission for Women is a statutory body which was constituted under Maharashtra Act No. XV of 1993.

Main objectives of the Commission:

- (i) To improve the status and dignity of women in the society.
- (ii) To investigate into and make or suggest suitable remedial measures against practices derogatory to women.
- (iii) To effectively monitor and implement laws affecting women.
- (iv) To advise the Government on all matters related to the improvement and upliftment of the status and dignity of women in society.

Important work done by the Commission

Elimination of violence against women is the main focus area identified by the Commission. A number of cases pertaining to matrimonial matters, property matters, dowry harassment, dowry deaths, rapes, etc., are being recorded at the Commission's office. In order to handle cases pertaining to atrocities against women, the Commission endeavours to offer counselling services to needy women prior to the commencement of any litigation. The Commission began counselling and free legal aid centre in its premises at Mumbai on 18th March, 1995. The Commission intends to open such centres in every district place.

The State Commission has formed a Legal Experts Committee in order to have expert advice on issues pertaining to cases pending in family courts, dowry death cases, rape cases, etc., and obtain recommendations for an amendment to laws related to women.

Difficulties faced by the Counselling and Legal Aid Cell of the Commission

In some cases on issuing summons by the Commission, the parties did not care to attend/report to the Commission's office. At times, summons are issued through police authorities under its powers vested under Section 12(2)(a) of the Maharashtra State Commission for Women Act. Though the summons are served on the concerned parties, their attendance is not enforced by the Police department. Hence an amendment is necessary to the said Act whereby the Police will enforce the attendance of a person who is not reporting to the Commission's office despite being served summons.

Also, there are shortcomings in the cases of notices issued in case of dowry deaths and cases registered under Section 498(a) IPC.

Important recommendations suggested by the Commission

The Maharashtra State Commission for Women has recommended amendments to the following Acts:—

- (i) Bombay Court Fees Act, 1959
- (ii) Hindu Adoption and Maintenance Act, 1956
- (iii) The Agricultural Laws (Ceiling on holdings) Act, 1961
- (iv) The Dowry Prohibition Act, 1961
- (v) The Hindu Minority and Guardianship Act, 1956
- (vi) The Hindu Marriage Act, 1955
- (vii) Code of Criminal Procedure, 1979

Besides the Commission alongwith the expert Committee, have suggested the following drafts for protection and well-being of women:—

- (i) The Maharashtra Protection of Women Act, 1994
- (ii) The Maharashtra Protection and Rehabilitation of Devdasis Act, 1994
- (iii) Medical Remedies Practices Control and Rehabilitation & Victims Act, 1994
- (iv) The Maharashtra Control and Regulation of Addiction to Liquor, Narcotics and Gambling Act, 1995
- (v) The Maharashtra Protection & Commercial Sex Workers Act, 1994

Also, the Maharashtra State Commission for Women has initiated Mahila Lok Adalats in collaboration with the family court, Mumbai and Bruhanmumbai Legal Aid and Advice Cell of Law and Judiciary Department.

Orissa State Commission for Women

The Orissa State Commission for Women was set up on 14.1.1993 by a resolution but the Act was passed on 7.10.1994. The Act is know as 'Orissa Act 19 of 1994' and till now no rule have been framed under this Act.

Facilities and Infrastructure

The Commission has informed that the State Government has provided no facility for smooth operation of the Commission except grants in aid. The Commission is functioning in a rented building for which Rs. 18000/- per month as rent is being paid. However, the vehicles provided to the Commission are not running in good condition.

Staff

The Commission have not been provided with adequate staff to discharge its function. In 1993, initially six staff on deputation were provided to the Commission but were taken back by their parent department. There were two staff working in the Commission in year 1994, 1995. In 1996 only one staff was working on deputation. From 1997 onwards the Government have not provided any officer/staff to the Commission on deputation and no posts have been created by the Finance Department for smooth functioning of the Commission.

The Commission have appointed some staff and has been requesting the Government for creation of posts but till date no posts have been sanctioned. The Commission is functioning with 39 staff on different cadre.

Budget

In year 1997 the Commission was sanctioned Rs. 22 lakhs as grants-in-aid. In the year 1998 Rs. 35 lakhs and in the year 1999 Rs. 23 lakhs as grants-in-aid was sanctioned to the Commission.

Important Recommendations suggested by the Commission

1. Compulsory registration of marriages.
2. Delivery of summons issued by the Commission through Police.
3. The quantum of maternity leave should be enhanced from 3 months to 5 months.
4. To enhance the benefit of pension to widows.
5. More working hostels for women should be opened in State.

6. Women prisoners above the age of 60 should be given odd age pension and women prisoners below the age of 60 may be provided credit facilities to ear their livelihood after they have been released from prison.
7. Prison administration should appoint social workers who could contact prisoners in sustaining their relation with their family members.

Punjab State Commission for Women

Though there is provision for a Chairperson and six Members as per the National Commission for Women's Act, the Punjab State Commission for Women consists of a Chairperson and two Members only and the remaining four posts of Members are lying vacant. The Commission is assisted by a superintendent, Assistants, Stenographer, Clerk and a Peon.

Facilities and infrastructure

The Commission does not have its own office premises and has a budget of Rs. 14 lakh which includes expenses on infrastructure, salaries, transport, etc.

The Commission has been provided a car, a telephone without STD facility and does not have an office building of its own. The Commission has been demanding its own building, a Photostat machine, telephone with STD and a car for Member Secretary. The demands of the Commission are under consideration of the Government.

Important activities of the Commission and recommendations made to the State Government

- (i) The Commission had visited a number of women jails and had suggested reforms in prisons.
- (ii) The Commission had visited various villages and interacted with women, children and also prostitutes, listened to their problems and suggested possible solutions to their problems.
- (iii) besides, they had handled cases of rehabilitation of about 100 girls from the States of Haryana and Himachal Pradesh.

Main problems and demands of the Punjab State Commission for Women

- (i) Allocation of sufficient resource allocation and funds to the Commission.
- (ii) Grant of statutory status to the Commission.
- (iii) As sex ratio is declining further in the States of Haryana and Punjab, the Commission desire that intervention of Government may be made in this area.

Rajasthan State Commission for Women

The Rajasthan, State Commission for Women was set up on 15th May, 1999 the Commission has a Chairperson and 4 Members including the Member-Secretary. Out of the four Members of the Commission, one women should be drawn from SC/ST and one Member from other backward class.

Facilities and infrastructure

The Chairperson of the Commission has been accorded the status of a Cabinet Minister and Members of the Commission have facilities at par with 'A' Class Government official travelling etc.

Requirement of the Commission for additional facilities

The Commission has requested the State Government for setting up of an independent investigating cell. The request of the Commission has been accepted and the Government has announced to associate an IPS officer with the Commission.

Important recommendations of the Commission

- (i) The Commission has requested the Government to announce a policy papers on women;
- (ii) The Commission has requested the Government to nominate women members in the Planning Board so that the issues relating to women can get preference;
- (iii) The Commission has requested the Ministry of Law to give fair representation to women while appointing Government prosecutors;

- (iv) The Commission has requested the police authorities to pay special attention to complaints relating to women and take prompt action;
- (v) The Commission has requested the State Governments to set up women cell in all the Government departments to look into complaints of sexual harassment at work place;
- (vi) The Commission has requested the Education Department to post husband and wife at one place to the extent possible;
- (vii) The Commission has requested the Government to ensure that the posts reserved for women in the Government departments are filled up by appointing women candidates only;
- (viii) The Commission has requested the Government to enhance the maintenance allowance from Rs. 500/- p.m. to Rs. 2500/ p.m.
- (ix) The Commission has requested the Government to appoint only women as Principal in Women Universities.

Main activities of the Commission

The Commission has received about 800 complaints so far since its inception. Some of the important matters specially investigated by the Commission are as under:—

- (i) Investigate the case of death of 9 children in child home run by the Social Welfare Board;
- (ii) Investigated the kidnapping and rape of Tibetan women;
- (iii) Investigated the case of vergin test of women in Sanshi caste in Tonk and Ajmer district;

Some of the main programmes organised by the Commission are as under:—

- (i) The Commission organised a girl child week in September, 1999 to show the importance of girl child in the society;
- (ii) Organised two days training programme in gender bias;
- (iii) Workshop on child rights and issues relating to women in November, 1999;
- (iv) Workshop to discuss the 'Dowry Prohibition Act' and 'Immoral Trafficking (Prevention) Act';
- (v) Organised regional conference of various State Commissions for Women and voluntary organisation.

Major constraints of the Commission

- (i) Inadequate financial allocations to the Commission;
- (ii) Inadequate staff strength;
- (iii) No status to the Members of the Commission and insufficient facilities to them;
- (iv) Absence of an investigating cell in the Commission;
- (v) The Commission is an independent body but in the financial matters the Commission is bound to work within the limit of Government procedure.

Tamil Nadu State Commission for Women

The Tamil Nadu State Commission for Women is functioning under the Government order No. 227. The Commission consists of a Chairperson, 7 Members and a Member Secretary. Since the Commission is working under the Government order, it has no staff of its own. Presently, all the staff have been drawn on deputation.

Facilities and Infrastructure:

The Commission is located in a building belonging to the State Government and has been provided with a telephone. A monthly honorarium of Rs. 1500/- per month is given to the Secretary.

Requirements of the Commission for more facilities

1. The Commission should have its own building.
2. The Chairperson and Members of the Commission should be appointed on full time basis.
3. The Commission should be made a statutory body.
4. The Commission requires additional staff to discharge its responsibilities.
5. Sufficient budget allocation should be made for the Commission.

Major activities and achievements

1. The Commission organised a three-day Gender sensitisation training to Police Officers of the rank of Inspectors and Sub-Inspectors. So far, 205 Police Officers have received the training. The programme includes knowledge about laws relating to women and steps to bring down crime against women. Every year, the State Government allot Rs. 3,45,000/- for this programme.
2. The Commission organised a three-day legal literacy training programme for womens' college lecturers. The programme includes relevant provision of the constitutions of India, marriage laws, inheritance laws, property laws and laws on adoption and maintenance. Every year Government sanctions Rs. 1,50,000/- for this programme. So far, 108 lecturers have received this training.
3. The Commission gave one day training to Sub-Collectors/ Revenue Divisional Officers who already inquest in cases of un-natural death of women within seven years of marriage.
4. The Commission keeps track of the cases in case of dowry death to see that justice is done.
5. The Commission imparts counselling to married couples.
6. The Commission helps divorced women and widows to get employment to suit their qualification.

Important Recommendations

1. The Commission have recommended to the Government to exempt women filing suits for their maintenance from payment of court fees. At present court fee payable is 7.12% of annual maintenance claim.
2. To enhance the maintenance allowance from Rs. 500/- per month to Rs. 2000/- per month to the divorced women.

Tripura State Commission for Women

The Tripura State Commission for Women was constituted in February, 1994 under the Tripura State Commission for Women Act, 1993. The Commission consists of a Chairperson and a Vice-Chairperson and five Members and one Member Secretary.

Staff

The Commission have informed that the State Government has not sanctioned any post except the Member Secretary by an Act. The Commission is carrying on its responsibilities with the help of staff deputed from different departments. Presently, the Commission has 17 staff.

Facilities and Infrastructure

The Tripura State Commission for Women have been sanctioned Rs. 2 lakh as grant in aids and is housed in the Government accommodation.

Activities of the Commission

1. As per the Tripura Commission for Women Act, the Commission has been investigating and examining all the matters relating to safeguards provided for women under the Constitution and other laws. In the past six years 2698 cases were received.
2. The Commission have been launching extensive awareness programme within the State to create the awareness amongst people of the State about the legal, social, political, economical other rights of the women under the Constitution and law.
3. The Commission visits jails and other custodies where women are kept and recommends to appropriate authority to check measures to improve the custodial conditions and justice to those who suffer lot behind the bar.
4. The Commission is active to take up Status, Research on development of women in the State. The Commission published a complete volume on status of women in the State despite extremists violence.

Important Recommendations

1. To enhance maintenance allowance under Section 125Cr. PC from Rs. 500/- per month to Rs. 1500/- per month. The recommendation has been accepted by the State Government.

2. The Commission have recommended to set up family courts in the States to avoid unusual delay.
3. To establish special female jails.
4. To establish short stay homes for women.
5. The Commission has send a proposal to establish a family wing in the police departments and to post female police personnel in every police station.
6. Compulsory registration of marriages.

Major Constraints

1. Inadequate finance and infrastructure facilities to the Commission.
2. The Commission does not have the power to enforce the summons issued by the Commission.
3. The recommendations of the Commission are recommendatory in nature and not binding on private agencies.
4. The Commission needs clear and full autonomy.
5. Status of the Commission and status of Chairperson and Members are not defined by formulating the rules.

West Bengal State Commission for Women

The West Bengal Commission for Women was constituted in 1992. The Commission consists of 11 Member including the Chairperson and Vice Chairperson and a Member Secretary from IAS cadre. All Members are nominated by the State Government except the Member Secretary all the Members of the Commission are part-time.

Functions of the Commission

The West Bengal Commission for Women is an autonomous statutory body. The Commission receives complaints about gender discrimination and oppression. The Commission has the powers of a civil court for the purpose of summoning any person to give evidence. It can also move *suo moto* in such cases to ensure proper police inquiry. The Commission sends recommendations to the Government on various issues concerning women. The Commission also discharge mandated visit to jails, destitute homes and inspect the conditions of female inmates.

Facilities and Infrastructure

The Commission is housed in a requisitioned building which have been provided by the State Government. The Commission receives grants-in-aid from the State Government.

Activities and Achievements

1. Legal literacy workshop in the various districts were organised with NGOs and panchayat members.
2. The Commission regularly visits district jails and reports are being sent to the Government.
3. It conducts inter-state meetings on better laws against rape.
4. The status report of women in Bengal is being prepared.
5. A report prepared for West Bengal Government on Bengal Women in Brindavan.
6. Organising annual Mahila Mela since March, 1999.

Major constraints

1. All the Members except Member Secretary are part-time.
2. The status of Members *vis-a-vis* the State administration have not been clearly defined.
3. While the Commission has the statutory authority of a civil court but in practice they have no means of exercising this authority effectively.
4. Problem of space.

Jammu and Kashmir State Commission for Women

Jammu & Kashmir State Commission for Women has been constituted under the Act, of the Jammu and Kashmir State Legislative Assembly passed in March, 1999. The Commission was set up in March, 2000. The office with some skeleton staff became available to the Commission in June, 2000. The Commission became partially functional in the last week of July, 2000. Since Jammu and Kashmir is divided in three regions *viz.* Kashmir province, Jammu province and Ladakh province, the offices of the Commission is required to be set up in all the three regions as all the regions are several hundreds kilometers away from each other.

The Jammu and Kashmir State Commission for Women provides for full-time Chairpersons and two part-time Members. The Commission is supposed to be assisted by additional secretary and other supporting staff.

Since the Commission became fully operational no major activities have been undertaken by the Commission.