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**PARLIAMENT OF INDIA  
LOK SABHA**

**COMMITTEE ON EMPOWERMENT OF WOMEN  
(2011-2012)**

**(FIFTEENTH LOK SABHA)**

**SEVENTEENTH REPORT**

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

*[Action Taken by the Government on the recommendations contained in the Twelfth Report (Fifteenth Lok Sabha) of the Committee on Empowerment of Women (2011-2012) on ‘Working of National Commission for Women and State Commissions for Women’]*



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**SEPTEMBER, 2012/BHADRAPADA, 1934 (Saka)**

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#### **(FIFTEENTH LOK SABHA)**

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*[Action Taken by the Government on the recommendations contained in the Twelfth Report (Fifteenth Lok Sabha) of the Committee on Empowerment of Women (2011-12) on 'Working of National Commission for Women and State Commissions for Women']*

Presented to Lok Sabha on 05.09.2012

Laid in Rajya Sabha on 05.09.2012



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**SEPTEMBER, 2012/BHADRAPADA, 1934 (Saka)**

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**COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN  
(2011-2012)**

\*\*\*\*\*

**Hon'ble Chairperson - Shrimati Chandresh Kumari**

**MEMBERS**

**LOK SABHA**

2. Smt. Harsimrat Kaur Badal
3. Smt. Susmita Bauri
4. Dr. Kakoli Ghosh Dastidar
5. Smt. Ashwamedh Devi
6. Smt. Rama Devi
7. Smt. Jyoti Dhurve
8. Smt. Priya Dutt
9. (Dr.) Smt. Botcha Jhansi Lakshmi
10. Smt. Sumitra Mahajan
11. Dr. Jyoti Mirdha
12. Smt. Ranee Narah
13. Kum. Meenakshi Natrajan
14. Smt. Jayshreeben Kanubhai Patel
15. Smt. Yashodhara Raje Scindia
16. Smt. Rajesh Nandini Singh
17. #Smt. Mausam Noor
18. Shri M. Thambidurai
19. Smt. Seema Upadhyay
20. Smt. Usha Verma

**RAJYA SABHA**

21. Smt. Naznin Faruque
22. Smt. Kanimozhi
23. Shri Ambeth Rajan
24. Dr. T. N. Seema
25. Smt. Maya Singh
26. Smt. Vasanthi Stanley
27. Dr. C. P. Thakur
28. Dr. Prabha Thakur
29. \*Vacant
30. \*\*Vacant

**SECRETARIAT**

- |                         |                     |
|-------------------------|---------------------|
| 1. Shri C.S. Joon       | Joint Secretary     |
| 2. Shri S.C. Chaudhary  | Director            |
| 3. Shri Raju Srivastava | Additional Director |

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\*Smt. Shobhana Bhartia ceased to be the Member of the Committee w.e.f from 15<sup>th</sup> February, 2012 on her retirement from Rajya Sabha.

\*\* Shri Jabir Husain ceased to be the Member of the Committee w.e.f 2<sup>nd</sup> April, 2012 on his retirement from Rajya Sabha.

#nominated to the Committee w.e.f. 2nd May, 2012 vice Rajkumari Ratna Singh.

## **INTRODUCTION**

I, the Chairperson, Committee on Empowerment of Women having been authorized by the Committee to submit the Report on their behalf, present this Seventeenth Report (Fifteenth Lok Sabha) on the action taken by the Government on the recommendations contained in their Twelfth Report (Fifteenth Lok Sabha) on 'Working of National Commission for Woman and State Commissions for Woman.

2. The Twelfth Report (Fifteenth Lok Sabha) of the Committee on Empowerment of Women was presented to Lok Sabha on 21<sup>st</sup> December, 2011 and laid in Rajya Sabha on 22<sup>nd</sup> December, 2011. The Ministry of Women and Child Development has furnished the action taken replies to all the Observations/Recommendations contained in the Report.

3. The Committee on Empowerment of Women (2011-2012) considered and adopted the Draft Report at their sitting held on 3<sup>rd</sup> September, 2012. Minutes of the sitting are given at Appendix I.

4. An Analysis of the action taken by the Government on the recommendations contained in the Twelfth Report (Fifteenth Lok Sabha) of the Committee is given in Appendix II.

5. For facility of reference and convenience, the Observations/Recommendations of the Committee have been printed in bold letters in the body of the Report.

**NEW DELHI**  
**04 September, 2012**  
**13 Bhadrapada, 1934 (Saka)**

**SMT. CHANDRESH KUMARI**  
**CHAIRPERSON**  
**COMMITTEE ON EMPOWERMENT OF WOMEN**

## CHAPTER I

### REPORT

This Report of the Committee deals with the action taken by the Government on the observations/recommendations contained in their Twelfth Report (Fifteenth Lok Sabha) of the Committee on Empowerment of Women on the subject 'Working of National Commission for Women and State Commissions for Women' pertaining to Ministry of Women & Child Development.

2. The Twelfth Report was presented to Lok Sabha on 21 December, 2011 and was laid on the Table of Rajya Sabha on 22 December, 2011. The Report contained 15 observations/recommendations.

3. Action Taken Replies in respect of all the 15 observations/recommendations contained in the Report have been received from the Government. These have been categorised as follows:-

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

Serial Nos.: 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13 and 14

Total: 12

#### **Chapter-II**

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

Serial No.: Nil

Total: 00

#### **Chapter-III**

- (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee:

Serial Nos.: 4 & 5

Total: 02

#### **Chapter-IV**

- (iv) Observations/Recommendations in respect of which final replies of the Government are still awaited :

Serial No. : 15

Total: 01

#### **Chapter-V**

4. The Committee desire that Action Taken Notes on the observations/ recommendations contained in Chapter – I of the Report and final reply to the observations/ recommendations contained in Chapter – V of the Report in respect of which Government has submitted interim reply, may be furnished to the Committee within three months of the presentation of this Report.

5. The Committee will now deal with action taken by the Government on some of the observations/ recommendations that require reiteration or merit comments.

**A. Mandate of the Commission  
[Recommendation Serial No. 3]**

6. The Committee had recommended as under:-

“The Committee find that the prime mandate of the Commission is to monitor all matters relating to the constitutional/legal safeguards provided to women, review the existing legislations and to suggest amendments wherever necessary. In accordance to its mandate, the Commission has so far reviewed about 70 laws and suggested amendments thereto. 'The Review of Dowry Prohibition Act, 1961', 'The Immoral Traffic (Prevention) Act, 1956', 'Indecent Representation of Women (Prohibition) Act, 1986', 'Amendments to Section 125 of the Code of Criminal Procedure regarding Maintenance', 'Amendments to the Laws relating to Rape and Related Provisions' are some among them. Further, the Commission has given pertinent recommendations on various programmes and schemes of the Government having a direct bearing on the wellbeing of women. However, the Committee note with dismay that many of these amendments/ recommendations are pending with the Ministry of Women and Child Development since long. The Committee also understand that the Commission does not necessarily get to know about the developments in the matter once these amendments/ recommendations are submitted to the Government. The Committee do not find the extant situation very conducive to the expeditious implementation of the recommendations of the Commission even though the final decision is a time consuming process owing to the various stages of discussions with various Ministries which are *sine qua non* in the process of finalization. The Committee are of the firm view that if the recommendations/amendments suggested by NCW are left to languish in the quagmire of deliberations and discussions, the very



purpose of making those recommendations/amendments would be defeated and many hapless women may be denied relief and justice. The Committee, therefore, recommend that the Government should adhere to a time frame, preferably 2 years, in effecting the amendments suggested by the Commission to any act and one year in case of general recommendations, from the date of initial submission of such amendments/recommendations. The Committee also desire that the Ministry, in consultation with the authorities concerned at various levels, should evolve a more streamlined approach in this regard. The Committee also suggest that the Ministry should apprise the Commission, once in every 6 months, the status of implementation of the recommendations / amendments suggested by the Commission.”

7. The Ministry in their action taken reply have stated as under:-  
“The recommendation of the Committee has been noted and the Ministry will strive to examine the recommendations of the Commission and facilitate decisions in a reasonable time. However, it may not be possible to prescribe and adhere to strict timelines in respect of every recommendation as sometimes wider consultations and procedural requirements require more time.

Regarding the Committee’s suggestion that the Ministry should apprise the Commission, once in every 6 months, the status of implementation of the recommendations / amendments suggested by the Commission, it is submitted that under section 14 of National Commission for Women Act 1990, the Annual Report of the NCW along with the memorandum of Action Taken on the recommendations contained therein and the reasons for non acceptance, is laid by the Central Government before each House of the Parliament. While the Ministry may not have any objection to share information with the Commission on action taken on various recommendations from time to time, prescribing formal mechanism or periodicity for mandatory reporting may be against the spirit of the provisions of the Act under which action taken report is required to be laid before each House of the Parliament.

8. **The Ministry in their action taken reply have clarified that it may not be possible to prescribe and adhere to strict timelines in respect of every recommendation made by the National Commission for Women as sometimes wider consultations and procedural requirements require more time. The Ministry have further stated that under section 14 of the**

National Commission for Women Act 1990, the Annual Report of the NCW alongwith the memorandum of Action Taken on the recommendations contained therein and the reasons for non-acceptance is laid by the Central Government before each House of the Parliament. While the Ministry may not have any objection to share information with the Commission on action taken on various recommendations from time to time, prescribing formal mechanism or periodicity for mandatory reporting may be against the spirit of the provisions of the Act under which action taken report is required to be laid before each House of the Parliament. With the information made available by the Ministry, the Committee do understand that prescribing and adhering to strict timelines in respect of every recommendation of the Commission may not be possible. Nevertheless, in the absence of any concrete plan of action on the part of the Ministry, it would be difficult to liquidate the pendency of amendments/ recommendations made by the Commission which are primarily aimed at giving relief and justice to innumerable hapless women in the country. After analyzing the whole related facts, the Committee recommend that the administrative and functional bottlenecks in smooth and timely implementation of the recommendations made by the Commission may be tackled and a practical and pragmatic solution be worked out in coordination with all concerned including the National Commission for Women. The Committee would like to be kept abreast of the steps taken by the Ministry and the progress made thereafter.

**B. Amendments to NCW Act and legal/ investigative powers to the Commission**  
**[Recommendation Serial Nos. 4 & 5]**

9. The Committee had recommended as under:-

“The Committee find that the National Commission for Women has suggested certain amendments in the parent Act way back in 2006-07. These amendments include extension of jurisdiction of NCW to the State of Jammu & Kashmir; increasing the number of Members from five to seven; changes in the status of Chairperson and Members; insertion of a new chapter dealing with the powers of the Commission with respect to enquiries/investigations and the provisions for a Director (Investigations). The Committee, however, find that these amendments are pending with the Ministry of Women and Child Development for the last 5 years and in March, 2010 the Ministry has returned them with a direction that a committee may be set up to study the performance of NCW and identify the interventions required including the suggested amendments to the NCW Act, 1990.

The Committee are deeply concerned about the present status of such a study which was proposed about one and a half years before and hence desire that the performance assessment of NCW by the Government Committee may be completed within six months from the presentation of this Report under intimation to this Committee. The Committee further hope that the said study would identify areas requiring added thrust and thereby end the uncertainty over the amendments suggested by the Commission. However, such an exercise should be undertaken basically to strengthen the hands of the Commission and not to weaken it."

"The Committee have learnt that the Commission has asked for certain additional legal/ investigative powers and these are pending with the Government for long. On the legal front, the power sought for is to forward any case to a Magistrate having the jurisdiction to try the case and the case so forwarded shall be heard as if it has been forwarded to him under Section 346 of the Code of Criminal Procedure. Though the Commission already has the powers of a civil court while trying a case, having the legal power to forward a case to a magistrate directly for trial is a totally different thing. The Committee note that such a provision exists in section 14 of the Commission for protection of Child Rights Act, 2005. The Committee have further been apprised that the Commission has also sought powers to cause investigation into a matter in which there is reason to believe that the orders of the Commission have not been complied with by the person(s) concerned. At present, the National Human Rights Commission enjoys this power to cause investigation. In this context, the Committee wonder what is holding back the Ministry from conferring these powers to the National Commission for Women also. This adds to the Committee's belief that the Ministry of Women and Child Development is not giving adequate importance to the role of the Commission as an agency for ensuring the rights of women. Moreover, the Committee strongly feel that if the Commission is endowed with these powers, it will ensure fast and effective trial of cases. Concurring with the maxim 'justice delayed is justice denied', the Committee would urge the Ministry to analyze the practicalities and legalities involved in conferring such powers upon the Commission and take a decision accordingly."

10. The Ministry of Women & Child Development in its action taken reply on the aforementioned recommendation have stated as under:-

"In the context of continuing Plan Schemes / activities in the XII Plan period beginning 1.4.2012, the Ministry of Finance has

issued guidelines to the effect that the schemes falling under certain categories should be subject to evaluation through an independent, impartial and reputed agency and the evaluation reports should be put through a rigorous scrutiny with regard to performance in the XI Plan. Under these guidelines, the performance of NCW is also required to be evaluated. The Ministry, therefore, proposes to have a single study to cover all required aspects to avoid duplication. The process for finalising evaluation agency is underway. It is expected that the study will help in identifying areas requiring added thrust including amendment required to strengthen NCW Act, 1990.”

“Based on outcome of the evaluation report, as mentioned in the action taken on the recommendation No.4, the Ministry will take a comprehensive view on the amendments required to the National Commission for Women Act 1990.”

**11. The Committee in their Twelfth Report had strongly commented on non-implementation of various suggestions put forward by the National Commission for Women for amendments in the NCW Act, 1990 as well as bestowing with additional legal/ investigative powers to the Commission on the lines of National Human Rights Commission. The Committee had accordingly urged the Ministry to complete the performance assessment of NCW within six months from the presentation of 12<sup>th</sup> Report of the Committee alongwith analyzing the practicalities and legalities involved in conferring additional legal/ investigative powers upon the Commission. However, the Committee find that the Ministry instead of critically examining the delay in implementing the suggestions of National Commission for Women for introducing amendments in the NCW Act, 1990 has chosen to vehemently defend it in the camouflage of guidelines issued by the Ministry of Finance to the effect that the schemes falling under certain categories should be subject to evaluation through an independent, impartial and reputed agency and, therefore, the performance of NCW is also required to be evaluated. Similarly, the issue of giving additional legal/ investigative powers to NCW on the lines of National Human Rights Commission has also been linked to the outcome of Evaluation Study which is still at a nascent stage. The Committee do understand that formalizing of Evaluation Study by an independent, impartial and reputed agency includes serious deliberations, yet they do not agree that it would consume such a long time. The Committee, therefore, reiterate their recommendation that the Ministry must revisit and re-analyse the importance of not only amending the NCW Act, 1990 as suggested by the Commission but also bestowing additional legal/**

investigative powers to them so that they would be able to re-organize their activities in a more refined, pragmatic and result-oriented manner. The Ministry should address the reasons responsible for its low performance in regard to inordinate delay in implementation of suggestions put forward by the Commission for amending the NCW Act, 1990 and come up with proper planning for finalizing the Evaluation Study so that the Report is available by the end of current fiscal year.

**C. Accountability to Parliament**  
**[Recommendation Serial No. 8]**

12. The Committee had recommended as under:-

“The Committee note that under Section 14 of the National Commission for Women Act, 1990, the Central Government is required to lay the Annual Report of the Commission together with a Memorandum of Action Taken on the recommendations contained therein and the reasons for non-acceptance, if any, of such recommendations along with the audit reports before each House of Parliament. It is seen that the first annual report of the Commission along with the ATR was presented to Parliament in December 1995. The Annual Report which pertains to the year 2008-09 was presented to Parliament in March 2011. In 2008, the Annual Reports for the years 2003-04, 2004-05, 2005-06 and 2006-07 were laid before the Parliament. On analyzing the pattern and practice of submission of Annual Reports of the Commission, the Committee note that delay in submission is a recurring feature. In this regard, the Ministry of Women and Child Development which is responsible for laying the Annual Reports of the Commission in Parliament submitted before the Committee that NCW had been taking time in furnishing Annual Reports to them thereby delaying the process of obtaining Action Taken Reports from the concerned Ministries/Departments. This delay translates into further delay in the process of laying of Annual Reports before the Parliament. However, the Committee feel that if the Annual Reports are not laid before Parliament in time, the very purpose of their laying is defeated. The Committee, therefore, recommend that the Ministry of Women and Child Development should effectively coordinate with the Ministries and Departments concerned and procure the requisite action taken reports from them in a time bound manner so that timely presentation of the Annual Reports of the National Commission in both the Houses of Parliament is ensured. The Committee would also like the Commission to

endeavour to submit their Annual Reports to the Ministry in time so that the Ministry could initiate the necessary action without delay.”

13. Replying to the above recommendation, the Ministry of Women & Child Development have stated as under:-

“The delay in laying the Annual Report before the Parliament is due to (i) late receipt of Annual Report from the National Commission for Women (NCW), and (ii) time taken in obtaining Action Taken Notes from the concerned Ministries/ Departments.

As per the NCW (Annual Statement of Accounts & Annual Report) Rules 1995, the Annual Report of the Commission is required to be submitted to the Central Government by the end of August following the year to which the Annual Report relates to so as to enable the Central Government to take Action as required under Section 14 of the Act. The Ministry has been requesting the NCW for early submission of the Annual Reports to enable the Ministry to lay the Annual Reports in each House of the Parliament before the due date.

To monitor and expedite furnishing of action taken notes by the concerned Ministries/Departments with a view to eliminating the delay in laying the annual reports, the Ministry of Women and Child Development constituted an Inter-Ministerial Committee(IMC) under the Chairpersonship of Secretary(WCD) with Member Secretary, NCW as Vice-Chair. Joint Secretaries of the Ministries/Departments from which an action taken report is expected are invited to the meetings as Members of the IMC. Through this process of the IMC, we could expedite the collection of ATNs from the concerned Ministries/Departments in a time bound manner.”

14. **The Committee had recommended that the Ministry of Women and Child Development should effectively coordinate with the Ministries and Departments concerned and procure the requisite Action Taken Reports from them in a time bound manner so that timely presentation of Annual Reports of the National Commission for Women in both the House of Parliament is ensured. The Committee had also emphasized that the Commission should make efforts to submit their Annual Reports to the Ministry in time so that the Ministry should initiate necessary action without delay. The Ministry in their action taken reply have stated that the delay in laying the Annual Report before the Parliament is due to late receipt of Annual Report from the National Commission for Women and time taken in obtaining Action Taken Notes from the Ministries/ Departments concerned. The Ministry**

have also informed that in order to eliminate the delay in laying the Annual Reports, an Inter-Ministerial Committee (IMC) under the Chairpersonship of Secretary (WCD) with Member Secretary, NCW as Vice-Chairperson has been constituted. Besides, Joint Secretaries of the Ministries/ Departments from which the Action Taken Report is expected are invited to the meetings as Members of the IMC. The Committee feel that the Ministry have not taken their recommendation in its right perspective. In fact, the idea behind the Committee's suggestion to effectively coordinate with the Ministries/ Departments for timely submission of Action Taken Reports as well as impressing upon the Commission to submit their Annual Reports to the Ministry in time was to adhere to the relevant provisions of NCW (Annual Statement of Accounts and Annual Report) Rules, 1995 so that various factors which stand in the way of timely submission of Annual Reports of the National Commission in both Houses of Parliament could be addressed with much promptness and in a more practical manner. In view of the foregoing, the Committee recommend that apart from constitution of Inter-Ministerial Committee (IMC), the Ministry may identify their shortcomings based on their experience, work out action plan for future course of action and proceed to well coordinated implementation with strict vigil on the progress so as to ensure that from now onwards, the Annual Reports of the National Commission for Women are presented in both the Houses of Parliament on yearly basis.

**D. Necessity for enhanced coordination with State Commissions  
[Recommendation Serial No. 15]**

15. The Committee had recommended as under:-

“The Committee are constrained to note that there is a total lack of coordination between the State Commissions and the National Commission for Women. At present, there is no mechanism in place to ensure the networking between NCW and the State Commissions. Though NCW meets the State Commissions twice a year as of now, these meetings are not mandatory. In addition, NCW involves State Commissions in conducting legal awareness camps, etc. and funds them with an aim to improving the coordination between the National and the State Commissions. Even then, the Committee feel that the prevailing situation is not very beneficial to the effective functioning of the State Commissions. Better coordination between NCW and the State Commissions is a prerequisite for a conducive environment for women. The Committee are happy to note that the Commission has proposed teleconferencing as a means to enhance coordination with the State Commissions. They, therefore, impel the Commission to

develop firm proposals in this regard and put this mechanism in place at the earliest. In fact, the Committee would like to assert that all State Commissions should be connected to the National Commission for Women as well as to one another through a state-of-the-art broadband network. The Committee also recommend that a coordination cell be set up at the National Commission for Women to coordinate with States, collect & compile data and ensure feedback/sharing of information. Moreover, the meetings with the State Commissions and the National Commission for Women should be made mandatory and be held at least once in 6 months. This would help NCW and State Commissions to work and strive together as one individual entity for the well being of women.”

16. The Ministry in their action taken reply have stated as under:-

“To have better coordination between the State Commissions, the National Commission for Women has established video conferencing at its end and simultaneously made requests to all the State Women Commissions to setup the video conferencing facility at their end. Following State Commissions have conveyed their consent to setup video conferencing facility:-

- 1 Andhra Pradesh
- 2 Delhi
- 3 Mizoram
- 4 Madhya Pradesh
- 5 Maharashtra
- 6 West Bengal

Response from other State Commissions is awaited. The video conferencing facility will be stated sharing with some of the State Commissions. As far as setting up of Coordination Cell by National Commission for Women to coordinate with states, collect & compile data ensure feedback/sharing of information.”

**17. While observing a total lack of coordination between the State Commissions and the National Commission for Women, the Committee had recommended the Ministry to work out modalities to ensure that all State Commissions should be connected to the National Commission for Women as well as to one another through broadband network. Notwithstanding the fact that meetings of NCW with the State Commissions are not mandatory, the Committee also recommended the Government to ensure that the meetings with the State Commissions and the National Commission for Women should**



be made mandatory and be held atleast once in six months. The Ministry have, however, informed that the National Commission for Women has established video conferencing at its end and simultaneously made requests to all the State Women Commissions to set up video conferencing facility at their end. The Ministry have also informed that six State Commissions, namely Andhra Pradesh, Delhi, Mizoram, Madhya Pradesh, Maharashtra and West Bengal have conveyed their consent to set up video conferencing facility. The Committee are dismayed to note that their recommendation for setting up of video conferencing facility has not been taken up with the desired level of seriousness as the proposal is still at the initial phase of implementation whereby only a few State Commissions have given their consent. With the current pace of work, the Committee are apprehensive that the entire exercise would not be completed in near future. The Committee are also surprised to find that the Ministry have given evasive response to the suggestion of making the meetings of NCW with the State Commissions mandatory so that the same is held atleast once in six months. The Committee, therefore, would like to reiterate that the Ministry should take all necessary steps to ensure that the necessary wherewithals for the ambitious and need-based programme of setting up of video conferencing are readily available for achieving the desired results. The Committee would also like to be informed about the progress made in regard to making the meetings of NCW with the State Commissions mandatory so that the meeting may be organised atleast once in six months.

## **CHAPTER II**

### **OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **Recommendation No.1**

##### **Introductory**

The National Commission for Women was constituted on 31<sup>st</sup> January, 1992 with a view to integrating women in all walks of life by endowing them with a free and fair living environment and assuring them their due share of rights enshrined in the Constitution. In order to achieve this, the Commission is primarily mandated to monitor the constitutional and legal safeguards for women, review the existing legislations and suggest amendments wherever necessary, recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women. However, despite many laws being in place to ensure safety and justice to women, the plight of women, whether educated or illiterate is still deplorable. Lakhs of girls vanish every year due to foeticide and other forms of killings. A large number of women in our society is still not aware of their legal rights. Rape, trafficking and other forms of violence against women are quite rampant in the country. Atrocities against women have reached sickening heights in India and are only increasing day by day without any respite. The Committee view crimes against women as social crimes which disrupt the entire social fabric and having far reaching consequences affecting future generations. In this scenario, the relevance of an agency striving to bring in better conditions for women and fulfilling the function of a watchdog to save her person and spirit is incomparable. The Committee, hence, look forward to the National Commission for Women and State Commissions for Women as agents of social change and desire that they uphold and fulfill their duties with utmost dedication and care.

#### **Reply of the Government**

National Commission for Women (NCW) and State Commissions for Women have been apprised of the observation of the Hon'ble Committee.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

## **Recommendation No.2**

### **Composition of the National Commission for Women**

The National Commission for Women Act provides for a full time Chairperson, five Members and a Member Secretary. However, the Committee are unhappy to see that as on date the National Commission for Women is a truncated body. At present, the Commission has only the Chairperson, one member and the Member Secretary in place. Posts of four Members are lying vacant. The Committee note with dismay that these vacancies have arisen during 2009-2011. The Committee further find that the post of the Chairperson which fell vacant on 09<sup>th</sup> April, 2011 got filled up only on 2<sup>nd</sup> August, 2011. The Committee are of the considered view that any delay in filling up the key posts in any organization will lead to the underperformance of that organization and defeat the very purpose of having such an institution. The Committee are of the strong opinion that the Government should have initiated action well in advance to fill up the vacancies of the Chairperson and Members of the Commission. Under no circumstances, the Commission should be left with vacant posts. In view of the importance and multifarious functions of the Commission, the Committee urge upon the Government to fill up the remaining vacancies in the Commission on a post-haste basis. At the same time, the Committee expect the Government to ensure that the National Commission for Women is always helmed by persons of eminence, representing various regions in the country, committed to the cause of women and having immense professional expertise.

### **Reply of the Government**

The recommendation of the Committee has been noted. All the vacancies of Members in the Commission have since been filled in accordance with the provisions of NCW Act 1990.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

## **Recommendation No.3**

### **Mandate of the Commission**

The Committee find that the prime mandate of the Commission is to monitor all matters relating to the constitutional/legal safeguards provided to women, review the existing legislations and to suggest amendments wherever necessary. In accordance to its mandate, the Commission has so far reviewed about 70 laws and suggested amendments thereto. 'The Review of Dowry Prohibition Act, 1961', 'The Immoral Traffic (Prevention) Act, 1956', 'Indecent Representation of Women (Prohibition) Act, 1986', 'Amendments to Section 125 of the Code of Criminal Procedure regarding Maintenance', 'Amendments to the Laws relating to Rape and Related Provisions' are some among them. Further, the Commission has given pertinent recommendations

on various programmes and schemes of the Government having a direct bearing on the wellbeing of women. However, the Committee note with dismay that many of these amendments/ recommendations are pending with the Ministry of Women and Child Development since long. The Committee also understand that the Commission does not necessarily get to know about the developments in the matter once these amendments/recommendations are submitted to the Government. The Committee do not find the extant situation very conducive to the expeditious implementation of the recommendations of the Commission even though the final decision is a time consuming process owing to the various stages of discussions with various Ministries which are *sine qua non* in the process of finalization. The Committee are of the firm view that if the recommendations/amendments suggested by NCW are left to languish in the quagmire of deliberations and discussions, the very purpose of making those recommendations/amendments would be defeated and many hapless women may be denied relief and justice. The Committee, therefore, recommend that the Government should adhere to a time frame, preferably 2 years, in effecting the amendments suggested by the Commission to any act and one year in case of general recommendations, from the date of initial submission of such amendments/recommendations. The Committee also desire that the Ministry, in consultation with the authorities concerned at various levels, should evolve a more streamlined approach in this regard. The Committee also suggest that the Ministry should apprise the Commission, once in every 6 months, the status of implementation of the recommendations / amendments suggested by the Commission.

### **Reply of the Government**

The recommendation of the Committee has been noted and the Ministry will strive to examine the recommendations of the Commission and facilitate decisions in a reasonable time. However, it may not be possible to prescribe and adhere to strict timelines in respect of every recommendation as sometimes wider consultations and procedural requirements require more time.

Regarding the Committee's suggestion that the Ministry should apprise the Commission, once in every 6 months, the status of implementation of the recommendations / amendments suggested by the Commission, it is submitted that under section 14 of National Commission for Women Act 1990, the Annual Report of the NCW along with the memorandum of Action Taken on the recommendations contained therein and the reasons for non acceptance, is laid by the Central Government before each House of the Parliament. While the Ministry may not have any objection to share information with the Commission on action taken on various recommendations from time to time, prescribing formal mechanism or periodicity for mandatory reporting may be against the spirit of the provisions

of the Act under which action taken report is required to be laid before each House of the Parliament.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

### **Recommendation No.6**

#### **Disposal of Complaints**

The Committee find that the Complaints and Investigations cell of the Commission deals with complaints received from all over the country involving issues related to violation of rights of women or grave injustice to women. This Cell of the Commission not only deals with complaints that are registered at the Commission but also those registered online. The Commission also takes up cases suo-moto with the aim to deliver justice to women. The Committee observe that the Commission has had many successful interventions and investigations to its credit wherein many cases were amicably settled or justice ensured to the women complainants concerned. The Committee are happy to note that the Commission has successfully disposed of 71% of the cases registered with them during 2010-2011 and has taken measures on a war footing to dispose of all the pending cases. While appreciating the efforts made by the Commission in these respects, the Committee would like to exhort them to make all efforts possible to speed up the process so that the lead time taken from the date of receipt of a complaint to its final disposal is minimized. With regard to final closure of complaints, the Committee have been apprised that a case is not treated as closed as long as it is pending in the court. The Committee, however, would like to be apprised of the average time taken in the disposal of those complaints which are treated as closed during 2010-11.

#### **Reply of the Government**

In the year 2010-11 total 15165 cases have been registered and total 2255 cases have been closed in the said time period. Out of these 682 closed cases were the ones registered in the year 2010-11.

2. The disposal of complaints is an ongoing process and involves a detailed investigation/inquiry into the matter by the concerned District Authorities/Head of the Department/Institutions/ Organizations etc. this process needs proper monitoring and follow-up. The NCW depends on State Government, District Administration, Police Officers and other department of Government and private companies to process and receive reports in most of the cases.

3. The receipt of the Action Report (ATR) is an important aspect of the complaint. The Commission constantly monitors the ATR and expedite the submission from the concerned authorities.

In addition to the above, the following procedure is followed for the closure of complaints:

- a) The complaints which are non-mandated are closed.
- b) The complaints wherein the ATRs depict that the matter has already been charge-sheeted/ presented before the concerned Court, the same are ordinarily closed as being sub-judice before a court.
- c) In complaints related to the alleged heinous crimes on women like that of rape, dowry death etc., the ATRs received is examined in detail and if necessary, further status reports be sought from the concerned authorities (unless otherwise the matter is sub-judice). Such matters are monitored till they are presented before the concerned Court. Regardless of any fact whatsoever, the decision in such cases are communicated to the complainant for his/her view within 90 days of the receipt of ATRs. If no communication is received back from them within the prescribed period, the complaint will be closed.

The complaints wherein the ATRs depicts that the allegations levelled in the complaint could not be substantiated on investigation, or that the complaint was of frivolous or like nature, vague, etc. such complaints are also closed.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

## **Recommendation No. 7**

### **Research Studies**

The Committee are happy to note that the National Commission for Women undertakes promotional and educational research and sponsors research studies by individuals and NGOs. In 2009-2010, twenty research studies were sponsored by NCW and in 2011 it was thirty three studies. 'Issues on Government Schemes and their Impact in the Lives of Women', 'Minority Women and their Problems', 'Media and Women', 'Cyber Crime and Women', 'Conditions of Women Prisoners' are some of the areas in which research studies have been undertaken/sponsored by the Commission. Considering the importance of research in formulating policies and programmes related to women, the Committee recommend that the Commission should carefully monitor every facet of research work right from the selection of subject. The subjects approved should be of utmost relevance and duplication of topics should not happen. Moreover, the award of research projects should be done in a fair and transparent manner based on proper procedures. The Committee also desire that the progress of study and line of research should be monitored regularly to ensure timely completion and to justify the money spent on such research.

## **Reply of the Government**

The NCW is adopting the following procedure for selection of Research Studies and their monitoring:

- The Commission identify the research topics/areas for conducting Research Studies through institutions/ universities and NGOs. The list of approved research areas are uploaded in the website of the Commission.
- The research proposals received are examined by the Research & Studies Cell of the Commission and placed before the Screening Committee for further examination and approval. The List of approved Research Studies subsequently uploaded in the Commission website.
- The Commission asks the concerned organization whose proposals are approved, to submit the required documents including Bank Guarantee of the sanctioned amount for the study before releasing the 1<sup>st</sup> instalment.
- The concerned NGOs is to submit the concept note immediately on receipt of the sanction order.
- The organization has to submit interim progress report after completion of field study.
- In case on non submission of study report within the approved time frame, the Commission can also forfeit the amount released to the grantee organization from the Bank Guarantee submitted by the organization and also debarred from further receipt of any kind of financial assistance from the Commission.
- After completion of the study, the concerned organization submit a draft final study report to the Commission. The report is evaluated by the Commission. Further, the organization has to give power point presentation on the draft final report before the Commission. The study report is finalized on the basis of suggestion made during the presentation and it's acceptance by the Commission.

The matter of quality and standard for selection of subjects of Research Studies has been reviewed by the Commission and decided that the Commission should identify areas where Research Studies are required as inputs for policy making/ implementing bodies and only entertain research proposals on the identified areas.

The Commission has therefore decided that the practice of submitting research proposals on their own by organizations on areas of their choice or preference will be discontinued from March, 2012. The Commission will therefore sponsor only such proposals received from ICSSR institutions, universities, Govt. or private colleges with proven Research capability and non-governmental organizations working at the State/National level with

proven Research capability in the areas identified by the Commission for being considered in the financial year 2012-13.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

## **Recommendation No. 8**

### **Accountability to Parliament**

The Committee note that under Section 14 of the National Commission for Women Act, 1990, the Central Government is required to lay the Annual Report of the Commission together with a Memorandum of Action Taken on the recommendations contained therein and the reasons for non-acceptance, if any, of such recommendations along with the audit reports before each House of Parliament. It is seen that the first annual report of the Commission along with the ATR was presented to Parliament in December 1995. The Annual Report which pertains to the year 2008-09 was presented to Parliament in March 2011. In 2008, the Annual Reports for the years 2003-04, 2004-05, 2005-06 and 2006-07 were laid before the Parliament. On analyzing the pattern and practice of submission of Annual Reports of the Commission, the Committee note that delay in submission is a recurring feature. In this regard, the Ministry of Women and Child Development which is responsible for laying the Annual Reports of the Commission in Parliament submitted before the Committee that NCW had been taking time in furnishing Annual Reports to them thereby delaying the process of obtaining Action Taken Reports from the concerned Ministries/Departments. This delay translates into further delay in the process of laying of Annual Reports before the Parliament. However, the Committee feel that if the Annual Reports are not laid before Parliament in time, the very purpose of their laying is defeated. The Committee, therefore, recommend that the Ministry of Women and Child Development should effectively coordinate with the Ministries and Departments concerned and procure the requisite action taken reports from them in a time bound manner so that timely presentation of the Annual Reports of the National Commission in both the Houses of Parliament is ensured. The Committee would also like the Commission to endeavour to submit their Annual Reports to the Ministry in time so that the Ministry could initiate the necessary action without delay.

### **Reply of the Government**

The delay in laying the Annual Report before the Parliament is due to (i) late receipt of Annual Report from the National Commission for Women (NCW), and (ii) time taken in obtaining Action Taken Notes from the concerned Ministries/ Departments.

As per the NCW (Annual Statement of Accounts & Annual Report) Rules 1995, the Annual Report of the Commission is required to be submitted to the Central Government by the end of August following the year to which



the Annual Report relates to so as to enable the Central Government to take Action as required under Section 14 of the Act. The Ministry has been requesting the NCW for early submission of the Annual Reports to enable the Ministry to lay the Annual Reports in each House of the Parliament before the due date.

To monitor and expedite furnishing of action taken notes by the concerned Ministries/Departments with a view to eliminating the delay in laying the annual reports, the Ministry of Women and Child Development constituted an Inter-Ministerial Committee(IMC) under the Chairpersonship of Secretary(WCD) with Member Secretary, NCW as Vice-Chair. Joint Secretaries of the Ministries/Departments from which an action taken report is expected are invited to the meetings as Members of the IMC. Through this process of the IMC, we could expedite the collection of ATNs from the concerned Ministries/Departments in a time bound manner.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

### **Recommendation No. 9**

#### **Mandatory Consultation by the Ministry and other Departments**

The Committee observe that as per section 16 of the NCW Act, the central Government has to consult the Commission on all major policy matters affecting women. The Committee are given to understand that the Ministry of Women and Child Development do consult the Commission on policy matters but other Ministries/Departments necessarily do not do so. The Committee believe that the National Commission for Women, which is mandated to ensure the legal and other rights of women in the country and which executes a surveillance function on the well being of women is the best agency to be consulted while women and child oriented policies are made by various departments and Ministries of the Union Government. The Committee, therefore, desire that the Government should come out with a set of clear cut guidelines for the ministries/departments regarding how they should go about with regard to consulting the Commission on all women and girl child oriented matters.

### **Reply of the Government**

Section 16 of the National Commission for Women Act, 1990 and the recommendations of the Committee have been brought to the notice of other Ministries/ Departments in the Government of India with the request to consult the National Commission for Women on all major policy matters affecting women through the Ministry of Women and Child Development.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

## **Recommendation No. 10**

### **10. Fund Allocation**

The National Commission for Women is an autonomous body having full powers to spend the money from the grant provided by the Government to carry out its functions. The Committee find that during 2008-09, 2009-10 and 2010-11, the budget allocation to NCW was Rs. 5 crore. In the current year i.e. in 2011-12, the allocation is Rs. 9 crore. However, the Committee find that the Commission has proposed certain new schemes including publicity campaigns, documentation, legal awareness workshops, setting up of a exclusive helpline number, call centres, online counseling, etc. which require more funds. In this regard, the Committee desire that the Government should look into these demands favourably so that the schemes envisaged by NCW are translated into reality. The Committee need hardly point out that if hamstrung on funds availability, these ambitious projects of the Commission could get delayed, in turn affecting the well being of the women in the country. The Committee, therefore, desire that the Ministry should come up with a road map to provide funds to the Commission once they firm up respective proposals. Timely release of funds to the Commission should also be ensured. At the same time, the Committee would like to caution the Commission that the feasibility and viability of the Schemes should be well thought out and clearly defined before submitting the proposals to the Government.

## **Reply of the Government**

The Working Group on Women's Agency and Empowerment for the XII Plan set up by the Planning Commission under the Chairpersonship of Secretary, Ministry of Women and Child Development recommended an outlay of Rs.90.22 Cr. for NCW in the XII Plan. Member Secretary, NCW was also a member in the Working Group. The Working Group has submitted its report to the Planning Commission. Exact allocation will be decided by the Planning Commission. During 2012-13, an outlay of Rs.11 crore has been provided for NCW.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

## **Recommendation No. 11**

### **Staff Strength**

The Committee are much concerned that there is a shortage of staff in the Commission. In 2007-2008, the Staff Inspection Unit (SIU) of the Ministry of Finance conducted a study on the staff requirement of NCW and recommended a total of 94 posts for NCW. As per the said recommendation, out of these 94 posts, 8 posts (Coordinators & Counsellors) are to be filled on contract basis and another 26 posts (staff car drivers & peons) to be outsourced. However, the Committee find that over the years, due to manifold increase in the quantum of work, the Commission has been engaging a good number of officials on contract/daily wages over and above

the sanctioned strength. The quantum jump in the number of complaints registered at the Commission under various heads, the number of legislations reviewed/being reviewed, the number of suo-moto cases being taken up, the research studies undertaken, the working of various cells including the NRI cell, etc. bear testimony to the increased work load of the Commission. There is no doubt that to handle such a quantum of work, the Commission requires adequate officers/staff on a permanent capacity. In this regard, the Commission has recently projected a staff requirement of 140 and suggested certain changes in the method of recruitment. The Committee are of the considered view that to ensure continuity and efficiency, more regular appointments are required at various capacities, especially at the level of law officers, coordinators and counsellors in the Commission. The Committee, therefore, recommend that the Ministry may review the requirement at the earliest and sanction appropriate number of staff at appropriate levels, keeping in view the concerns of this Committee. At the same time, the Committee would like NCW to come up with proper recruitment rules and service conditions for its employees.

### **Reply of the Government**

The proposal of the NCW and the recommendations of Staff Inspection Unit (SIU) were considered in consultation with the Ministry of Finance and 17 additional posts were sanctioned on 1.6.2012. Further, NCW was advised to resort to outsourcing to manage the work of 3 Staff car drivers & 11 Peons.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

### **Recommendation No. 12**

#### **Awareness Programmes**

The Committee find that NCW has taken various steps to bring their activities to the public through advertisements, outdoor publicity, etc. The NCW also undertakes legal awareness programmes, seminars, workshops, etc. Signage boards on various women related issues are also put up at metro stations and other prominent places for bringing awareness. While acknowledging the efforts made by the Commission for publicizing their activities, the Committee would like to point out that the majority of Indian women are still unaware of their rights or the existence of bodies like National or State Commissions for Women to protect their interests. In fact, many living in urban areas, let alone in rural areas, are still not aware of the means to approach the National or State Commissions. The Committee, hence, exhort the Commission to bring in more vigour in their awareness campaign as the knowledge about such Commissions and the means to approach them would definitely give courage and solace to the aggrieved millions. The Committee, therefore, recommend that the Commission should strongly project its image as a haven of justice for women and concerted efforts should be made to make its presence felt using all modes of communication/publicity.

## **Reply of the Government**

The National Commission for Women has come up with various awareness programmes to reach the grass root level. NCW launched street plays through its empanelled Drama troupes to create awareness on women related issues and their rights.

The punishments and penalties were also communicated by the drama troupe to the public. The public raised questions which were answered through the drama shows. NCW booklets and brochures were also distributed to the public.

National Commission for Women has come up with a pan India Campaign on the issues such as sexual harassment at work place, Rape, Dowry, Domestic Violence and NRI issues exclusively in URDU language through print media on August 30th 2011.

National Commission for Women launched the campaign Mahila Adhikar Abhiyan to create among women on women rights. The campaign was launched at KOTA on 19th November 2011. The main objectives of the campaign were:

- To empower women with information about the entitlements. The women can utilise the various benefits under various government schemes to better their lives.
- Campaign could reach effectively the women particularly those in rural and remote areas of the country and create an impact in the minds of people concerning about women.

National Commission for Women produced audio-video spots highlighting the issues of Domestic Violence, Dowry, NRI, PC&PNDT Act and had awareness campaigns through Radio and C&S channels and Doordarshan to have better reach in the society.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

## **Recommendation No. 13**

### **Exclusive Helpline Number of the Commission**

The Committee find that the Commission has proposed setting up of an exclusive phone number that can act as a helpline number of the Commission. Whenever a woman victim calls on this particular helpline number, it would automatically get connected to the concerned police station and a computerized FIR would be registered. The Commission has included this project in their new Schemes and the Ministry has asked the Commission to develop firm proposals in this regard in consultation with the Child India

Foundation as they have a similar satisfactory working model. The Committee feel that an exclusive helpline number for the Commission can go a long way in delivering fast and efficient justice to women victims. Just as number '100' rings the memory of Police, this exclusive number would serve as the face of the Commission. Being an automatic and computerized programme, it would help to solve problems like delays and denials in registering the complaints by the police. The Committee, therefore, call upon the Commission to develop firm proposals in this regard and also exhort the Ministry to provide the Commission with necessary funds and other assistance in this regard.

### **Reply of the Government**

The Working Group on Women's Agency and Empowerment for the XII Plan set up by the Planning Commission under the Chairpersonship of Secretary, Ministry of Women and Child Development has recommended to set up a 24 hour Woman's Helpline, preferably on an All India basis, with a toll free single number and with an effective back office social-legal support system whereby assistance to victims of domestic violence, rape and other atrocities against women will be available at just a phone call away. Modalities are being worked out. In this regard an outlay of Rs.60 crore during the 12<sup>th</sup> Plan Period has been recommended. Member Secretary, NCW was also a member in the Working Group.

To check the feasibility and actual working of the Call Centre and helpline, NCW on Pilot project basis has awarded to the Ahmadabad Women's Action Group to start the pilot project in Ahmadabad in the State of Gujarat.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

### **Recommendation No. 14**

#### **State Commissions for Women**

The Committee observe that the State Commissions for Women are autonomous bodies and their constitution is the sole prerogative of the States. When NCW was constituted under the NCW Act, the States were advised to constitute similar commissions in the States. The Committee are given to understand that all the States have statutory Women's Commissions. However, the Committee note with disappointment that many State Commissions are not functioning properly. Some of them do not have a Chairperson or the required number of Members or officials. Some others are not reconstituted in time on account of political considerations. Many others are constrained with lack of funds and infrastructure. Keeping in view the large number of complaints registered by women from all over the country at NCW, the Committee feel that the State Commissions should be

strengthened so that the burden of NCW may be reduced. They, therefore, urge upon the Government to impress upon the States to strengthen the State Commissions with required funds, infrastructure, working environment, etc. Priority also should be accorded to the timely reconstitution of the State Commission once the Chairperson or Members complete their tenure.

### **Reply of the Government**

The recommendations of the Committee have been brought to the notice of States for necessary action at their end.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

### **CHAPTER III**

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

**Nil**

## **CHAPTER IV**

### **OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE**

#### **Recommendation No. 4**

##### **Amendments to NCW Act**

The Committee find that the National Commission for Women has suggested certain amendments in the parent Act way back in 2006-07. These amendments include extension of jurisdiction of NCW to the State of Jammu & Kashmir; increasing the number of Members from five to seven; changes in the status of Chairperson and Members; insertion of a new chapter dealing with the powers of the Commission with respect to enquiries/investigations and the provisions for a Director (Investigations). The Committee, however, find that these amendments are pending with the Ministry of Women and Child Development for the last 5 years and in March, 2010 the Ministry has returned them with a direction that a committee may be set up to study the performance of NCW and identify the interventions required including the suggested amendments to the NCW Act, 1990. The Committee are deeply concerned about the present status of such a study which was proposed about one and a half years before and hence desire that the performance assessment of NCW by the Government Committee may be completed within six months from the presentation of this Report under intimation to this Committee. The Committee further hope that the said study would identify areas requiring added thrust and thereby end the uncertainty over the amendments suggested by the Commission. However, such an exercise should be undertaken basically to strengthen the hands of the Commission and not to weaken it.

#### **Reply of the Government**

In the context of continuing Plan Schemes / activities in the XII Plan period beginning 1.4.2012, the Ministry of Finance has issued guidelines to the effect that the schemes falling under certain categories should be subject to evaluation through an independent, impartial and reputed agency and the evaluation reports should be put through a rigorous scrutiny with regard to performance in the XI Plan. Under these guidelines, the performance of NCW is also required to be evaluated. The Ministry, therefore, proposes to have a single study to cover all required aspects to avoid duplication. The process for finalising evaluation agency is underway. It is expected that the study will help in identifying areas requiring added thrust including amendment required to strengthen NCW Act, 1990.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)



## **Additional Legal and Investigative Powers to the Commission**

The Committee have learnt that the Commission has asked for certain additional legal/ investigative powers and these are pending with the Government for long. On the legal front, the power sought for is to forward any case to a Magistrate having the jurisdiction to try the case and the case so forwarded shall be heard as if it has been forwarded to him under Section 346 of the Code of Criminal Procedure. Though the Commission already has the powers of a civil court while trying a case, having the legal power to forward a case to a magistrate directly for trial is a totally different thing. The Committee note that such a provision exists in section 14 of the Commission for protection of Child Rights Act, 2005. The Committee have further been apprised that the Commission has also sought powers to cause investigation into a matter in which there is reason to believe that the orders of the Commission have not been complied with by the person(s) concerned. At present, the National Human Rights Commission enjoys this power to cause investigation. In this context, the Committee wonder what is holding back the Ministry from conferring these powers to the National Commission for Women also. This adds to the Committee's belief that the Ministry of Women and Child Development is not giving adequate importance to the role of the Commission as an agency for ensuring the rights of women. Moreover, the Committee strongly feel that if the Commission is endowed with these powers, it will ensure fast and effective trial of cases. Concurring with the maxim 'justice delayed is justice denied', the Committee would urge the Ministry to analyze the practicalities and legalities involved in conferring such powers upon the Commission and take a decision accordingly.

## **Reply of the Government**

Based on outcome of the evaluation report, as mentioned in the action taken on the recommendation No.4, the Ministry will take a comprehensive view on the amendments required to the National Commission for Women Act 1990.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

## **CHAPTER V**

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

#### **Recommendation No.15**

#### **NECESSITY FOR ENHANCED COORDINATION WITH STATE COMMISSIONS**

The Committee are constrained to note that there is a total lack of coordination between the State Commissions and the National Commission for Women. At present, there is no mechanism in place to ensure the networking between NCW and the State Commissions. Though NCW meets the State Commissions twice a year as of now, these meetings are not mandatory. In addition, NCW involves State Commissions in conducting legal awareness camps, etc. and funds them with an aim to improving the coordination between the National and the State Commissions. Even then, the Committee feel that the prevailing situation is not very beneficial to the effective functioning of the State Commissions. Better coordination between NCW and the State Commissions is a prerequisite for a conducive environment for women. The Committee are happy to note that the Commission has proposed teleconferencing as a means to enhance coordination with the State Commissions. They, therefore, impel the Commission to develop firm proposals in this regard and put this mechanism in place at the earliest. In fact, the Committee would like to assert that all State Commissions should be connected to the National Commission for Women as well as to one another through a state-of-the-art broadband network. The Committee also recommend that a coordination cell be set up at the National Commission for Women to coordinate with States, collect & compile data and ensure feedback/sharing of information. Moreover, the meetings with the State Commissions and the National Commission for Women should be made mandatory and be held at least once in 6 months. This would help NCW and State Commissions to work and strive together as one individual entity for the well being of women.

#### **Reply of the Government**

To have better coordination between the State Commissions, the National Commission for Women has established video conferencing at its end and simultaneously made requests to all the State Women Commissions to setup the video conferencing facility at their end. Following State Commissions have conveyed their consent to setup video conferencing facility:-

- 1 Andhra Pradesh
- 2 Delhi
- 3 Mizoram
- 4 Madhya Pradesh
- 5 Maharashtra
- 6 West Bengal

Response from other State Commissions is awaited. The video conferencing facility will be stated sharing with some of the State Commissions. As far as setting up of Coordination Cell by National Commission for Women to coordinate with states, collect & compile data ensure feedback/sharing of information.

(Ministry of Women and Child Development O.M.No.14-30/2010-WW (Vol.III) dated 14.08.2012)

**NEW DELHI**

**04 September, 2012**

**13 Bhadrapada, 1934 (Saka)**

**SMT. CHANDRESH KUMARI**

**CHAIRPERSON**

**COMMITTEE ON EMPOWERMENT OF WOMEN**

**COMMITTEE ON EMPOWERMENT OF WOMEN (2011-2012)**

**MINUTES OF THE ELEVENTH SITTING OF THE COMMITTEE HELD  
ON MONDAY, THE 3 SEPTEMBER, 2012**

The Committee sat from 1500 hrs. to 1545 hrs. in  
Chairperson's Room No. 130, Parliament House Annexe, New Delhi.

**PRESENT**

**Smt. Chandresh Kumari** - Chairperson

**MEMBERS**

**LOK SABHA**

2. Smt Harsimrat Kaur Badal
3. Smt Susmita Bauri
4. Smt Rama Devi
5. Smt Jyoti Dhurve
6. Smt Sumitra Mahajan
7. Dr. Jyoti Mirdha
8. Smt Jayshreeben Kanubhai Patel
9. Shri M. Thambidurai

**RAJYA SABHA**

10. Shri Ambeth Rajan
11. Dr. T.N. Seema
12. Dr. Prabha Thakur

**SECRETARIAT**

1. Shri C.S. Joon - Joint Secretary
2. Shri S.C. Chaudhary - Director
3. Shri Raju Srivastava - Additional Director

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee. The Committee then took up for consideration the Draft Action Taken Report on the action taken by the Government on the recommendations contained in the Twelfth Report (Fifteenth Lok Sabha) on the subject 'Working of National Commission for Women and State Commissions for Women'. After discussing the Draft Report in detail, the Committee adopted the same without any modification.

3. The Committee also authorized the Chairperson to finalize the Draft Report and present the same to both Houses of Parliament.

The Committee then adjourned.

## APPENDIX II

(Vide Para 4 of the Introduction)

### ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE TWELFTH REPORT (FIFTEENTH LOK SABHA) OF THE COMMITTEE ON EMPOWERMENT OF WOMEN (2011-2012) ON 'WORKING OF NATIONAL COMMISSION FOR WOMEN AND STATE COMMISSIONS FOR WOMEN'

(i)	Total No. of Recommendations	15
(ii)	Observations/Recommendations which have been accepted by the Government:	12
	Serial Nos. 1,2, 3, 6, 7, 8, 9, 10, 11, 12, 13 and 14	
	Total	12
	Percentage	80.00%
(iii)	Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government	00
	Total	00
	Percentage	00
(iv)	Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee	02
	Serial Nos. 4 & 5	
	Total	02
	Percentage	13.33%
(v)	Observations/Recommendations in respect of which the Government have furnished interim replies:	01
	Serial No. 15	
	Total	01
	Percentage	06.66%

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