



**THE ROLE AND EFFECTIVENESS OF THE NATIONAL COMMISSION FOR
WOMEN IN PROMOTING WOMEN'S RIGHTS AND LIBERTIES**

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ABSTRACT:

Women in India have long faced unequal treatment, both in domestic settings and professional environments. This issue has repeatedly been the subject of intense discussions, both within the walls of the Indian Parliament and in the broader public sphere. Elected officials, ordinary citizens, and various social welfare organizations have all spoken out on the need to improve women's status in society. Various committees and commissions have been established by the government over the years to investigate the condition of women in India. These successive commissions have consistently reported that women face disparities across various facets of life. They have recommended the establishment of a specialized body to oversee issues related to women's welfare and address their grievances more effectively. Activists advocating for women's rights, along with numerous volunteer organizations, have also persistently called for the creation of a dedicated commission for women. In response to this widespread demand, the National Commission for Women Bill was tabled in the Lok Sabha on May 22, 1990. This bill later evolved into a full-fledged act of law. The Commission includes a dedicated Complaints and Counseling Cell, responsible for handling an array of issues affecting women. These range from domestic violence, harassment related to dowry, physical and emotional torture, bigamy, and rape, to the refusal of filing First Information Reports (FIRs), mistreatment by spouses, deprivation, gender-based discrimination, and workplace sexual harassment. These complaints

can be filed in various formats, whether orally or in writing, or can even be initiated by the Commission itself under Section 10 of the National Commission for Women Act.

Keywords: Women Rights, National Commission, domestic violence,

INTRODUCTION

It's a well-documented fact that women in India often encounter unequal treatment both in their households and workplaces. This issue has been extensively debated, not only within parliamentary sessions but also among the general public, civic organizations, and women's welfare societies. A number of committees have been instituted by governmental authorities to scrutinize the societal standing of women in India. These successive bodies have highlighted persistent gender imbalances across various aspects of life. They've also advised the creation of a specialized entity to oversee women's issues and provide avenues for redress.

Numerous activists and voluntary organizations have continuously pressed for the foundation of a women-focused commission. Recognizing the need, lawmakers presented the National Commission for Women Bill in the Lok Sabha on May 22, 1990, which later gained legislative approval to become an act. The Complaints and Counseling Cell within the commission attends to a range of women's issues, including but not limited to domestic violence, harassment over dowry, abandonment, bigamy, and sexual harassment in professional settings. Complaints can be filed through various means, including oral and written submissions, or even initiated by the Commission under Section 10 of the Act.

NATIONAL COMMISSION FOR WOMEN

In India, the deeply ingrained patriarchal norms have long subordinated women, leading to various forms of social and legal discrimination. Constitutional drafters acknowledged the necessity for equity measures and made special legislative provisions to rectify gender imbalances. There was a collective understanding that an institutionalized framework was required to enact these equity-promoting laws effectively. Hence, the National Commission for Women (NCW) was formally established under the 1990 National Commission for Women Act.

It comprises a chairperson, five additional members, and a member-secretary, all of whom are appointed by the Central Government, as specified in the Act.

FUNCTIONS OF THE COMMISSION

(a) Inquiry and Investigation

The revamped NCW possesses civil court authority when probing into matters concerning women's constitutional and legal protections. It's authorized to delve into violations of women's rights, and can autonomously engage with appropriate governing bodies. The commission also takes suo motu action related to failures in executing laws or adhering to policies intended for women's welfare and equality.

(b) Action Research

The commission engages in extensive studies to unearth the root causes of discrimination and violence against women, offering remedial strategies thereafter. NCW members actively participate in shaping the socio-economic development plans for women and propose initiatives to expand their roles across different sectors. For example, the NCW has pushed for legal adjustments to tighten controls on minor girl trafficking and has suggested that child marriage be made an unbailable offense under existing laws.

(c) Legal Intervention

An innovative program by the NCW, known as Parivarik Mahila Lok Adalat (PMLA), has so far taken up 7,500 cases. The PMLA handles issues mainly related to family law and promotes alternative dispute resolution methods to empower women in the judicial process. All resolutions reached in PMLA are legally binding for both disputing parties.

The National Commission for Women has a set of specifically outlined duties, as per Section 10 of their governing Act from 1990:

1. **Exploratory Scrutiny** - Delve into and scrutinize issues that pertain to the protections extended to women through the Indian Constitution of 1950, as well as other legal frameworks.
2. **Tabling Reports** - Submit comprehensive documents on an annual basis or as frequently as deemed necessary to the Central Government, elaborating on how these protections are functioning.
3. **Advisory Proposals** - Offer insights in these reports for enhancing the effectiveness of existing safety mechanisms for women at both Union and State levels.
4. **Legislative Analysis** - Periodically assess the standing laws and constitutional provisions that have an impact on women, recommending changes to rectify any inadequacies, ambiguities, or gaps.
5. **Legal Advocacy** - Advocate for women whose constitutional rights or legal protections have been violated, liaising with the pertinent authorities.
6. **Proactive Vigilance** - Actively seek out complaints and take independent action on issues related to:
7. **Preservation of Female Rights** - Uphold and guard the rights of women, in the interests of both their safety and societal advancement.
8. **Policy Enforcement** - Address any lapses in the execution of policies, guidelines, or regulations designed to alleviate difficulties faced by women, and engage with the relevant authorities.
9. **Targeted Studies** - Commission in-depth studies or investigations into particular problems or circumstances emerging from gender-based discrimination, with the aim to suggest corrective actions.
10. **Advancement Research** - Conduct research to propose ways for ensuring women's meaningful participation in all fields and recognize the barriers hindering their progress.

11. **Strategic Counseling** - Engage and provide expert opinions in the socio-economic developmental planning related to women.
12. **Progress Assessment** - Monitor and evaluate the state of women's development at both Union and State levels.
13. **Facility Review** - Examine, or authorize the examination of, detention centers, remand homes, or other similar facilities housing women as detainees.
14. **Litigation Sponsorship** - Provide financial support for legal cases that have broad implications for women.
15. **Issues Reporting** - Prepare documents that address an array of matters concerning women, with a special focus on the challenges they encounter.

Judicial Capabilities of the Women's Commission

Under subsection 10(4) of the National Commission for Women Act, 1990, the Commission holds powers akin to a civil court in the following areas:

- (a) **Summoning Witnesses** - Direct and ensure the appearance of any individual from anywhere within India for testimony under oath.
- (b) **Document Requisition** - Demand the disclosure and submission of pertinent documents.
- (c) **Affidavit-Based Evidence** - Accept testimonies provided through sworn statements.
- (d) **Public Record Access** - Command the release of any public documents or copies from various offices or courts.
- (e) **Witness Examination Authority** - Issue orders for the scrutiny of witnesses and relevant documentation.
- (f) **Additional Prescribed Powers** - Exercise other powers as may be formally defined.

Grants by the Central Government

Funding and Reporting Mechanisms for the National Commission for Women

According to the guidelines laid out in Section 11 of the National Commission for Women Act from 1990, the Central Government has the authority to allocate financial resources to the National Commission for Women. This allocation, however, requires the prior consent of the Parliament. Once these funds are disbursed, the Commission is tasked with utilizing them specifically for fulfilling the duties and functions as enumerated in the Act.

Moreover, Section 13 mandates that the Commission compile an annual report detailing its activities throughout the previous fiscal year. This report is then forwarded to the Central Government for review and action.

Central Government's Relationship with the Commission (Section 16)

The Act specifies that the Central Government should seek the Commission's input on major policy decisions that have an impact on women. In addition, the Central Government reserves the right to announce, through official gazette notifications, regulations that support the enactment of this law. Such rules must receive the approval of both houses of the Indian Parliament.

Current Initiatives by the National Commission for Women

1. **Sexual Harassment Prevention:** The Commission has presented a comprehensive set of recommendations to the Central Government aimed at preventing and addressing incidents of sexual harassment in professional environments.
2. **Media Representation:** It has instructed the Delhi Police to investigate complaints regarding inappropriate portrayals of women on commercial product packaging, particularly on condom covers, and report back within a month.

3. **Political Accountability:** The Commission has requested the Uttar Pradesh Government to conduct an inquiry against a political leader from the Samajwadi Party following a specific complaint.
4. **Health Policy:** The Commission has advised the Union Health Ministry to extend the permissible period for abortions from the existing 20 weeks to 24 weeks.
5. **Legal Reforms:** It has advocated for distinct legal provisions concerning acid attacks and stalking within the Indian Penal Code and has called for more severe penalties for these crimes.
6. **High-Profile Cases:** In the Neetika Sharma case, the Commission criticized the delayed policy response, arguing that this lag indicates exploitation.

Challenges Faced by the Commission

1. **Financial Dependence:** The Commission relies solely on the Central Government for funding.
2. **Member Selection:** The Commission lacks the authority to choose its own members.
3. **Limited Powers:** All powers are vested within the Central Government.
4. **Legislative Influence:** The Commission can only recommend changes without any binding effect.
5. **Jurisdiction:** The Commission's scope does not extend to Jammu and Kashmir.
6. **Financial Constraints:** Limited funding impacts the spread of legal awareness programs.
7. **Reactive Stance:** The Commission only takes action when issues are publicly reported.
8. **Rural Disparities:** Lack of resources and opportunities in rural areas limit the Commission's effectiveness.

Recommendations for Improvement

1. **Autonomy:** The Commission should have the power to select its own members.

2. **Strengthening Authority:** Additional powers should be allocated to the Commission.
3. **Public Awareness:** Greater community involvement is needed to justify the Commission's role.
4. **Expert Appointments:** Individuals with a robust understanding of law and social dynamics should be appointed to the Commission.
5. **District-Level Presence:** Representatives should be appointed at the district level to report on women's issues.
6. **Program Effectiveness:** Various initiatives have shown promise in empowering women socially and economically and should be sustained.

Conclusion

Despite the challenges, there's no questioning the valuable work that the National Commission for Women is doing for the welfare, rights, and development of women in India. The Commission is actively involved in nationwide campaigns, workshops, and consultations to achieve its objectives.

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