

An Analysis of Role of National Commission for Women Working In the Field of Women Rights and Freedom

Dr. K.B. Ojha

Sr. Lecturer, Deptt. of Law, N.M. Law P.G. College, Hanumangarh Town (Raj.)

ABSTRACT: "An analysis of Role of National commission for women working in the field of women rights and freedom\" Women in India, as is well known have never been treated well even at home or while at work. The matter has all along been agitated inside and out side the parliament by Parliamentarians, by common men, by organizations and societies for the welfare of the women. Several, commissions had been setup by the government to look into the matter of states of women in the Indian society. Successive Commission of women has noted in their reports the unequal status of women obtaining in every sphere of life and had suggested the setting up of an agency to fulfill the surveillance functions as well as to facilitate redressed of the grievances of women. Several women activists and voluntary action group has also been making persisted demand for setting up of a commission for women. Keeping in view the desirability of a commission for women at the national level the national commission for women Bill 1990 was introduced in the Lok Sabha on 22nd May, 1990. Later on the Bill became an act. \"The complaints and counseling cell of the commission processes all the complaints relating to domestic violence, harassment dowry, torture, desertion bigamy, rape, refusal to register FIR, cruelty by husband, deprivation, gender discrimination and sexual harassment of work place which may be received either orally, written or suomoto under sec. 10 of the National Commission of Women Act.\""

I. INTRODUCTION

Women in India, as is well known have never been treated well even at home or while at work. The matter has all along been agitated inside and out side the parliament by Parliamentarians, by common men, by organizations and societies for the welfare of the women. Several, commissions had been setup by the government to look into the matter of states of women in the Indian society. Successive Commission of women has noted in their reports the unequal status of women obtaining in every sphere of life and had suggested the setting up of an agency to fulfill the surveillance functions as well as to facilitate redressed of the grievances of women. Several women activists and voluntary action group has also been making persisted demand for setting up of a commission for women. Keeping in view the desirability of a commission for women at the national level the national commission for women Bill 1990 was introduced in the Lok Sabha on 22nd May, 1990. Later on the Bill became an act. "The complaints and counseling cell of the commission processes all the complaints relating to domestic violence, harassment dowry, torture, desertion bigamy, rape, refusal to register FIR, cruelty by husband, deprivation, gender discrimination and sexual harassment of work place which may be received either orally, written or suomoto under sec. 10 of the National Commission of Women Act."

II. NATIONAL COMMISSION FOR WOMEN

Owing to the overwhelmingly patriarchal structure of our society, women have been relegated to a secondary status and have been subject to various legal and social discriminations. The framers of the Constitution recognized the need to remove such inequities, and made special provisions to redress the same. The need was felt for a structure to uphold the rights and implement the provisions of beneficial legislations in an organized and institutionalized manner. The National Commission for Women (NCW) is a statutorily constituted body under the National Commission for Women Act.1990. The NCW consists of a chairperson, five members and a member-secretary, all nominated by the Central Government according to guidelines provided for in the Act.

The commission carries on various functions such as to investigate and examine all matters relating to the safeguards provided for women under the constitution and other laws:

III. FUNCTIONS OF THE COMMISSION

(a) Inquiry and Investigation

The NCW new also has the powers of a civil court while investigating and examining matters relating to the safeguards provided for women under the Constitution and other laws. It is empowered to consider matters relating to deprivation of women's rights, and take up the issues with the appropriate authorities on its own. It looks into complaints and takes suo motu notice of matters relating to non-implementation of laws and

'non-compliance of policy decisions, guidelines or instructions enacted and aimed at, mitigating hardships, ensuring welfare, and achieving equality and development, and then take up the issues arising out of such matters with the appropriate authorities.

(b) Action Research

The new conducts studies and investigations into problems arising out of discrimination and atrocities against women and recommends strategies for their removal. NCW members participate and advise on the planning process of socio-economic development of women, suggest measures to promote their representation in all spheres and evaluate their progress. The NCW is also required to review the safeguards provided for women in the Constitution and other laws, study their working, recommend amendments to meet any inadequacies or shortcomings, and suggest measures for more effective implementation. For instance, in furtherance of its mandate, the now has urged amendments to the Indian Penal Code to tighten the curbs on trafficking of minor girls. It has also recommended that child marriage be made a non-bailable offence and be declared to be void under the Child Marriage Restraint Act (1929). Further, the NCW has formulated Bills on Prevention of Sexual Harassment at Workplace and the Domestic Violence to Women (Prevention) Bill 1994, in consultation with members of the civil society

(c) Legal Intervention

The Parivarik Mahila Lok Adalat, (PMLA) is an innovative mechanism developed by the NCW, which has taken up 7500 cases so far. It deals with matters pertaining to family law, encouraging settlement of disputes outside the formal legal framework and aiming to empower women in the justice delivery mechanism. Its decisions of the PMLA are legally binding on both parties to the dispute. According to Section 10 of the National Commission for Women Act, 1990, the National Commission for Women shall perform all or any of the following functions, namely:

- [1] **Investigation and Examination** - investigate and examine all matters relating to the safeguards provided for women under the Constitution of India, 1950 and other laws;
- [2] **Presentation of Reports** - Present reports to the Central Government, annually and at such other times as the Commission may deem fit, reporting upon the working of those safeguards;
- [3] **Recommendations** - make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;
- [4] **(Review** - review, from time to time, the existing provisions of the Constitution of India, 1950 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 legislations;
- [5] **Taking up of cases of Violation** - take up the cases of violation of the provisions of the Constitution of India, 1950 and of other laws relating to women with the appropriate authorities;
- [6] **Suo Motu Notice** - looks into complaints, and take suo motu notice of matters relating to:-
- [7] **Women's Rights** - deprivation of women's rights; enacted to provide protection to women and also to achieve the objective of equality and development.
- [8] **Policy Decisions** - non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women; and take up the issue arising out of such matters with appropriate authorities;
- [9] **Special Studies and Investigation** - call for special studies or investigation into specific problems or situation arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;
- [10] **Promotional Research** - undertake promotional research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement;
- [11] **Participation in Planning** - participate and advise on the planning process of socio-economic development of women;
- [12] **Evaluation** - evaluate the progress of the development of women under the Union and any State;
- [13] **Inspection** - inspect or cause to be inspected a jail, remand home women's institution or other place of custody where women are kept as prisoners;

- [14] **Funding** - fund litigation, involving issues affecting a large body of women;
- [15] **Reporting** - make reports on any matter pertaining to women and in particular various difficulties under which women toil.

IV. POWER OF WOMEN'S COMMISSION

According to Section 10(4) of the National Commission for Women Act, 1990, the National Commission for women shall have all the powers of a civil court trying a suit, in respect of the following matters, namely:-

- (a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) Requiring the discovery and production of any document;
- (c) Receiving evidence on affidavits;
- (d) Requisitioning any public record or copy thereof from any court or office;
- (e) Issuing commission for the examination of witnesses and documents and
- (f) any other matter which may be prescribed.

Grants by the Central Government

As provided under Section 11 of the National Commission for Women Act, 1990, the Central Government is empowered to grant such sum of money to the National Commission for Women,' however, with prior approval of the Parliament. The Commission may spend such sum of money for the purpose of performing such functions as laid down under the said Act. Annual Report - Under Section 13 of the National Commission for Women Act, 1990, the National Commission for Women is duty bound to prepare annual report giving a full accounts of its activities during the previous financial year and forward a copy thereof to the Central Government.

Central Government to consult commission (Sec. 16)

The central government shall consult the commission on all major policy matters affecting women.

Power to make rules 17

The central Government may by notification in the official Gazette make rules for Carrying out the provision of this Act. Every rule made under this shall be approved by both the house of parliament.

Some work's are done by NCW regarding women presently context in the women's rights and freedom:-

1. The National Commission for women has submitted a set of role recommendations to the centre to avoid and address cases of sexual harassment at the work place.
2. NCW has disected Delhi police to inquire into a complaint of alleged indecent representation of women on condom on covers of a company and revert to it with in thirty days.
3. The National Commission for women has asked the Uttarpradesh Government to probe a complaint against samjwadi party leader.
4. The National Commission for women advised the Union Health Minstry to push the time limit for abortions from 20 weeks to 24 weeks of pregnancy.
5. NCW wants separate clauses on acid attacks and stalking of women in the Indian Penal Code and stringent punishment for the crime.
6. Very important role of Neetika Sharma case NCW said that delay policy action shows that she was exploited.

Short Comings

- [1] The commission is dependent on the grant from the Union Government
- [2] The commission does not have the power to select own members.
- [3] The power is vested with the Union Government.
- [4] The commission has no right to concrete legislative power
- [5] It has only to power recommend amendments and submit reports with are not binding on state or Union Government.
- [6] The Commission's Jurisdiction is not operative in Jammu and Kashmir.
- [7] Financial assistance is so less, we cannot awerness of legal programme.
- [8] The National Commission for women in India seizes women's cause only when it is brought to light. Unreported cases of oppression and suppression of women are not attended to.
- [9] In rural sector still there is lack of awareness education, opportunities and basic facilities for women for economic of empowerment.

Suggestions

- [1] The Commission suggested must be granted the power of select its own member.
- [2] The more power to given commission.
- [3] There should be more public awareness and participation for the women oppression so make the work of the National commission for women justifiable.
- [4] Fair person should be appointed in the commission and the have having a knowledge of law and understand to society and human behavior.
- [5] NCW have been appointed a person to district level. They have duty to inform to NCW regarding women violation cases at the district level.
- [6] A number of programmes and policies were launched for the purpose and they have successful effect in empowering women socially and economically.

Thus we can say these is no doubt about the effectiveness of the commission and about the good work which it is doing for the women of India. The National Commission for women is committed to the protection of rights of women in the country and to welfare and development. To attain these aims, the commission organized country wide campaigns workshop and consultations.

PRESENT ADDRESS

Ms. Mamta Sharma, Chairperson, National Commission for Women, India, 4 deen dayal marg, New Delhi-110002