



6

RECOMMENDATIONS OF THE NATIONAL COMMISSION FOR WOMEN

Indian Constitution guarantees justice and equality in all the segments of our society irrespective of caste, creed, religion, colour and gender. A number of legislations have been enacted by the Central and State Governments to safeguard the interests of women and amendments have been made in the existing laws with a view to handling crimes against women. Despite these preventive measures, crimes against women like rape, female foeticide and infanticide, dowry related harassment, domestic violence, immoral trafficking, sexual harassment at workplace, kidnapping etc. continue. **Given the primary mandate of the Commission to uphold and safeguard the rights of women, the following recommendations pertaining to the legal side are proposed for implementation by the Government at the Centre and the State with the help of educational institutions, corporate sector, the media and the civil society.**

1. **The Bill on Protection to Women from Sexual Harassment at Workplace (Prevention, Prohibition and Redressal Bill, 2006) :** The Revised Bill has been sent to the Ministry for consideration. This needs to be approved by the Government.
2. **Implementation of the Supreme Court Guidelines on Sexual Harassment at Workplace :** As stated by the Supreme Court in the case of Vishakha vs. State of Rajasthan internal Complaints Committees are to be constituted by all the State Government

Departments/Institutions and private sector organisations.

3. **The Protection of Women from Domestic Violence Act, 2005:** Recommendations on the implementation of the Protection of Women from Domestic Violence Act, 2005 is to be implemented by all the State Governments with respect to appointment of protection officers, notification of service providers and training and orientation of all the stakeholders involved in its implementation. Training curriculum for the police and the judiciary is to be undertaken separately. In this regard, the gist of NCW recommendations are mentioned in Chapter-4 on Legal Cell and details are presented in Annexure-IV.
4. **Use of Section 498-A IPC:** Views of the NCW on judicious use of Section 498-A IPC to be considered while implementation by the police. Power to arrest is to be exercised after investigation of the genuineness and bonafides of a complaint. Disputes settlement between spouses/families is to be encouraged through conciliation, mediation and counseling. Services of professional counselors to be deployed in such matters. In this regard, the details of NCW recommendations are enumerated in Chapter- 4.
5. **Scheme for relief and rehabilitation of rape victims:** The scheme is to be

expeditiously approved by the Central Government for implementation. The details of the scheme are presented at **Annexure-VI**.

6. Effective implementation of the Pre Conceptual and Pre-natal Diagnostic Techniques Act: Declining sex ratio in the States and Union Territories is a matter of concern. The sex ratio has declined in the age group (0 to 6 years) from 945 females per thousand males as reported in 1991 census to 927 females per thousand males according to the 2001 census data. In this regard, female foeticide is of grave concern. The State Government/UTs administration must take up effective steps for the effective implementation of the Pre Conceptual and Pre-natal Diagnostic Techniques Act and sensitise people to change their mindset about the girl child.

7. Implementation of the Compulsory Registration of Marriages Bill 2006: Implementation of the Compulsory Registration of Marriages particularly after the Supreme Court directives in transfer petition 291 of 2005 Smt. Seema vs. Ashwini Kumar. According to the Commission, registration of marriages is a very critical issue. Registration of marriages as such would help to address issues such as child marriage, polygamy unless supported by any law or custom, and prevent desertion of women after marriage and enable NRI women to claim their rights for shelter and maintenance. At present the registration of marriages is compulsory in a few states and

voluntary in some. Compulsory registration of marriages needs to be universally implemented by the State Governments.

8. Safeguards for security for women by the State Governments: According to the National Crime Records Bureau data, as per percentage share of crime against women, Andhra Pradesh ranks first (13.3%), Uttar Pradesh ranks second (11.3%) West Bengal ranks third (8.9%), Madhya Pradesh ranks fourth (8.3%) and Maharashtra ranks fifth (8.1%). This in a way is also substantiated by NCW data presented at Annexures-II and III. Maximum complaints have been registered by the C&I Cell of the Commission from the states of Uttar Pradesh, Delhi, Rajasthan, Haryana, Madhya Pradesh, Bihar, Maharashtra. The largest number of complaints was registered under heads like harassment for dowry/cruelty, rape, attempt to rape and dowry death. These states need to take adequate steps for ensuring security of women and all the states need to uphold and propagate gender equality. Laws protecting interests of women in particular needs to be propagated in the rural districts. State Governments need to address the problems faced by women in all spheres.

9. Legal Awareness Programmes: Mass awareness programmes on the existing legislations like Domestic Violence Act and Dowry Prohibition Act need to be organized at the grass root level by the State Commissions, the State Governments and the Panchayati Raj Institutions. These awareness programmes need to be



implemented in a mission mode with the help of civil society.

10. Police reforms, training and sensitization:

Filling up of all vacancies in Police Stations, training and sensitization for implementing agencies and police personnel. Apart from creating awareness of laws, there is an equal need to train the police personnel at the cutting edge level to make them aware of the laws and sensitize them while taking up complaints from the aggrieved women coming to them for redressal. The training of junior level police personnel need to be taken up as a regular curriculum, so that it remains a continuing programme.

It is also seen that there is a serious lack of police personnel at constable and ASI level. These vacancies need to be filled up without delay including women police personnel. Similarly, Mahila Desks need to be created in all the police stations and crime against women cells atleast at the district level so that women can approach these Mahila Desks with greater confidence. These desks need to be manned by those who have already received sensitization training.

Based on the findings of the studies sponsored by the National Commission for Women contained in Chapter 5 on the Research and Studies Cell, the following recommendations are proposed for implementation by the Government. Details of the various studies referred below are in mentioned Chapter.

1. Since *Dyan Pratha* or witchcraft is wide spread in India and has its base in the tribal

rituals and traditional beliefs of the society but nowhere enjoined specifically by the religions of India as a specific duty, the need is felt to take more effective measures to prevent atrocities over women in the garb of witchcraft. A special legislation on the subject would provide impetus to the judiciary in dealing strictly with the offenders and also the lacunae of the existing legal provisions could be covered effectively. It is therefore considered desirable to enact a central legislation, which would be applicable to the whole of India. Having a central legislation would show that the subject is of national importance and the fact that the problem exists in almost all the states in one form or the other, cannot be ignored. Strict punishment enforced by law is the only way the *qjhas*, the mundas and their cronies would desist from their witch-hunts. Fear of sentence, fines, or both, will also make them think twice before they repeat their crimes.

2. Strengthening of the State Commission for Women by ensuring adequate funds and staff for its effective functioning.
3. Passage of Bill on 33% Reservation for Women in Parliament and State Legislative Assemblies.
4. The State of Orissa has the largest tribal population next to Madhya Pradesh. The socio-economic indicators of the female tribal population is a matter of concern given the high IMR, low levels of literacy and education in the tribal community, which is mainly responsible for poor social and economic

status of the tribal women. There is a need to organize short term technical skill development and educational training programmes for the tribal women. Lack of awareness among tribal women about various government development programmes is to be addressed by the State. Mobile health camps need to be organized to provide health education, health check-ups and health care services in the tribal areas of the State.

5. The employment rights of disabled women is a matter of concern. There is 3% reservation quota for the disabled in government jobs. Now, the Government needs to initiate a dialogue with private sector organizations to help the women with disabilities in getting employment. Appropriate training, modification in the design of machinery that could be operated without difficulty and suitable work environment is required. Their coverage through poverty alleviation programmes needs to be focused upon.
6. The increase in formalization of labour force and its feminization is a matter of concern. As a large number of home based workers are predominantly women and the numbers continue to increase. Lack of formal training and support services are the main reasons cited for their exploitation as seen in the case of embroidery and handicraft in districts in Uttar Pradesh. There is a serious need to device national policy for the home based

workers prescribing minimum wages, job security clearly articulating their rights and entitlements. Provision for social security schemes like insurance, access to health care, food and child care for the families living below poverty line could be considered.

7. Muslim women are very backward in terms of educational status and economic empowerment due to prevailing socio-cultural value system. The educational programmes for the development of SCs and STs should be extended to the Muslim community with special measures taken to educate Muslim women.
8. In HIV positive cases, the family environment is found to be disruptive. The family members need to be counseled for effective interaction so as to enable them to change their psycho-social perspective in terms of attitude and sound environment.
9. Accepting the fact that domestic violence against elderly women exists in our society with reference to the study on Domestic Violence in the southern districts of Orissa, the problem needs to be tackled with greater sensitivity especially in urban areas as a part of women's empowerment programme. Direct intervention is required to help and assist elderly victims to rebuild their lives and generating awareness through value based education at all levels of schooling to tolerate and respect elderly women.