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INTRODUCTION

The National Commission for Women (NCW) was constituted on 31st January, 1992 as a statutory body at the national level, in pursuance of the National Commission for Women Act, 1990 to safeguard the interests of women. It has a wide mandate covering almost all aspects of women's development, viz., to investigate and examine the legal safeguards provided for women under the Constitution and other laws and recommend to Government measures for their effective implementation; review the existing provisions of the Constitution and other laws affecting women and recommend amendments to meet any lacunae, inadequacies or shortcomings in such laws; look into complaints and take suo- moto notice of matters relating to deprivation of women's rights, etc. and take up the issues with appropriate authorities; take up studies/research on issues of relevance to women, participate and advise in the planning process for socio-economic development of women, evaluate the progress made thereof; inspect jails, remand homes, etc. where women are kept under custody and seek remedial action wherever necessary.

In keeping with its mandate, the Commission initiated various steps to improve the status of women and worked for their economic empowerment during the year under report. The Commission's Chairperson, Members and Officers have visited various parts of the country to attend meetings/seminars/workshops/public hearings organized by NCW/NGOs, and to investigate various cases of atrocities committed against women. Besides, they visited short stay homes, orphanages and attended legal awareness camps on legal rights of

women etc; organized by NGOs/Women Study Centres of the Universities to gain first hand knowledge about the problems faced by women there so as to suggest remedial measures and to take up the issues with the concerned authorities.

The Commission received a large number of complaints and also took suo-moto cognizance in several cases to provide speedy justice. The Commission sponsored gender awareness programmes, Parivarik Mahila Lok Adalats, and organized Seminars/ Workshops/ consultations and took up publicity against female foeticide, violence against women, child marriages, etc. in order to generate awareness in the society against these social evils. The NGOs played a significant role in organizing these programmes.

Composition

The details of the Chairperson and Members of the Commission who served during 2008-09 are as follows:-

- (i) Dr. Girija Vyas, Chairperson - Joined on 16.02.2005 to 15.2.2008 (Re-nominated and joined on 9.4.2008)
- (ii) Ms. Yasmeen Abrar, Member - Joined on 24.05.2005 to 23.5.2008. (Re-nominated and joined on 15.7.2008)
- (iii) Ms. Malini Bhattacharya, Member - Joined on 26.05.2005 to 11.5.2008
- (iv) Ms. Neeva Konwar, Member - Joined on 27.05.2005 to 26.5.2008 (Re-nominated and joined on 15.7.2008)

- (v) Ms. Nirmala Venkatesh, Member - Joined on 15.07.2005 to 14.7.2008 (Re-nominated and joined on 24.9.2008 to 27.2.2009)
- (vi) Ms. Manju S. Hembrom, Member - Joined on 30.06.2006
- (vi) Ms. Wansuk Syiem, Member - joined on 26.9.2008
- (vii) Shri S. Chatterjee, Member Secretary - joined on 10.09.2007

The functions of the Commission are mainly divided into three cells, Complaints and Investigation Cell, Research and Studies Cell and Legal Cell. The activities of each of these cells are presented in Chapter numbers 2, 3 and 4, respectively. The organization chart of the Commission is placed at Annexure-I.

Gist of decisions taken in the meetings of the Commission

During the year 2008-09, the Commission held a number of meetings to decide on important issues concerning women. A brief account of the meetings is given below:-

1. Commission meeting held on 1st April, 2008:-

- (A) The Judgment of Madurai bench of the High Court in the matter of Ms. G. Kavitha Vs Union of India and Ors. in writ Petition NO. 2949 of 2004 where in the petitioner has prayed to issue a writ of declaration that section 64 of the Cr PC 1973 in so far as the restriction of summons shall be made only on adult male member of the family of the person summoned, is unconstitutional and void, was deliberated upon. After deliberations, it was agreed that there was no need to intervene in to the matter. However, there was a consensus that procedure of serving the summons should be made easy.
- (B) The Commission was apprised that the amendments in the Indecent Representation of Women (Prohibition) Act, 1986 as received from the Ministry of Women and Child Development have been circulated on 19.3.2008 and also put on the website in Feb, 2008. Further consultation would be held before finalizing the recommendations. A copy of draft Broadcasting Code may also be circulated to all Members so that a comprehensive view could be taken as suggested by the Member.
- (C) Inquiry Committee Report in regard to Rape and Kidnapping of a dalit girl (named 'A') of Bhadoi (U. P.) was accepted.
- (D) Regarding Prevention of offences (by acids) Act, 2008, NCW should recommend for payment of compensation to Acid attack victims depending upon the gravity of injury inflicted on the victims. The recommendations may be sent to the Ministries of Home Affairs and Women and Child Development for further action.
- (E) National Consultation on draft policy on Women in Agriculture was approved for holding it in the first/ second week of May, 2008
- (F) A preliminary Consultation of Experts on Surrogacy and Assisted Reproductive Technologies (ART) consisting of 30-40 persons shall be held in the Conference Hall of the Commission.
- (G) Comment of Judge on Shivani Bhatnagar murder case :- The matter was discussed in the meeting at length and it was agreed with voice vote that



praising a convict by the Judge of Delhi High Court will send a wrong signal. A copy of judgment shall be obtained and after examining it, the NCW can file an appeal to expunge the remarks with regard to praise of the convict.

- (H) Short film on National Commission for Women :- It was approved that a phone- in programme to be restarted by NCW with AIR/FM radios which respond to questions as women's right and laws pertaining to women. Recommendations of NCW on policy matters may be integrated with a clear cut classifications and it shall be made a permanent record.
- (I) Regarding request from Shri Sudhir Yadav, IPS, Joint Commissioner of Police, Delhi regarding assistance in conducting sensitization programmes, it was decided that a detailed proposal may be called from Joint Commissioner of Police, Crime Against Women Cell for further examination of the request. This may be done expeditiously.
- (J) Closure of NON-mandate complaints:- A meeting of Coordinators and Counselors of C&I Cell shall be called to brief them regarding the complaints of a woman against another woman (viz. mother-in-law against daughter- in- law). These cases should be taken up by the Commission as these also amount to deprivation of women's rights. It was decided that even in non-mandate cases appropriate action will be taken by writing letters to the concerned authorities, enclosing a copy of the complaint. A letter should also be sent to the complainant that they should contact the relevant authority for further action, who have already been forwarded their complaint.

- (K) It was agreed that proposals for conducting Legal Awareness Programmes/ Study etc; shall come through the State Government or be recommended by any Member including Member Secretary of the Commission.

(2) Commission's Meeting held on 28.4.2008:-

Regarding National Consultation on Surrogacy and ART, the names of experts namely 1-.Ms. Sarojini or one representative from SAMA, 2- Ms.Imrana Qadir, former professor of Centre for Social Medicine, JNU, 3-Ms.Indu Agnihotri, CWDS, 4- Shri Mohan Rao, Professor, Centre for Social Medicine, JNU, 5- Ms. T. Rajlakshmi, Journalist, Front Line, were approved. It was also decided that some representatives from ICMR shall also be included.

(3) Commission's Meeting held on 24.9.2008:-

Printing of modified version of publication "Meera Didi Se Pooncho" was approved. It was also decided that photographs of all Members of NCW shall be inserted in the publication.

(4) Commission's Meeting held on 11.11.2008:-

- (i) It was decided that each Member will finalize and conduct 4 to 5 State Level Seminars in the States allotted to them, on issues relevant to those States. The Member concerned would be responsible for holding the seminar and make all arrangements in this regard. The help of PS to the Member and one official or coordinator may be taken for the purpose. It is ensured that this is completed within March, 09.
- (ii) As regards taking **Suo moto** cognizance of incidents, it was decided that wherever **suo moto** cognizance is to be taken of an incident which is considered very important from the point of view of

investigation etc; the matter should be brought to the notice of the Chairperson. Thereafter a report should be sought from the concerned authority and then officially a Committee should be notified for the purpose so that there is a proper record available of ***suo moto*** cases. It should also be ensured that the reports on such visits are finalized at the earliest.

However, in cases of urgent importance, the Chairperson may ask Members to visit site etc; depending upon the gravity of the situation. In such cases office will take necessary action to ensure that proper records are maintained of such visits and that the reports from the members after the visit is completed at the earliest and sent to the concerned authorities for further action.

(5) Commission's Meeting held on 6.2.2009:-

Regarding constituting of an Inquiry committee to enquire in to the incident of Gangrape of a girl student in Noida, it was decided that the Inquiry committee is to submit a final report expeditiously. The girl was not willing to be

interviewed and police have already taken action, and case is being investigated by police.

Visit of Foreign Delegates to the National Commission for Women:

(1) Visit of American Delegation to NCW

US Ambassador and Chief of Protocol, Ms. Nancy Brinker visited the National Commission for Women and interacted with the Chairperson and the Members. The Chairperson explained in detail the activities undertaken by the Commission and the programmes to be undertaken in future. Ms. Brinker, who is closely associated with the cure for breast cancer, narrated how she had been able to raise \$ 1 billion for education, research and health services.

Besides, Mr. Sameer Sheth, Chief Global Affairs Unit and Ms. Stephanie Holmes, Second Secretary Political Section, US Embassy, met the chairperson and Members of the Commission, to discuss bilateral issues regarding women.

Professional Staff Member of House Committee on Foreign Affairs Ms. Jasmeet Ahuja, Deputy Chief



Dr. Girija Vyas interacting with US delegation



Counsel Ms. Kristin Wells and Senior Advisor and Counsel, Ms. Shanna Winters visited the Commission and interacted with the Chairperson and discussed about women concerns in India.

(2) Visit of Norwegian Delegation to NCW

Norwegian delegation led by Ms. Karianne Robole Soresen, Advisor, Norwegian Immigration Appeals Board visited NCW on 17.10.2008. She was accompanied by Mr. Bernt Sakara and Ms. Eli Melby. The Chairperson discussed the problems of women and gave an overview of the activities of the NCW.

(3) Visit of National Human Rights Commission, Rwanda to NCW

A three - member delegation of Rwanda National Human Rights Commission led by its Vice - President, Mr. Kayumba Deogratias visited the Commission for an interactive session. Shri S. Chatterjee, Member Secretary, briefed them about the composition of the Commission followed by a presentation .

During interaction, the delegates and the Members of the NCW discussed about the social traditions and customs of their respective country. Mr. Deogratias informed that 48% of seats were reserved for women in the Rwanda Parliament.

(4) Visit of Ambassador of European Commission to NCW

Madame Smadje, Ambassador of European Commission visited the National Commission for Women and had a very fruitful interaction with the Commission.

Dr. Girija Vyas, Chairperson of the Commission briefed the Ambassador about the activities and programmes of the Commission. She said that the Indian Constitution was committed to provide equal rights and opportunities to women and the Parliament had

enacted various special laws for women on the recommendations of NCW. She, further, said that the Commission was trying to create awareness among women all over the country about various women - related laws, through workshops and seminars. The Commission was also committed to sensitize the police to gender issues from the level of the constables to the level of the Director General of Police. The Chairperson also mentioned that the Commission was holding workshops and consultations on the issues of female foeticide, NRI marriages, dowry laws, acid throwing etc; to suggest changes in the laws. Expressing positive reaction, the Ambassador said that as their goals were similar that is empowerment of women, she would like to be a partner to the Commission's projects. She further mentioned that they had strong international instruments and substantial funding to support Government as well as non- governmental projects within the concept of gender issues to help women, children and the minorities with access to water, health care, education, sanitation, etc;

(5) Visit of National Dalit Commission of Nepal to NCW

The Chairperson and Members of the National Dalit Commission of Nepal visited NCW to study the structure of the Commission and the activities and programmes undertaken by NCW. In reply to the queries raised by the delegates, the Chairperson of the NCW Dr. Girija Vyas explained the composition of the Commission and also the important women's issues undertaken by it.

She said that the main task of the Commission was to study and monitor all matters relating to the constitutional and legal safeguards provided for women, to review the existing legislations and suggest



Dr. Girija Vyas addressing the National Dalit Commission of Nepal

amendments, wherever necessary. She mentioned that the Commission had reviewed many laws, including the Dowry Act, the Domestic Violence Act, the Rape laws, etc; so as to protect the rights of women. Regarding a query on the stature of the Commission, the Chairperson said that the Commission was a statutory body enacted by Parliament and enjoyed the powers of a civil court and could summon any person from any part of India for examination. It was mandatory for the Central Government to consult the Commission on all major policy matters affecting women.

(5) Foreign visits of the Chairperson, Member:-

1. Dr. Girija Vyas, Chairperson attended the Indo-European Round Table Meeting at Paris and London during the period 14-16th July 2008.
2. Three Members of the commission visited Kathmandu in Nepal to attend a SAARC Convention on Preventing and Combating Trafficking in women and children for prostitution organized by UNIFEM, Shaktivahini, HER, THNET and National Media.

3. A Member of the Commission visited Shelter Home, Maiti, Nepal where orphan and survivor girl children are rehabilitated. They have rehabilitated the children of India in well planned way. They settled the children age-wise and appointed 2 doctors and 4 nurses for looking after them. Children below the age of 2 years have their separate cots and mothers to take care of them. Children more than 4-5 years have boarding house also. There is a provision for prayer, games, feeding sections etc;

There is another Shelter Home namely Kishori Niketan for survivors of trafficking and child labour. Since its inception, 1075 girls have been rehabilitated. The children are provided with education, physical and mental care, vocational training and life skills in the environment of comfort and parental care. The shelter home is giving equal opportunities of education and awareness of human rights to the inmates.

Press Conferences

1. Dr. Girija Vyas, Chairperson interacted with Media on 9th April, 2008 after rejoining the National



Commission for Women regarding the future programmes which includes “ Save Family Save Home Project.”

She said that the Commission is launching a new project which will focus on saving marriages through counseling. Its “Save Home: Save the Family” campaign will dissuade couples to go for separation and eventful divorce, except in extreme cases. The Commission wants to emphasize the need for professional counseling to save marriages and families in the wake of instances of young couples breaking up marriages over trivial issues. The project also aims at strengthening the role of the police, NCW and other stakeholders to secure justice for women. The thrust of the project will be to sensitize police personnel to gender issues and to ensure proper implementation of the Domestic Violence Act, Section 498A of the IPC and other laws applied in cases of marital discord with the objective of reconciliation and settlement.

2. A Press Conference was held on 2nd May, 2008 in the Commission on Draft Bill for the victims of Acid attacks. In the Conference, Dr. Girija Vyas said that National Commission for Women has prepared a Draft Bill for the Victims of Acid Attacks titled “Prevention of Offences (by Acids) Act, 2008.” Acid attacks could be termed as an act of gender based violence that results in, or likely to result in physical, sexual, psychological harm or suffering to women. The medical treatment is a costly affair and very often the victim is left to fend for herself, with nobody to provide support. At present, there is no

provision for providing compensation to them. Such cases are registered under Section 320& 326 of IPC that is grievous hurt, while, actually it is much more than that since it causes permanent and severe damage to various parts of the body.

The proposed law aims to achieve the following objectives: (1) Classification of acid attack as a separate and most heinous form of offence under IPC; (2) To provide medical treatment to victims, including plastic surgery; (3) To provide legal, social and psychological support and arrange rehabilitation mechanism for the acid attack victims; and (4) To regulate sale of acid.

3. A press Conference was held on 10th May, 2008 on the Draft policy for Women in Agriculture. While addressing the Press, Dr. Girija Vyas, Chairperson, National Commission for Women said that the Commission had organized a National Consultation on ‘Draft National Policy for Women in Agriculture’ in New Delhi on 10th May, 2008. Though women contribute 40% of the agricultural workforce and an estimated 20% rural households are defacto female- headed due to widowhood, desertion or male migration, yet the increased feminization of agricultural work and labour have not been taken in to account in the policy document. There should be gender equality in land and livelihood, she said.
4. A Press Conference was held on 24th May, 2008 regarding “Indecent Representation of Women Prohibition Act, 1986” at Mumbai. Dr. Girija Vyas, Chairperson, National Commission for Women informed that the NCW has sought a self-

regulatory mechanism or a new law to deal with indecent representation of women in the print and electronic media. While interacting with the press during the consultation on the indecent Representation of Women Prohibition Act, 1986 at Mumbai, she said that the need to re-look at the existing legislation is also being felt in the wake of representation of women in the television serials which may not be necessarily derogatory but do not show women in appropriate light. The serials often encourage violation of laws. The Commission has recommended enhancement of the punishment on first conviction with fine, which may be raised to Rs.10,000/- and imprisonment for at least six months extendable to five years with a fine up to Rs. 5 lakh for a subsequent violation. The new regulation should cover child pornography also.

5. Dr. Girija Vyas, Chairperson NCW held a Press Conference on 30th July, 2008, at Ahmedabad regarding blasts affected victims including women and children, at Ahmedabad. A delegation of the National Commission for Women headed by Dr. Girija Vyas, Chairperson with Member Manju Hembrom visited Ahmedabad to meet the victims of the recent serial bomb blasts. The delegation was also accompanied by Ms Sandhya Bajaj, Member of the National Commission for Protection of Child Rights. The NCW urged the State Government to ensure time- bound disbursement of rehabilitation packages to the victims of the serial bomb blasts. She said that women and children are the most vulnerable group when this kind of tragedy happens. They require special attention and care in the time of

crisis. So, we have asked the centre and the State Government to consider a special package for women and children blasts victims.

6. A Press Conference on Dowry Prohibition Act was held on 10th September, 2008 at New Delhi where in Dr. Girija Vyas, Chairperson, NCW said that in view of the large number of dowry related cases, the Commission has proposed several amendments in the Dowry Prohibition Act, 1961 to make it more effective. She said that the main features of the proposal, include, taking away of the phrase in connection with marriage, from the Dowry Prohibition Act because the term has been interpreted by the courts in a very narrow sense. She said there should be change in the section of the Act that puts both the giver and taker of dowry in the same category. Dr. Vyas said that the girl's family was often forced to give dowry; therefore, the Commission had proposed that the taker of dowry would have a more severe punishment with imprisonment up to 5 years, while the giver of dowry will be subjected to a lesser punishment of one year.
7. In a Press Conference held on 13th October, 2008 at NCW, New Delhi regarding views of the Commission on Section 498 A of IPC, Dr. Girija Vyas said that several complaints have been received about its misuse and the Commission had detailed deliberations on this and it was felt that at present there is no requirement to amend the Act. However, the Commission has proposed that an advisory be issued to all State Governments that in case of Complaints received under this section, a preliminary investigation should be undertaken by the police and if

necessary, counseling should be done in order to save the marriages. Only where there is a prima facie case of harassment, such cases should be registered.

8. In a Press Conference held on 19th December, 2008 at NCW, New Delhi regarding Section 125 of Cr.PC, Dr. Girija Vyas said that the Commission had proposed an amendment to Section 125 of the Criminal Procedure Code which includes widening the definition of wife to include to long term relationship. Contemplating to include only those women live-in relationships, which are in the nature of marriage, the NCW has made it clear that relationships of convenience should not be considered. According to NCW, in certain cases where the relationship is barely six months old and there is no commitment, the court can take a decision to declare it null and void. The

Commission, however, demanded strict protection of the rights of the first wife. The Committee would continue its deliberations and would soon come out with a complete set of recommendations on the issue.

9. A Press Conference on Rise in Crimes against Women in the Capital, was held on 8th January, 2009, at New Delhi wherein Dr. Girija Vyas said that despite Public outcry over lack of safety for women in the city, Delhi continues to be vulnerable for women with a reported increase in number of cases of crimes against them. These complaints are a matter of grave concern for us. Our Commission is monitoring the situation and taking strict measures to check it. All State Governments have opened separate women police Stations in each district and major cities to deal with cases of crimes against women, she said.



At a Press Conference. (From left) Mrs. Yasmeen Abrar, Dr. Girija Vyas, Dr. V. Mohini Giri



Press Conference on 19th Dec., 2008 on live-in-relationship

10. A Press conference on Jago Campaign/ Marriage Laws was held on 28th February, 2009 at NCW New Delhi in which Dr. Girija Vyas expressed that due to increase in atrocities against women in Delhi and NCR region, the NCW launched a new initiative entitled Jago designed to encourage every citizen to support the campaign to condemn violence in all forms against women and punish those who commit such inhuman crimes. People from all walks of life including students, nurses, nuns, lawyers, women activists, etc; gathered and took a pledge to stop all forms of atrocities against women. She further said that last year women showed great development in every field but unfortunately, we saw a 30% increase in rape cases too. Therefore, we want to turn the NCR in to a rape free zone and for this we have taken the help of the government and the civil society to curb violence against women through the innovative programme JAGO.

Dr. Girija Vyas said that registration of marriage would help solve problems like child marriage, dowry, bigamy, etc; as well as determine maintenance for the second wife. While discussing Section 498 A of the IPC, she called it the Bramahashtra for protection of women and mentioned about some of the new bills which the NCW was proposing such as compulsory Registration of Marriage Bill, Maintenance Bill and Acid Attack Bill. She said that sensitivity of the judiciary was of highest importance and new laws have to be pragmatic so that they would save homes and at the same time empower women.

Commission 's Newsletter : Rashtra Mahila

Rashtra Mahila, a monthly newsletter of the Commission, published in English and Hindi, continues to disseminate information about the Commission's programmes to women activists, members of legal fraternity, administrators, members of the judiciary, representatives of NGOs, scholars and students all over the country.

The newsletter highlights the activities of the Commission as well as success stories with regard to complaints lodged before the Commission, and also important court and Government decisions affecting women. Despite the increasing cost of printing, the newsletter is available to all its readers, free of cost. The monthly newsletter is also available on the website of the Commission i.e. www.ncw.nic.in.

Campaign JAGO

Deeply disturbed over the recent spurt in atrocities against women in Delhi and the NCR region, the Commission launched a new initiative entitled "JAGO" designed to encourage every citizen to support the campaign to condemn violence in all forms against women and punish those who commit such inhuman crimes. People from all walks of life including students, nurses, nuns, lawyers, women activists gathered together and took a pledge to stop all forms of atrocities against women.

Jago is a one year project, which will be reviewed every three months and will sensitize the police in handling cases of atrocities on women and the judiciary for faster disposal of such cases. Under this, the media will be asked to maintain privacy of the victims and highlight the initiatives taken by the government and the civil society in containing crime,



molestation, ensuring women's safety, besides sensitizing the police about dealing with women victims and accused. The programme will be launched in the National Capital Region and later extended to different parts of the country.

The programme was inaugurated by Smt. Sheila Dikshit, Chief Minister, Delhi, who also administered the pledge "We pledge today that we will no more tolerate atrocities against women in any form. We will strive to ensure that the society is rid of this evil by all means at our command. We will be alert that perpetrators of such atrocities are not able to strike, and if any offence is committed, we will actively take part to ensure that the culprits are brought to book and meted out exemplary justice. We will remain vigilant all the time" and said that the problem against women should be tackled collectively because it involved the entire society. No society or nation could prosper unless women were respected, she added.

Dr. Girija Vyas, Chairperson, NCW said "last year showed great development by women in every field, but unfortunately, we saw a 30 percent increase in rape cases, too. Therefore, we want to turn the NCR in to a rape free zone and for this we have taken the help of the government and the civil society to curb violence against women through this innovative programme of JAGO.

Visit to Jail:- Member of the Commission visited the Central Jail at Lakhimpur in Assam and found

it to be overcrowded. However, the Jail Superintendent informed that it will be shifted soon to another place.

Visit to Hospital:- A delegation of the National Commission for Women headed by the Chairperson, visited three hospitals at Ahmedabad to meet the victims of serial bomb blasts. She urged the State Government to ensure time-bound disbursement of rehabilitation packages to the victims of the blasts. She said that she has been assured by the Gujarat government that compensation to the victims of serial bomb- blasts would be disbursed within a month's time.

Member of the Commission visited the Civil Hospital, Lakhimpur and enquired about the victims of bomb- blast. In this context, she also visited the houses of bomb-blast victims at Jonai. It was followed by a meeting with the departmental heads, NGOs, activists, panchayat and municipality workers.

Visit to Short Stay Homes/ Nari Niketan:- Member of the Commission visited Short Stay Homes in Arunachal Pradesh and interacted with the rescued child- marriage victims and women affected by domestic violence.

Member of the Commission, visited Nari Niketan at Bikaner and discussed the problems confronted by the inmates there and also interacted with the in-charge of the Nari Niketan. She then asked for a report from the in-charge in the matter.

