

National Commission for Women  
4, Deen Dayal Upadhyaya Marg  
New Delhi

No.1-6/2009-NCW (Commission Meeting)

Dated 18<sup>th</sup> June, 2010

Subject:- Meeting of the Commission held on 1st June, 2010 at 11.30 hrs. in the chamber of Chairperson of the National Commission for Women- circulation of minutes regarding .

The minutes of the Commission Meeting held on 1st June, 2010 at 11.30 hrs. in the chamber of Chairperson of the National Commission for Women are enclosed for information and necessary action.

It is requested that action taken report, if any, on the decision taken in the above meeting may please be furnished to Shri H. C. Bharti, Coordinator, at the earliest.

(Yogesh Mehta)  
Law Officer

PS to CP, PS to M(YA), PS to M(WS)

PS to MS, PS to JS

LO/US, SRO, PRO, PAO

S.O.,

Programmer, Shri Atul Sinha, for uploading in the NCW Website.

**Minutes of the Commission Meeting held on 01.6.2010 at 11.30 hrs. in the Chamber of Chairperson of the National Commission for Women.**

The following attended the meeting:-

- |                         |                  |
|-------------------------|------------------|
| 1. Dr. Girija Vyas      | Chairperson      |
| 2. Ms. Yasmeen Abrar    | Member           |
| 3. Ms. Wansuk Syeim     | Member           |
| 4. Mrs. Zohra Chatterji | Member Secretary |

In attendance were:-

- |                      |                 |
|----------------------|-----------------|
| 1. Mrs. S. S. Pujari | Joint Secretary |
| 2. Shri Yogesh Mehta | Law Officer     |
| 3. Shri S.C. Kaushik | SRO             |
| 4. Shri J. K. Uniyal | PAO             |
| 5. Smt T Kareena     | PRO             |
| 6. Shri H. C. Bharti | Coordinator     |

The Chairperson welcomed all the Members and Officials of the Commission

**Agenda Item No.1**

**Leave of absence**

**Nil**

**Agenda Item No. 2 Confirmation of the minutes of the meeting held on 23.04.2010.**

Confirmed subject to any changes to be suggested by the Members in the next meeting.

**Agenda Item No. 3**

**Action Taken Report.**

*Chatterji*

**It was** regretted by MS that ATRs could not be placed before the Commission and it was assured that ATRs will be placed in the next meeting. CP desired that in future action on the Commission's decisions should be initiated promptly without necessarily waiting for the minutes.

**(Action: Legal Cell/ADMIN /R&S Cell/ PAO/C&I Cell )**

**Agenda Item No 4.:-** To consider the Tenancy Rights of Deserted/ Divorced women-Amendment in the Rent Act of States.

Noted.

**(Action: Legal Cell)**

**Agenda Item No. 5 :-** To consider the Suo- moto case of IAS rape convict Mr. Ashok Rai.

Noted.

**(Action: Legal Cell)**

**Agenda Item No. 6:-** To consider report on Implementation of the PC & PNDT Act 1994 held at Udaipur on 10<sup>th</sup> April,2010 and hold four consultations on the subject at Lucknow, Chandigarh, Bangalore and Pune.

Noted

**(Action: Legal Cell)**

**Agenda Item No. 7:-** Review of SC judgment in Batras case for consideration.

Noted.

**(Action: Legal Cell)**

**Agenda Item No. 8:-** National Consultation on Beijing + 15.

MS objected in principle that the agenda item involving approval of expenditure was put up before the Commission before examination on file or her approval of the agenda item.

Deferred for next meeting after examination of the file.

**(Action: Legal Cell)**

**Agenda Item No. 9 :-** Comment on press clipping "can women be booked for domestic violence".

*Chatterjee*

Noted.

**(Action: Legal Cell)**

**Agenda Item No. 10 :-** Media Campaign for National commission for Women.

MS objected in principle to the agenda item which was put up without approval of MS. However, the need for engaging a PR agency for image building and countering negative publicity of the Commission was strongly felt by Members. Hence the subject matter relating to PR Agency for image building was approved in principle with the stipulation that due procedure should be followed in regard to hiring the PR Agency.

MS clarified that Media campaign is not to be mixed with PR Agency which has a different mandate & informed the Commission that a proposal for media campaign is under preparation & will be placed before the Commission shortly.

**(Action: PRO)**

**Agenda Item No. 11 :- Tentative time frame for Seminars and Conferences.**

The schedule & topics submitted were approved with the following modifications as per Annexure-1:-

Regarding item No. 3 'Implementation of PC & PNDT Act,' it was decided that the Seminar on the subject will be held at Belgaum. Prior to this, a meeting with the State Commission for women and also with State Government officers be fixed. The tentative date for it is 24<sup>th</sup> & 25<sup>th</sup> June, 2010.

As regards item No. 4 'Implementation of Dowry related laws', it was decided that the Seminars on the subject will be organized in the states of M.P. & Rajasthan.

Seminars on Child Marriage should be organized in the States of M. P., Arunachal Pradesh & J&K. It was also decided that the following initiatives should be taken:-

1. Public Hearings on NRI Marriages should be held in the state of Punjab.
2. In J&K two Seminars on the topic 'Save the Home- Save the Family' should be organized. A training programme for women police personnel from Women Training Centres also needs to be

*Chatterjee*

- organized. The Seminar in Delhi should be organized in the month of June.
3. One Conference on Dowry related Laws should also be organized at Amethi/ Lucknow. (U.P.)
  4. One Seminar on ' Crimes against Women ' should be organized in Lucknow.
  5. A National Conference of DGPs and Chief Secretaries should be organized in Delhi on 24<sup>th</sup> and 25<sup>th</sup> June to review the implementation of disposal of complaints under various laws and prompt submission of action taken reports wherein Union Home Minister is to be invited.
  6. Workshop be organized for Chairpersons of State Commission for Women at Delhi and Regional Conferences be organized for capacity building of coordination staff of SCWs
  7. To arrange a meeting with UNIFEM on 7<sup>th</sup> June, 2010 at 4.00 P.M and subsequently a Seminar on Trafficking should be organized in the 1<sup>st</sup> week of July, 2010 at Hyderabad.
  8. A Seminar on 'Single Woman' should be organized at Varanasi (UP).
  9. A seminar on 'Mental Health' each at New Delhi (in June ) and Hyderabad should be organized.
  10. To examine the possibility of organizing the programmes in collaboration with NHRC, Media and other appropriate partners.
  11. For organizing programmes on Panchayati Raj institutions, MOU with Panchayati Raj Ministry is to be reviewed.
  12. Any other item with the approval of the Chairperson.

**(Action: SRO/LO)**

**Agenda Item No. 12:-** .Concept note on functioning of various Commissions.

Deferred.

Regarding Restructuring of the National Commission for Women, it was decided that in the first instance, the matter regarding the creation of posts needs to be taken up with The Ministry of Finance based on functional requirement and SIU study. Amendment of Recruitment Rules for the posts existing / to be created is to be undertaken as a separate exercise.

**(Action: Administration)**

*Chatterjee*

**Agenda Item No. 13:-** Approval of topics for sponsoring the Research Studies by the NCW.

Approved (Annexure II). The topics be placed on NCW website for inviting applications.

As regards conducting of Research Studies, it was decided that studies may be encouraged through the Women Research Study Centres of the Universities as they bring out quality work.

**(Action: R& S Cell)**

**Agenda Item No. 14;-** To consider and approve the procedure for dealing with complaints relating to NRI/PIO/ Marriages.

Approved.

The Commission appreciated the effort put into preparing the document. ( Annexure III ).

**(Action: R& S Cell)**

**Agenda Item No. 15:-** To consider and approve the renovation of NCW's office premises at an estimated cost of Rs.10 lakhs.

Approved.

**(Action: Administration )**

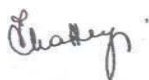
**Agenda Item No. 16:-** To consider and decide on the letter No.21-1/2009-WW dated 3<sup>rd</sup> May, 2010 regarding closure NRCW under NCW and transfer the URL [www.nrcw.nic.in](http://www.nrcw.nic.in) to the National Mission for Empowerment of Women.

Deferred. The matter is to be examined in depth.

**(Action: NRCW)**

**Agenda Item No. 17:-** To consider and approve the Procedure for Constitution of Inquiry Committee and Conduct of Enquiry in cases of Suo-moto cognizance taken by NCW.

The matter was discussed in the meeting. Some corrections were suggested by the CP and Members and the revised procedure as at Annexure IV was approved as general draft guidelines with the



observation that the gravity of some special cases will dictate their own requirements which may require to be approved on case to case basis. The revised draft may be discussed further and finalized in the next meeting of the Commission.

**(Action: PRO)**

**Agenda Item No. 18 :-** Approval of the expenditure of Rs.20,98,017/- incurred on the National Consultation on PWDV Act, held on 13.11.2009 at Vigyan Bhawan, New Delhi and to consider and approve the report and its recommendations.

Deferred for next meeting after examination of the file.

**(Action: Legal Cell)**

**Agenda Item No. 19 :-** To re-consider and approve the overtime allowance from 40 hours to 100 hours to the staff car drivers attached with Chairperson, Members and Member Secretary of NCW.

Deferred as the ceiling of 40 hrs. has been recently fixed by the Commission.

**(Action: Administration)**

**Agenda Item No. 20 :-** Approval of the expenditure of Rs. 12,28,000/ /- incurred on the launch of NRI cell and a National Level Consultation on 27.8.2009 at India Islamic Cultural Centre, New Delhi and to consider and approve the report.

Deferred for next meeting after examination of the file.

**(Action: Legal Cell)**

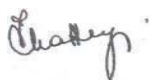
**Agenda Item No. 21 :-** Annual Action Plan 2010-11.  
Approved with modifications as per discussions with respect to Agenda items 11 & 13.

**Agenda Item No. 22 :- Approval of Advertisement for the posts.**

The following changes have been suggested in the advertisement for the various posts:-

A- Qualifications of Coordinators/ Counselors as Social Work/ Social Sciences.

B- In the emoluments of Counselor as 18,000/- in place of Rs.20,000/-.



C- Engagement of Consultant –Legal with emoluments of Rs. 18,000/-

D- A Consultant for media cell should also be taken with emolument of Rs. 18,000/-

**(Action: PRO)**

**Agenda Item No. 23 :- Approval of the Expenditure for the Financial year 2009-10.**

Approved.

**(Action: PAO)**

**Agenda Item No. 24 :- Allocation of Budget for the Financial year 2010-11.**

Approved.

**(Action: PAO)**

**Agenda Item No. 25 :- Reply of Audit Para's for the year 2008-09.**

In respect of paras where AG has not found the Commission's reply convincing, the paras need to be examined afresh and responsibility fixed in case of irregularity. If any omission is found, a reply covering the incomplete areas may be compiled for onward transmission to Audit Department and discussed with them.

**(Action: PAO)**

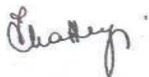
**Agenda No 26 :- Other Items with the permission of the Chair.**

A press release should be issued regarding all Suo-moto cases and the PRO invariably informed regarding the same.

**(Action: PRO)**

**It was also decided** that the next Meeting of the Commission will be held on 11.06.2010 at 11.00 hrs. to take up deferred matters.

**The meeting ended with a vote of thanks to the Chair.**



Member Secretary



Chairperson



F.No 9/1/PRC/2009- NCW (L)

## NATIONAL COMMISSION FOR WOMEN

Agenda Item No: 11

Commissions meeting on : 1<sup>st</sup> June 2010

Sub: tentative time frame for seminars and conferences

		Action to be taken	Time frame
1.	Meeting with chairpersons State women Commissions at DELHI to discuss complaints and investigation matters and studies discussion on SAVE THE HOME SAVE THE FAMILY	C&I Cell R&S Cell	3rd week of June 2010
2.	Regional consultations at Kolkata , Mumbai ,lucknow on implementation of the PWDVAct 2005	legalcell	Last week June /Last week of july 2010 and 3 <sup>rd</sup> week of august August
3.	Implementation of PC PNDDT Act at Bangalore	Legal cell Admin	1 <sup>st</sup> week of July 2010
3.	Implementation of PC PNDDT Act at Chandigarh	Legal cell Admin	August 2010
4.	Implementation of Dowry related laws Jaipur / pune /chennai	Legal cell	September 2010
5.	Seminar on rights of deserted women	R&S cell	August 2010
6.	Women and land rights Delhi	R&S Cell	September 2010
7.	Consultations on Trafficking with UNIFEM at Hyderabad  Kolkata and Patna	Legal cell	July /August /sept 2010

## **Annexure II**

### **F.No.13(35)/2010-2011-NCW(R&SC)**

National Commission for Women  
(Research & Study Cell)

#### **Agenda Item No.....**

#### **Sub.: Approval of topics for sponsoring the Research Studies by the National Commission for Women**

1. Study on Evaluation of various projects/shelter homes etc set up under Government Schemes on Women for Example NREGA etc. and WCD schemes such as Swadhar Yojna, Dhanalaxmi, Ujjawala, Kishori Shakti, STEP, Scheme for Women in Difficult Circumstances, Priyadarshini Project etc.
2. Study on custody of children of NRI marriages with special reference to (Punjab, Gujarat, Kerala, Hyderabad etc.) and simplification of protocols/procedures for implementation of Indian laws in foreign lands.
3. Study on implementation of Domestic Violence Act with reference to:
  - (i). Short comings in the provisions of the Act and recommendations for the remedial action.
  - (ii). Appointment of protection officers, service providers and setting up of shelter homes.
  - (iii). Adequate funding.
4. Study on environment provided by the BPOs/MNCs to the working women, particularly women working in software industry and recommendations for appropriate change in the rules and regulations.
5. Study on condition of women victims of (Dowry Prohibition Act, Domestic Violence Act etc.)
  - (i). Total number of registered cases and outcome along with time taken
  - (ii). Status of victim after compromise if any.
  - (iii). Challenges of rehabilitation.
6. Study on Impact of Dowry Prohibition Act on Social Change (i) Statistical & trend analysis of number of cases of Dowry death, penalty awarded, time taken, period of the case). (ii) Life of children after dowry death.
7. Study on life of women victims during and after litigation is over in cases of dowry, domestic violence, rape and Acid attack and recommendations for their rehabilitation. The above study will

- include and specifically study reported and un-reported cases of rape, , acid attack, burns due to dowry or other harassment.
8. Study on total numbers of women in various jails with reference to
    - (i). Reasons and period of stay in jail of women under trial (Period of Justice delivery).
    - (ii). Status of children of mothers serving jail sentences.
    - (iii). Rehabilitation of Women after trial.
    - (iv). Recommendations for speeding up justice delivery.
  9. Study and compilation of successful women movements' alongwith achievement of these movements in accessing Government schemes and rising against exploitation.
  10. Study on accessibility of health care system to women and impact of manual scavenging on the health of Dalit Women.
  11. Study on impact of mega projects on displacement of rural and tribal women alongwith the recommendation on rehabilitation, measures, with special reference to needs of women.
  12. Compilation and study of implementation of all women related laws and the necessary mechanism for their coordinated implementation while assuring equality of opportunity and wage structure between men and women. Recommendations for remedial action.
  13. Study on Laws for protection of rights of migrant women workers and recommendations for making the benefits of Government Schemes, ration cards etc. available to them.
  14. Study of effect of communal riots/natural disaster and implementation of relief given by the Government (Gujarat, Bombay riots, Orissa).
  15. Study on budgetary allocation of NER and its realization of proportional benefits to the women of NER.
  16. Study on Dayan Pratha its causes, compensation to victimized women and life after rehabilitation.
  17. Analysis of complaints received in NCW and trend over last 5-10 years C&I Cell.
  18. Analysis of figures of National Crime Bureaus in respect of crimes against women over last 5-10 years by R&S Cell and C&I Cell.
  19. Any other topic with the approval of Chairperson.

Annexure III

**The National Commission for  
Women**

**PROCEDURE FOR DEALING  
WITH COMPLAINTS**

**NRI CELL**

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11A

## **1. Complaints not ordinarily entertainable**

The Commission may not entertain the complaints of the following nature:

- i)** Complaints illegible or vague, anonymous or pseudonymous ;
- ii)** Matters not related to marital disputes, involving NRI/PIO couples;
- iii)** Matters not related to cross-country marriage issues as per sub clause (v) of clause 3 of procedure of NRI Cell;
- iv)** Issues related to civil dispute between the parties such as contractual rights obligations ;
- v)** Issues related to division of property ;
- vi)** Issue related to service matters ;
- vii)** Issue related to labour/industrial disputes ;
- viii)** Issues concerning civic issues and civic agencies;
- ix)** Matter sub judice before a Court/Tribunal. Provided that the Commission may co-ordinate such matters as would facilitate the complainant to get justice ;
- x)** Any pending before a State Commission or any other Commission duly constituted under any law for the time being in force;
- xi)** Matter already decided by the Commission ;
- xii)** Matter outside the purview of the Commission on any other ground ;
- xiii)** Matters where only financial help is sought for travel tickets,shelter homes in foreign countries;
- xiv)** Matters relating to visa requests as visa issuance is a decision of foreign Governments.

## **2. Receipt and registration of complaints**

- i) All communications/complaints in writing (by whatsoever mode they are received) addressed to the Commission, its Chairperson, Members or other officers of the Commission, either by name or designation, shall be received by the **NRI Cell**, who shall enter the complaints in the online complaints registration system containing particulars such as, complainants name, address and relevant details, victims name, address and relevant details, respondents name, address and relevant details, date of receipt, file number etc. (ANNEX-I)
- ii) An acknowledgement shall be sent to the complainant within three days of the registration of the complaint, when complaint is received by post. Complainants registering online, receives an acknowledgement immediately in their emails.

### **3. Manner of dealing with complaints**

- i) The complaint shall disclose complete picture of the matter leading to the complaint. The Commission may seek further information/affidavit as may be considered necessary in the matter.
- ii) On receipt of the complaint a file shall be created as per the file number provided in the online logins along with a Notesheet of the brief gist of the complaint. Simultaneously, in cases where no details have been provided for, e-mails or phone calls shall be made. File would then be forwarded to the Counselor for opinion.
- iii) Particulars or information may be sought from any person or authority. The proceedings shall be informed to the complainant accordingly.
- iv) Any complaint directly received by Chairperson, Members or other officers of the Commission, either by name or designation, shall be



received by the NRI Cell, who shall process the same as per the provisions provided.

- v) Matter not related to cross country marriage if registered in the NRI Cell within the mandate of the Commission, shall be transferred to the appropriate section of the Commission for appropriate action.
- vi) If on consideration of the complaint, the complaint is not found to be as per mandate, it shall be so recorded and sent to the Deputy Secretary/ Joint Secretary for closure.
- vii) Files may be sent to legal officer for comments, opinions and recommendations.

#### **4. Preliminary consideration, Issue of Notice, etc.**

- i) If on consideration of the complaint cognizance of the complaint is taken, notice will be issued to the opposite party/parties calling upon, to furnish information or further particulars within 15 days. This shall be issued in the form at **ANNEX-II**, enclosing a copy of the complaint thereto. Such notice shall be signed by the Law Officer/ Under Secretary.
- ii) If the reports/information is not received from the party within the given time, notices shall be reissued enclosing a copy of the complaint, calling upon to furnish information or further particulars within 10 days. Such notice shall be signed by the Deputy Secretary/Law Officer. If no reply is received summons as per Clause 6 of the procedure of the NRI Cell, shall be issued.
- iii) If acceptance of such notice is refused by the opposite party/parties then the said notice shall be served through the Police of the area concerned.

#### **5. Rejoinder**



On receipt of the reply to the complaint the same shall be sent to the complainant for rejoinder to the reply.

## **6. Summons**

- i)** When a complaint has been filed before the Commission, summons shall be issued to the opposite party/parties to appear and answer the claim on the day to be therein specified.
- ii)** Such summons shall be issued on failure of the opposite party/parties to reply to the Notices sent the second time. The opposite party/parties to whom summons have been issued shall appear in person or by a pleader duly authorized, if so permitted by the commission and able to answer all material question relating to the complaint.
- iii)** Every summons shall be accompanied by a copy of the complaint or by a concise statement. Such summons shall be signed by the Law Officer/Under Secretary.
- iv)** On failure of response to the summons sent, such summons shall be served through the Police. Failure to reply to the summons so sent, will be liable for strict action under the NCW mandate.

## **7. Communications with Appropriate Authority**

### **POLICE:**

- i)** Letter may be written to the concerned police station for Action Taken Reports , where any matter is pending investigation or there has been any failure on their part to take appropriate action with regard to the complaint registered. The concerned authorities may be asked to intimate the Commission of the action taken within 4 weeks. Such letter shall be signed by the Law Officer/Deputy Secretary.

- ii) The concerned authorities may also be called in person to furnish information/ report on, at a notice from the Commission, to the concerned Police authority.

**INDIAN EMBASSY ABROAD:**

- i) Where it is made out that the complaint requires to be forwarded to Indian Embassy abroad, it shall be so done, under intimation to the complainant. A complaint shall be forwarded to Indian Embassy abroad when:
  - A. Both the complainant and respondent being NRIs are residing in the concerned country.
  - B. Both the complainant and respondent being Indian Citizens are residing in the concerned country for the time being and there is a prima facie case made out that the aggrieved wife cannot travel to India.
  - C. Where the husband having deserted his wife is residing abroad with scanty information as to his whereabouts and his relatives if existing in India, have given so in writing that they have no idea as to the whereabouts of the accused and that they are not in touch with him at all.
  - D. Any other reasons which deems fit.

Provided that follow ups shall be done of such complaints till an appropriate reply is received from the concerned Embassy.

- ii) Letters for appropriate action on their part as per the law of the land with due approval from the appropriate authority in the Commission.

## MINISTRIES:

- i) The Ministry of Overseas Indian Affairs, Ministry of External Affairs, Ministry of Home Affairs and the Ministry of Law and Justice may be duly written to, for service of summons, warrants issued or any orders passed, by the appropriate Court of Law and for other relevant matters, whenever and wherever required.
- ii) The MOIA may be written for providing legal and financial aid to victim as per scheme of MOIA.
- iii) The Passport Authority may be written to for any matter relating to passports.

## 8. Hearing of the complaint

- i) On the receipt of rejoinder under Clause 5, the parties to the complaint may be called for a preliminary hearing in front of *the members/MemberSecretary/JointSecretary /Appropriate Authority*, as decided by Chairperson/Member Secretary of the NCW<sup>1</sup>. The Co-ordinator, Counselor and an expert member shall be present for the hearing. The proceeding and the result of the hearing shall be duly recorded by the counselor.
- ii) Whenever a second hearing or more hearings are required, the same may be continued by the concerned *Appropriate Authority*.<sup>2</sup>
- iii) At the preliminary hearing, *Appropriate Authority* shall ascertain from the opposite party/parties whether he/she admits the allegations made by him/her.
- iv) Such complainant may file an affidavit supporting the facts of the case or may be directed to produce list of witnesses/document proposed to be relied upon, if any, to support her claim.

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<sup>1</sup> Subject to approval

<sup>2</sup> *ibid*

- v) Thereafter the witnesses on behalf of the complainant shall be examined and the opposite party shall have the right to cross examine.
- vi) The opposite party against whom the complaint has been made would then be required to submit his defence and produce list of documents/witnesses, if any, relied on.
- vii) Where no further action is called for, the complaint may be:
  - A. Closed, under intimation to the complainant
  - B. Complaint may be sent to the appropriate Government/other authorities for their consideration
  - C. May be referred to concerned State Police/State Govt

## **9. Inquiry into complaints**

### **The Commission while inquiring into the complaints may-**

- i) Call for information or report from the Central Government or any State Government or any other authority or organization subordinate thereto within such time as may deem fit.  
  
Provided that if the information or report is not received within the time stipulated by the Commission a reminder shall be sent after which if no reply is received action as per the mandate of NCW would be taken.
- ii) If, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and appropriate help shall be given as to facilitate the complainant in pursuing her case.

## **10. Powers relating to inquiries**

- i)** The Commission shall, while inquiring into complaints under this Act, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), and in particular in respect of the following matters, namely:-
  - a)** Summoning and enforcing the attendance of witnesses and examining them
  - b)** 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 commissions for the examination of witnesses or documents
  - f)** Any other matter which may be prescribed.
- ii)** The Commission may require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code (45 of 1860).
- iii)** When any offence as is described in section 175, section 178, section 179, section 180 of the Indian Penal Code (Act 45 of 1860) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence, forward the case to a Magistrate having jurisdiction to try the same.

## **11. Steps after inquiry**

The Commission may take any of the following steps upon the completion of an inquiry held under these regulations, namely:-

- i)** Where the inquiry discloses, the Commission of violation of any rights or negligence, in the prevention of violation of any rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons.
- ii)** Approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary
- iii)** Recommend to the concerned Government or authority for the grant of such immediate relief to the victim or the members of his family as the Commission may consider necessary.
- iv)** Subject to the provisions of Sub clause (v), provide a copy of the inquiry report to the petitioner or her representative.
- v)** The Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission.
- vi)** The Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

## **12. Recording of Proceedings**

The note sheet is the mirror to the proceedings and hence the NRI Cell has to ensure that right from the date of the receipt of the complaint, its proceedings till its final disposal, the gist of the proceedings are reflected in the note sheet and therefore shall ensure that :-

- i) All orders, notices, summons, day to day proceedings etc issued in the matter are legibly recorded in the Note Sheet.

## **13. Mode of Communication**

Unless otherwise directed, all summons and notices from the Commission shall be sent by registered post/courier.

## **14. Procedure regarding Suo Motu Action**

The procedure contained in this procedure shall mutatis mutandis apply to suo motu action taken by the Commission.

## **Annexure IV**

### **AGENDA FOR THE COMMISSION MEETING ON 1/06/2010**

#### **AGENDA ITEM No.:- 17**

**FILE No. - 9/SMC -2010-NCW**

**SUBJECT: - PROCEDURE FOR CONSTITUTION OF INQUIRY COMMITTEE AND CONDUCT OF ENQUIRY IN CASES OF SUO-MOTO COGNIZANCE TAKEN BY NATIONAL COMMISSION FOR WOMEN.**

National Commission for Women periodically undertakes suo-moto cognizance of cases which merit intervention of the Commission on the basis of media reports and complaints. The Commission ordinarily takes suo-moto cognizance of matters relating to deprivation of women's rights and non implementation of laws enacted to provide protection to women. For this purpose Inquiry Committees are set up headed by a Member of the Commission to visit the spot and investigate the cases involving violation of laws and deprivation of women's rights. The following procedure is hereby laid down for the Constitution of the Inquiry Committee and conduct of enquiry in such cases of suo-moto cognizance:-

1. The Inquiry Committee shall investigate the case in accordance with the procedure laid down under Section 10 (1) read with Section 10 (4) of the National Commission for Women Act, 1990 and submit its recommendations to the Commission for taking such action as deemed fit against those involved in the case referred to above.



2. It shall be decided by the Chairperson or any other Member, in consultation with the Chairperson, whether a matter requires the constitution of an Inquiry Committee.
3. The Chairperson shall decide which Member of the Commission shall head the Inquiry Committee, to be so constituted.
4. The concerned Member heading the Inquiry Committee may select two officers/employees of the Commission, to accompany the Member on such enquiry and the full TA/DA of such Members of the Committee shall be borne by the Commission.
5. The concerned Member heading the Inquiry Committee may also co-opt an advocate/member of an NGO or a social activist to be a Member of the Committee. The TA/DA of such additional Member of the Committee, if opted from HQ, would be borne by the Commission. An advocate/NGO/social activist that is locally co-opted may be paid Rs. 500/- per day as honorarium.
6. The concerned Member heading the Inquiry Committee, shall before proceeding for Enquiry, liaise with the concerned State Government authorities and finalize tour programme in consultation with them, so as to ensure that all officers and persons, which need to be questioned area available for enquiry. However, in emergency cases requiring immediate intervention,

the Inquiry Committee may also make surprise inspection without informing the authorities.

7. It shall be the endeavor of the Chairperson of the Inquiry Committee to conduct the enquiry as early as possible after constitution of the Committee and to complete the enquiry during the visit so that repeated visits are not required. In special circumstances, if a repeat visit is required, permission for the same shall be taken from the Chairperson after giving reasons for the same.
8. The Inquiry Committee shall inquire into the circumstances, leading to the incident being enquired into and the action taken by the authorities. The Committee shall meet the concerned Officers, the victims & their relatives & such other persons, as it deems proper to ascertain the facts and circumstances. The Inquiry Committee shall investigate the entire matter in a thorough manner and also Inquiry recommend remedial measures and strategies to punish and prevent recurrence of such incidents.
9. The Inquiry Report shall be submitted by the committee immediately in case of urgent cases and as soon as possible on return from the visit by the Chairperson of the Committee to the Chairperson of the Commission through its Member Secretary.

10. The Traveling Allowance will be provided by the Commission in advance to the Chairperson and other person/employee of the Commission, if required to go out of station as per the norms of Government. Provided that advance will not be permissible, if previous advance has not been adjusted against TA/DA Bill and such cases, Member will have to bear their own expenses.
  
11. The report submitted by the Members of the Committee will be placed before the Commission's next Meeting for approval to decide on the further course of action. The report will also be sent to the concerned State Government to take appropriate action and follow up the case.
  
12. In case, a report is received from the concerned authorities to the satisfaction of the Commission or the matter becomes sub-judice before the competent court, before the Committee can proceed for the enquiry, then the matter may not be closed with the approval of the Chairperson.

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