

The National Commission for Women Act, 1990

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ABSTRACT

this research paper talks about the National Commission for Women which was formulated through the National Commission for Women Act, 1990 which was enacted to ensure proper development of women in the society and to make sure that they do not continue to suffer inequality at the hands of an inherently sexist society. The paper discusses the origin of the commission which resulted from the 25th report of the UN Commission on the Status of Women which recommended the establishment of a national commission or similar bodies which would work towards granting equal status to the women in the society and would work towards their overall welfare. The commission's constitution was also debated along with the Commission's duties and powers. The paper also discusses the challenges that lie in front of the commission and concludes with the shortcomings and the scope of improvement in its functioning.

Keywords

Commission, Equality, Law, Women

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Introduction

Women equality has become one of the most deliberated topics in the world today. There have been various reforms in the system and steps have been taken by the government to secure equality and justice to women, there have been legislations emanating from the special status granted to women under the Constitution but there still exists inequality towards women in the society.

The National Commission for Women Act, 1990 was enacted to ensure proper development of women in the society and to make sure that they do not continue to suffer inequality at the hands of an inherently sexist society.

"In ancient times Indian women enjoyed an exalted role and had a fair measure of equality in all fields of human activity including war and statecraft. This glorious status of women in the medieval period suffered a socio-cultural setback which gradually led to the loss of their independence and decline in their education. This weakened individuality and diminished standing. It is during this time that many evils have emerged, for example, the purdah scheme, sati custom, child marriage, female infanticide, polygamy and women's exclusion from succession to property."

During the British rule, the inequality persisted by way of social inhibition and discriminatory practices. Though there could be seen some social reform movements which spread some awareness among the people of the society with regard to the social status of women and need of a change in the same.

The leaders of the various reform movements propagated equality and encouraged women to get out and raise their voices against the inequality that they were being subjected to. There was a surge of women organizations which stressed on the need of education women and providing them with suitable employment for them to be able to be independent.

"Since 1970, a number of activist agencies had come up and aroused consciousness among women on various issues. They have preferred to work directly with women and

sought intervention of the state (especially judiciary) and the press to project their rights to better their situation."

According to the 1991 census, "Proportional representation of women in elected offices either remained stagnant or declined. This is so despite their increased voting turnout in the general elections. For example, only 6 per cent of the members of the House of the People are women."

"Despite a number of stringent penal laws and a well organised criminal justice system, there was an increasing tide of violence against women. For example, during 1991 the number of reported offences was, 2,448 dowry deaths, 5,916 rapes, 6,000 molestations and 7,116 kidnappings and abduction."

Constitution:

The framers of the constitution had the vision of a society where equality would prevail among both the sexes. They wanted to ensure women, a place of honour and dignity in the society. The Constitution stresses upon the need of equality right from the preamble and lays down the right to equality to be one of the Fundamental rights of the citizens along with laying it out in the Directive Principle of state Policy as well as the Fundamental duties.

The constitution prohibits gender-based discrimination and empowers the state to make special provisions to elevate women's status in society. It forbids trafficking in human beings and some of the State policy guidelines ensure adequate means of subsistence and fair pay for equal work for both men and women and the fundamental obligation to abandon activities that are detrimental to women's dignity.

Background

The National Commission for Women, 1990 is considered to be the first major step too have been taken in the direction of development of women.

The United Nations in its twenty fifth report had made the recommendation that every member state should establish

national commission or similar bodies which would work towards granting equal status to the women in the society and would work towards their overall welfare.

Because of the resolution and the demands of a body by various organizations working for the upliftment of women, the Committee on Women's Status was established in 1971 and was called the Committee on Women's Status. The aims of the committee were as follows:

- (i) to determine improvements in the status of women arising from the political, legal and administrative steps implemented after independence;;
- (ii) evaluating the effect of dynamic social change mechanisms on different segments of women; and
- (iii) proposing steps to allow women to play their full and effective role in nation-building. In 1974, the Committee published a detailed report with a review of its recommendations on women's socio-cultural status; women and law; responsibilities, rights and opportunities for economic participation;
- (iv) the quality of education;
- (v) Political Status; and
- (vi) Women's health and development policies and services. To order to ensure the implementation of the various initiatives, the Committee recommended the creation of legislative, autonomous committees at the Center and to the Member States..

Constitution Of The Commission

The commission is composed of a chairperson who is committed to the cause of women, five members who are persons of skill and standing and who have significant experience in law or legislation, trade unionism, management of an industry or association dedicated to raising women's job capacity, voluntary women's organizations (including women activists), administrative bodies. The commission is also composed of a member secretary who would be either a management specialist, organizational structure or sociological phenomenon, or an accomplished civil servant.

All the members of the commission are appointed by way of nomination by the Central Government. The term of their appointment is three years. These members can be removed by the central government for some reasons, except if they are civil servants. These persons have to be given a hearing before their removal.

The commission is empowered to appoint certain committees in order to deal with particular issues and can also appoint other persons as members of these committees.

Powers Of The Commission

The commission has the authority to investigate in matters related to women and in doing so, it has the powers as exercised by a civil court with respect to:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) the discovery and production of any document;
- (c) evidence on affidavits;
- (d) requisitioning any public records;
- (e) commissions for the examination of witnesses and documents, etc.

The commission can regulate its own procedure.

Functions Of The Commission

Following are the functions that the commission has:

- i) It investigates into and examines the matters related to the protection of women under the laws of India including the Constitution and other legislations for the welfare of women.
- ii) The commission gives annual presentation to the central government and gives a report on the topics related to women.
- iii) The commission makes required recommendations to the central government in order for better implementation of the schemes launched and actions taken for the welfare of women.
- iv) It reviews the provisions of the constitution and the other laws and recommends any amendments if required and suggests remedies to do away with the existing lacunae or inadequacies.
- v) It considers the cases of violations of the constitutional provisions related to women and takes them to the appropriate authorities.
- vi) The Commission shall review the complaints submitted to it and shall also take suo moto action against an act relating to (a) the denial of women's rights; (b) the non-implementation of legislation intended to protect women and also to achieve the objective of equality and development; (c) the failure to comply with policy decisions, guidelines or directives aimed at reducing hardships, ensuring welfare.
- vii) The commission can demand a special study to be conducted into the matters such as a particular problem or a matter of concern for women such as some atrocities against women.
- viii) It undertakes promotional research in order to suggest ways in order to make sure that women are properly represented in all the spheres and it identifies factors that impede the growth of women in several spheres. These factors include lack of access to housing, lack of support services and occupational health hazards.
- ix) The commission specializes in educating women on the socio-economic growth planning cycle.
- x) It evaluates the developmental progress of women in the country.
- xi) Visiting a prison, remand, women's facilities or other places in women's detention and discussing the question in remedial action with the authorities;
- xii) Funding for cases covering a wide variety of women.
- xiii) It reports annually to governments on women's problems and makes the government aware of women's difficulties.

The central government is required to consult the commission on all the important policies that are related to women. The report submitted to the Government by the Commission must be taken up before each House of Parliament and the government's memorandum detailing the action taken or proposed to be taken on the recommendations and the reasons for their non-acceptance, if any.

The Central Government receives an annual functional report which includes the full account of the activities during the previous financial year. The government then sets out a plan of action which it plans to take on the Commission's recommendations.

The commission needs to be provided by the government with appropriate personnel to ensure that the commission conducts its duties properly. Individuals working for the commission such as the chairperson, members, and staff are considered public servants. Such people's salaries and benefits have to be paid out of Central Government grants. The commission's finances are audited by India's comptroller and auditor general. The accounts approved by him shall then be transferred to the central government, and the report shall be put before each of Parliament's houses.

Challenges

The Act has endowed the commission with challenging tasks. While performing these tasks, it also looks at the various approaches already drawn up, such as "Forward ideas for Women's Development," adopted at Nairobi in 1985 and also approved by India, as well as "The National Outlook Plan for Women 1988-2000 A.D.," drawn up by the Government of India.

The plan is among the national targets of the century in line with some basic indicators such as health, education, employment, and empowerment, etc. this plan does not regard women as a weak part of the society rather as a source of unique strength in order to achieve the national goals.

The developmental goals for women include economic development of women as well as their participation in the economic processes of the country as well as equity and social justice for them. The plan keeps in view that women are not just providers and producers but that they are also individuals with their own set of rights.

The commission must be abreast with the fact that the mere legislation cannot be enough to fight the inequalities that persist in the society. "An overhauling of the value system as also a profound change of attitude are absolutely necessary. It is expected that the commission may, therefore, resort to affirmative action both in the form of 'stop order' such as termination of discriminatory practices through judicial process as also in the form of positive measures such as providing them with job opportunities, upgrading their work and work conditions, as well as job evaluation methods."

Conclusion

The Committee on Women's Status recommended that the Commission be given autonomous and legislative status but the same was not achieved. The commission also has the task of monitoring the acts of the government as many times it is the government itself that turns out to be the defaulter. The thing to be noted is that the government is also the appointing and removing authority. This power should have been with an impartial agent such as the Supreme Courts.

In a country like India, which has massive population and there is blatant inequality against women, the number of members of the commission is very low. The strength of the commission should be increased in accordance with the

population and the rate of atrocities against women in so many sections of the country.

The association of a civil servant as a member-secretary might jeopardise the impartial functioning of the commission. The relevant provision may therefore, be deleted.

The commission is a very vital step towards the grant of equal status of women as it works at the very grass root level in order to uplift the status of women and to improve their conditions.

The commission has taken numerous steps for curbing the gender divide that exists in our country. To inform people about the value of a society where there is equality between men and women and the fact that women have their individual rights that need to be exercised in order to give them a better present and future, there is a need to run vigorous awareness programmes.

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