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**INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH**

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**ADMINISTRATIVE INSIGHT INTO NATIONAL COMMISSION FOR  
WOMEN**- Mithra D<sup>1</sup>**Abstract**

This paper explores an exclusive statutory body constituted to protect and safeguard women: "National Commission for Women ". This Commission was founded by the National Commission for Women Act of 1991 at the national level. The paper speaks on the history and cause of the National Commission for Women. Then, it examines the Commission's structure, mission, vision and functions. Once we know the functions, we understand that the Commissions lack legislative authority and hold only a lesser degree of judicial power. They are merely a recommendatory body, and the tasks discharged must be recorded meticulously. The report is to be prepared before the Union Government or Parliament for its authentication. Reporting as a function of the Commission is the majority of this paper.

As we proceed, the paper splits into two: one dealing with the Commission's success story and the other dealing with the cavities and flaws in the National Commission for Women administration. Controversies surrounding the Commission and superior members of the said Commission are worse at many points in time by the comment on various issues which are closely associated with women, their delayed actions or, at times, inaction during emergency or urgent situations, as seen in case of Manipur violence. The critical issue of the Commission is that the members are appointed by the central government, which tends to lack bias – free entry of members, financial dependence on the union government, lack of legislative powers, and so

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on. Lastly, a few suggestions have been made to reform and change our country's Commission for Progressive Functioning and Enhancing Women's Lives.

## **KEYWORDS -**

National Commission for Women, Statutory body, Women, Reporting, Administration, Recommendatory, Authority, Functions, Chairperson, Legislative powers.

## **Introduction**

“ A world full of empowered women isn't one where men are marginalised. It's a world where everyone thrives” – Purnima Mane.

Women and Commissions have been inseparable for quite an extended period. In India, as we know, Women are a community considered to be vulnerable, weak and timid, which is abrupt when they suffer a lot of pain, are treated unequally, are brutally manhandled and so on. Every new issue to a woman was allowed to constitute a committee and Commissions. But we need to intrude into its success rate or how far its functionality is. The result of every incident is not justice being rendered but the happening of another incident.

In 1990,an exclusive Commission for Women was constituted at the national level by the National Commission for Women Act 1990.This Act has 17 sections expressing various aspects concerning the establishment, presiding officers,members, functions,etc. After a thorough reading of this Act, it is clear that for every move, the Commission needs to get approval from the Union Government or the Parliament, which hinders the independence of the Commission. Since it was established, the Commission has been involved in much paperwork rather than productive fieldwork. Now, this article will ponder the details of the NCW Act, how the Commission functions in actuality, and the issues with the Commission in contemporary times.

## **History Behind NCW**

The Committee on the Status of Women in India (CSWI) recommended nearly two decades ago the setting up of a National Commission for Women to fulfil the surveillance functions to facilitate the redressal of grievances and accelerate women's socio-economic development.

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Successive Committees/Commissions/Plans, including the National Perspective Plan for Women (1988-2000), recommended the constitution of an apex body for women.

In 1990, the central government consulted with NGOs, social workers, and experts regarding the Commission's structure, functions, powers, etc., proposed to be set up. In May 1990, the Bill was introduced in the Lok Sabha. In July 1990, the HRD Ministry organised a National Level Conference to elicit suggestions regarding the Bill. In August 1990, the government moved several amendments and introduced new provisions to vest the commission with the power of a civil court. The bill was passed, and the President received permission on 30 August 1990.

The First Commission was constituted on 31st January 1992 with Mrs. Jayanti Patnaik as the Chairperson. The Second Commission was constituted in July 1995 with Dr. (Mrs.) Mohini Giri as the Chairperson. The Third Commission was constituted in January 1999 with Mrs. Vibha Parthasarathy as the Chairperson. The Fourth Commission was constituted in January 2002, and the government nominated Dr Poornima Advani as the Chairperson. The Fifth Commission was constituted in February 2005 Dr. Girija Vyas as the Chairperson. The sixth Commission was constituted in August 2011 with Mrs. Mamta Sharma as the Chairperson. The seventh commission was constituted in 2014 with Ms Lalitha Kumaramanglam as Chairperson.<sup>2</sup>

### **Structure of the National Commission for Women <sup>3</sup>**

1. Chairperson
2. Members
3. Member Secretary
4. Joint Secretary
5. Deputy Secretary
6. Under Secretary

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<sup>2</sup> National Commission for Women, 'Brief History', <<http://ncw.nic.in/commission/about-us/brief-history#:~:text=A%20Brief%20History,socio%20economic%20development%20of%20women>> accessed 16 August 2023.

<sup>3</sup> National Commission for women, 'Salary Description of NCW Staff' <<http://ncw.nic.in/rti/salary-description-ncw-staff-0>> accessed 1 November 2023.

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7. Pay and Account Officer

8. Sr. Research Officer

9. Private Secretary

10. Assistant

11. LDC

12. Peon/ TS

### **Highlights of the Act**

- Firstly, an exclusionary Commission was established for Women.
- As per section 3, members are amongst persons of ability and integrity who have experience in various fields and are committed to increasing the potentiality of women.
- In the same proviso, at least one person should be from SC and ST, respectively.
- Section 8 talks about the power of the Commission to appoint committees for special issues if it deems it appropriate.
- The Commission can lay procedures for its better administration.
- Section 10 elaborately deals with the functions of the Commission.

### **Mission of the Commission <sup>4</sup>**

To strive towards enabling women to achieve equality and equal participation in all spheres of life by securing their due rights and entitlements through suitable policy formulation, legislative measures, effective enforcement of laws, implementation of schemes/policies and devising strategies for the solution of specific problems/situations arising out of discrimination and atrocities against women.

### **Vision of the Commission <sup>5</sup>**

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<sup>4</sup> National Commission for Women, 'Mission' <http://ncw.nic.in/mission-and-vision/mission> accessed 1 November 2023.

<sup>5</sup> National Commission For Women, 'Vision' <http://ncw.nic.in/mission-and-vision/vision> accessed 1 November 2023

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The Indian Woman, secure in her home and outside, is fully empowered to access all her rights and entitlements, with the opportunity to contribute equally in all walks of life.

“ Freedom cannot be achieved unless Women have been emancipated from all kinds of oppression “ – Nelson Mandela.

### **Functions of the National Commission For Women**

The mandate (functions) of the National Commission for Women is defined in Section 10 of the National Commission for Women Act, which is as follows:

1. Inquiry, Investigation and Examination: Examine and investigate the matters related to women's safeguards according to the Constitution and other laws.
2. Report Presentation: Present the annual report to the Central Government.
3. Recommendation: Make such recommendations in the reports to the Union and the State regarding improving the conditions of the women.
4. Review: Review different laws related to women and suggest amendments to them.
5. Violation Cases: Takes up violation cases about the provisions of the Constitution and other laws related to women.
6. Suo-Moto Notice: Takes suo-moto notice of matters about deprivation of women's rights, non-implementation of laws, non-compliance with policy decisions related to women, etc.
7. Research: Undertake promotional and educational research to find ways to represent women in all spheres of life and improve their efficiency.
8. Planning: Participate in the planning process related to women's socio-economic development.
9. Progress Evaluation: Evaluate the progress related to the development of women in the State and the Union.
10. Inspection: Inspect the jail, remand homes, etc., where women remain prisoners.
11. Funding: Litigations relating to funds affecting women's bodies.

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## Other Functions

12. Counselling & Complaint Functions: This is considered the commission's vital function. It processes the complaints referred to in written, oral or suo-moto according to section 10 of the National Commission for Women Act, 1990. Various complaints are entertained by the commission, such as domestic violence, refusal to register FIR, rape, cruelty by husband and family members, sexual harassment at the workplace etc.

13. Legal Functions: As mentioned earlier in the commission's mandate, the commission has to perform legal research about women's laws and make such recommendations to the government concerning amendments, repealing obsolete/outdated laws and implementation of the same.

14. Research Functions: Look into the problems women face in current situations and how to improve their conditions. Responsible for conducting seminars, public hearings, etc.<sup>6</sup>

## Reporting as a Vital Function of the Commission

L. Gulick, when he speaks on public administration, sums up the techniques as a "POSDCORB" view. "R" stands for Reporting, which means keeping those to whom the executive is responsible for what is happening.<sup>7</sup> Reporting is emphasised in the following sections:

\* Section 10 (1)(b) presents to the Central Government annually and, at other times, as the Commission may deem fit, reports upon the work of those safeguards.

\* Section 10 (1) (m) makes periodical reports to the Government on any matter about women and, in particular, various difficulties under which women toil.

\* Section 10 (2)The Central Government shall cause all the reports referred to in clause (b) of sub-section (1) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance if any of such recommendations.

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<sup>6</sup> Amit Kumar Das, National Commission for Women and its Functions, <<https://www.writinglaw.com/national-commission-for-women/>>accessed 2 November 2023.

<sup>7</sup> Avasti and Maheshwari, 'Public Administration :Meaning , Nature and Scope' ( Lakshmi Narain Agarwal ,2022, ISBN :978-93-86544-42-1,Pg no : 10 ).

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\*Section10 (3) Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Commission shall forward a copy of such report or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

\* Section 13 Annual Report, The Commission shall prepare in such form and at such time,for each financial year,as may be prescribed, its annual report, giving a complete account of its activities during the previous financial year and forward a copy thereof to the Central Government.<sup>8</sup>

### **Triumph of The National Commission For Women**

National Commission for Women was nominated as the Coordinating agency at the National level for dealing with issues about NRI marriages by the Government of India vide the Ministry of Overseas Indian Affairs order dated 28th April 2009, based on the recommendation of the Parliamentary Committee on Empowerment of Woman (14th Lok Sabha) on the subject 'Plight of Indian Woman deserted by NRI husbands' which was discussed and deliberated upon the Inter-Ministerial Committee meeting held on 7th July 2008.

Further, the NRI Cell was formally inaugurated on the 24th of September, 2009. NRI Cell deals with complaints received from India and abroad resulting fromcross-country marriages wherein there is any deprivation of women's rights or any issue involving grave injustice to women. Since its inception, around 350 cases have been registered. The main points of relevance and achievements of the NRI Cell ( as of 2018) are as follows :

The complaints are attended to in coordination with concerned Embassies/ Consulates/ Ministries and public authorities, who also respond.The Ministry of Law and Justice is being approached for the execution of warrants of arrest or orders given by Indian courts. The issue of

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<sup>8</sup> THE NATIONAL COMMISSION FOR WOMEN 1990,ACT NO 20 OF 1990 ,<<http://ncw.nic.in/Acts-and-rules/national-commission-women-act-1990-act-no-20-1990-govtof-india>> accessed 15 August 2023.

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the feasibility of dual passports for women who marry NRIs/PIOs was taken up with the Ministry of External Affairs and the Ministry of Law and Justice. However, under the existing Passport Act 1967, the same is not feasible; the MEA has assured the following: If a wife is harassed and deserted and is without her passport and if the original passport is valid and the husband has that in his custody, she can make an application to the Passport Office and a new passport will be given after verifying passport particulars from original Passport issuing authority, in case she does not have any record or photocopy of her old passport. If the wife has the photocopy and record of the old passport, a new passport will be issued relatively quickly after cancelling the old one in the system. Registration of FIR is not essential in such cases. If she is on a dependent visa and has been cancelled, the matter must be taken up with the concerned country.

In case Non-Bailable Warrants (NBWs) have been issued, the application may be made directly to the Passport Authority for revocation of the passport of the person against whom such Non-Bailable Warrants have been issued since it is a discretionary power of the Passport Office. Action Taken Report received from Police Authorities relating the action taken or the reason for inaction with respect to respective complaints. Ministry of Home Affairs were given approx. One hundred copies of the Brochure of Dos and Don'ts are for onward submission to all state governments. They maintain a data bank record of cases registered for further reference and guidelines.<sup>9</sup>

### **Administrative Law About NCW**

A.) Is it a Constitutional, Statutory, Regulatory, or Quasi-Judicial body?

The National Commission for Women is a statutory body constituted under the National Commission for Women Act, 1990, on 31st January 1992. The following Articles of the Constitution go in favour of the establishment of NCW:

- Article 15 – Prohibition of discrimination based on religion, race, caste, sex or place of birth.

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<sup>9</sup> National Commission for Women, Success stories or Achievements of the cell(2018), <<http://ncw.nic.in/ncw-cells/nri-cell/success-stories-or-achievements-cell#:~:text=If%20a%20wife%20is%20harassed,issuing%20authority%2C%20in%20case%20she>> accessed 30 August 2023

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- Article 39(a) – that the citizens, men and women equally, have the right to an adequate means of livelihood.
- Article 39( d) – there is equal pay for both men and women.
- Article 42 – Provision for maternity relief.

**B.) Which wing of the government is the National Commission for Women confined to?**

“ It is customary to divide government functions into three classes: legislative, executive or administrative and judicial.” – Wade and Phillips.

The legislature's function is to make laws, while the function of the executive is to execute them, and that of the judiciary is to enforce and interpret them. One organ should not interfere with another organ. The National Commission for Women is an executive organ under the Ministry of Women and Child Development. “National Commission for Women (NCW) should be changed to give executive powers to the NCW instead of the present recommendatory powers only”, then NCW chairperson Mamata Sharma as of 2013. It lacks legislative powers as well. It might sound critical, but it is accurate that the Commission is a puppet, lacking all three authority or control.

**C.) The National Commission for Women is a Quasi-Judicial body.**

When a body or an authority other than a Court or a tribunal exercises its legislative or administrative function, it is said to be acting quasi-judicially and its function is called Quasi-Judicial.<sup>10</sup>As per the National Commission for Women, section 10 (4), The Commission shall, while investigating any matter referred to in clause(a) or sub-clause ( i ) of subsection (1), have all the powers of a civil court in trying a suit and, in particular, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;

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<sup>10</sup>C.K.Takwani, ' Lectures on Administrative Law - Judicial Function,( Eastern Book Company , 2018,Page no.51).  
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- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.<sup>11</sup>

#### **D.) Law-making capacity of NCW**

Delegated legislation is legislation made by an authority other than the Legislature acting under the authority delegated to it by the Legislature. Salmond has classified the legislation into two categories: supreme and subordinate. Supreme legislation is the legislation made by the supreme power in the state. Subordinate legislation is legislation made by an authority other than the supreme authority in the state in exercising the power delegated to it by the supreme authority. In *Agricultural Market Committee v. Shalimar Chemical Works Ltd*, the SC clarified that delegated legislation proceeds from any authority other than the sovereign power and depends on some superior authority for its continued existence and validity.<sup>12</sup>

While delegated legislation offers advantages such as flexibility and specialised expertise, it has drawbacks. It is essential to balance delegated powers and the need for transparency, accountability, and public awareness in the law-making process. As we know what delegated legislation is, it is unambiguous that the National Commission for Women has no law-making or delegated legislative authority.

#### **E.) Administrative discretion of the Commission**

In the words of Prof. Freund, administrative discretion means that a determination may be reached, in part at least, upon consideration not entirely susceptible of proof or disproof. It may be practically convenient to say that discretion includes the case in which the ascertainment of fact is legitimately left to administrative determination.<sup>13</sup> Thus, in short, the decision is made by the authority not only based on the evidence but also by policy or expediency and in exercising

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<sup>11</sup> Section 10 in the National. Commission for Women Act of 1990, < <https://indiankanoon.org/doc/21660685/>>.

<sup>12</sup> Dr. Kailash Rai, ' Delegated Legislation – Administrative Law ' ,( Allahabad Law Agency, 2014 Reprint, ISBN – 81-59530-01-1 ,Pg no : 95)

<sup>13</sup> C.K. Takwani, *Judicial Review of Administrative Discretion*, ( Eastern Book Company, 2018 Reprint, Page no: 287).

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discretionary powers conferred on that authority. Below are the only discretionary powers of the National Commission for Women:

\* Section 9 . Procedure to be regulated by the Commission.—

(1) The Commission or a committee thereof shall meet as and when necessary and at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its and the committees' procedures.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary on this behalf.

\* Section 10 (1) (l) funds litigation involving issues affecting many women.

F.) The matters on which the Commission has suo moto.

(i) deprivation of women's rights;

(ii) non-implementation of laws enacted to protect women and also to achieve the objective of equality and development;

(iii) non-compliance with policy decisions, guidelines, or instructions aimed at mitigating hardships, ensuring welfare, providing relief to women, and taking up the issues arising out of such matters with appropriate authorities.<sup>14</sup>

## Important Cases And The Commission Interventions

The National Commission for Women can intervene in some important court matters.<sup>15</sup>

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<sup>14</sup> THE NATIONAL COMMISSION FOR WOMEN 1990, ACT NO 20 OF 1990, <<http://ncw.nic.in/Acts-and-rules/national-commission-women-act-1990-act-no-20-1990-govtof-india>> accessed 15 August 2023.

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1. BHATERI GANG RAPE CASE ( RAJASTHAN ), The Commission suo moto took up the case of Ms Bhanwari Devi. It extended its full support in going for appeal, providing security to the victim, and appointing a special public prosecutor to argue her case. Bhanwari Devi was a "Sathin" associated with WDP in Rajasthan who was raped in retaliation for her intervention in a child marriage on September 22, 1992.

2. CAPITAL PUNISHMENT/ DEATH PENALTY (RAMSHREE'S CASE): Due to the timely intervention of the National Commission for Women in the Supreme Court, the order of death sentence was temporarily stayed and the Hon'ble Court later commuted the death sentence into life imprisonment.

3. OBSCENITY CASES, The Hon'ble High Court of Delhi put an injunction on launching the +21 adult channel by the Ministry of Information & Broadcasting, Govt. of India. The NCW had moved the Hon'ble High Court of Delhi against Star TV, Zee TV, etc., for showing obscene pictures on television and other media.

4. AGAINST OUTDATED CUSTOMS & TRADITIONS MAIMON BASKARI'S NUH ( HARYANA ) CASE, The NCW took up the case of Ms Maimon Baskari, who was allegedly a victim of torture and rape for marrying a person of her choice. The Supreme Court has united the couple.

5. DIVORCED MUSLIM WOMEN'S ENTITLEMENT TO MAINTENANCE BEYOND THE IDDAT PERIOD, in Fakhruddin Mubarak Shaik Vs. Jaitunbi Mubarak Shaik, The NCW, has intervened in the Supreme Court of India to support Jaitunbi's stand. The case is pending.

6. NCW FILES APPLICATION SEEKING REVIEW OF SC JUDGEMENT: In the matter of Y Abraham Ajith Vs Inspector of Police, Chennai and Anr 2004 III AD (CRL) SC 468, The Supreme Court, on hearing the contention of the parties and examining the relevant Sections of the Cr. PC, i.e. Section 177 ordinary places of inquiry and trial /section 178 places of inquiry and trial, Held that no part of the cause of action arose in Chennai and, therefore, the magistrate at Chennai had no jurisdiction to deal with the matter, particularly when the alleged offences are not continuing offences and accordingly quashed the proceedings.

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The decision of the Supreme Court raises a relevant issue, particularly in cases of marital discords, as to whether the case should be heard in the place of occurrence of the offence or where the woman erred against is residing. Ordinarily, matrimonial discords and hate lead to the wife being forced to reside at the residence of her parents, which may be located at another place and unconnected with the occurrence of alleged offences. Therefore, in cases where the woman is thrown out of her matrimonial home and forced to reside with her parents at some other place, then the requirement that the complainant may file the complaint only at the place where the alleged offence was committed, appears to be harsh and may also in cases subject her to insecurity.

7.SUPREME COURT SEEKS NCW VIEWS ON COMPULSORY REGISTRATION OF MARRIAGES: in the matter of Smt Seema Vs Ashwini Kumar, transfer petition (civil) No 291 of 2005, the Hon'ble Supreme Court issued notice to the Commission, for placing its views on the registration of marriages and the proposed legislation prepared by the commission. The commission filed its reply along with the draft law on compulsory registration of marriages. The Hon'ble Court, in its judgment dated 14th February 2006, observed that "as rightly contended by the National Commission for Women, in most cases,non-registration of marriages affects the women the most and directed the states and central government to initiate steps including framing of the rules for registration of marriages. "

8.PETITION FILED IN SUPREME COURT AGAINST THE DELHI HIGH COURT JUDGMENT IN SHIKHA SHARMA'S CASE, Recent judgment of the Hon'ble High Court of Delhi wherein the marriage of two young girls of 15 and 16 was held to be valid. While the judgement took into account the peculiar facts and circumstances of that case and the fact that no purpose would be served if the case of rape proceeded and kept a lawfully wedded husband in judicial custody, it brought into open the wide disparities within various legislations dealing with the minimum age for marriage, the definition of a child, the age to give sexual consent and the effect of child marriage in some instances.

The Hon'ble High Court of Delhi, in two petitions for habeas corpus, based on the existing provisions of law, a young girl of 15-16 was allowed to bear a child, and her marriage was

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legalised. Though protested by many, this judgement was passed within the realms of the existing law. However, it raised more significant questions of public interest and, mainly, the health of the girl child, keeping in mind the high rate of maternal mortality, especially in the age group of 15-22. The petition seeks to highlight the disparities in various legislations, particularly the Child Marriage (Restraint) Act 1929, The Hindu Marriage Act 1955, and the explanation to Section 375 of the Indian Penal Code, 1890, as well as the Shariat law, the Indian Divorce Act, 1869 and the Juvenile Justice (care and protection of children) Act 2000.

The petition raises the following questions about the law of general public importance, which must be adjudicated.

A. Whether the provisions of Sections 375 and 376 of the Indian Penal Code conform with the Constitution?

B. Does the Hindu Marriage Act conform to the Child Marriage (restraint) Act?

C. Does allowing sexual intercourse by a man with a girl as young as 15 years contradicts the principles of the Juvenile Justice (care and Protection of Children) Act, 2000, as well as the Child Marriage (restraint) Act, 1929?<sup>16</sup>

### Challenges Of Faced By The Commission

- **Lack of Adequate Resources and Autonomy:** Women's commissions often face financial constraints, relying heavily on government funding, which can impact their independence and hinder their ability to function effectively.
- **Political Interference:** Being nominated by the ruling government, women's commissions may face pressure to avoid cases that could negatively affect the government or its allies. This political interference can compromise their impartiality and commitment to women's rights.
- **Limited Awareness and Accessibility:** Many women, especially in rural and remote areas, are unaware of the existence and role of women's commissions. The lack of

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<sup>16</sup> National Commission for Women, 'Important Court Interventions – Queries', <<http://ncw.nic.in/ncw-cells/legal-cell//important-court-interventions-inquiries>> accessed 27 August 2023.

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awareness hampers their ability to seek assistance and support from these commissions when faced with challenges.<sup>17</sup>

## Controversy Around NCW

- In 2012, NCW Chairperson Mamta Sharma was in the line of fire for her controversial remark that women should not feel offended when they are called “sexy”, with rights activists calling it “irresponsible” and demanding her resignation.

- First and foremost, the problem starts with the patriarchal mindset of the people; this is evident from the statement - "I tell women again and again that they should never go out at odd hours under anyone's influence," Chandramukhi Devi, Member of the National Commission for Women said after visiting the grieving family of the 50-year-old woman, who was allegedly gang-raped and murdered by a priest inside a temple in Badaun.

- Tweet can also create tensions - National Commission for Women Chairperson Rekha Sharma sparked controversy on social media after the body's official Twitter handle posted that she met Maharashtra Governor Bhagat Singh Koshyari on Tuesday, 20 October 2020, and discussed “rise in love jihad cases.”

- A report in NewsClick dated 22<sup>nd</sup> July 2023 says that multiple women's organisations have written to Rekha Sharma, chairperson of the National Commission for Women (NCW), expressing their shock over the latter's actions (or lack thereof) in cases of violence against women in Manipur. They have further demanded Sharma's resignation, holding her responsible for the shameful situation surrounding the NCW in the context of Manipur violence.

The letter comes after it was revealed that NCW did not respond to complaints from Manipur calling for immediate action in a case where three women were publicly stripped and raped by a mob. The complaint was made to NCW on June 12, 2023. The complainants wrote to NCW several times but received no response. The incident happened on May 4; however,

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<sup>17</sup> ‘Women’s Commission in India,’ <[https://www.drishtiiias.com/daily-updates/daily-news-editorials/women-commissions-in-india/print\\_manually](https://www.drishtiiias.com/daily-updates/daily-news-editorials/women-commissions-in-india/print_manually)> accessed 3 November 2023.

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state authorities took action against perpetrators only after a video went viral on social media on July 19. It took the state and Central governments 78 days to address the issue.

"It is disturbing that no action was taken, except for the filing of a mere zero FIR in the incident that had happened on May 4, right after the ethnic violence began on May 3, 2023. This made the police apathy with the victims and collusion with the perpetrators of the crime abundantly clear," the letter notes.

Responding to the accusations that her office failed to respond to complaints about the May 4 incident, Sharma denied having received any complaints about this specific incident. She added that she reached out to Manipur authorities thrice over other incidents of violence against women, but no response was received from them.

The NCW took suo motu cognisance of the incident after the viral video. However, in their letter, the women's organisations have directly called out Sharma for NCW betraying its mandate and deliberately trying to cover up the incident. "At the very least, this is evidence of gross negligence on the part of a respected public institution like NCW, which has the obligatory duty of protecting women in the country and upholding their rights irrespective of class, caste, religion, language, or ethnic origin." Furthermore, the letter reminded Sharma of her duties and the objectives of NCW, a body with a history of "proactive interventions in the myriad issues concerning women." The letter highlights that the institution has degenerated into partisanship with the ruling dispensation under Sharma's leadership. "Your claims of having communicated to the officials in Manipur are too little too late. Never have we seen the institution so shamefully undermining its mandate. We feel the NCW - in deliberately ignoring and suppressing this atrocious attack upon two tribal women - has misused its office, besmirched its position, and betrayed the trust the women's movement in the country had reposed upon it." The signatories to the letter include the All India Democratic Women's Association (AIDWA), National Federation of Indian Women (NFIW), All India Progressive Women's Association (AIPWA), All India Coordination of POW PMS IJM, All India Mahila SanskritikSanghathan (AIMSS) and All India Agragami Mahila Samita (AIAMS).<sup>18</sup>

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<sup>18</sup>Faizan Mustafa, Vice Chancellor, Nalsar University of Law, Hyderabad, 'NCW has failed women', <<https://www.tribuneindia.com/news/archive/comment/ncw-has-failed-our-women-772667>> accessed 3 November 2023.

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●NCW came under fire again after men sexually assaulted a 17-year-old girl outside a Guwahati pub on 9 July 2012. NCW member Alka Ramba has been accused of leaking the name of a minor victim to the media. Although she has since been removed from the Fact-Finding Commission, she remains a member of the Commission. The following week, NCW president Mamta Sharma made a comment suggesting women "be careful with your dress", prompting criticism that she was blaming the victim. The controversy has prompted activists to call for a restructuring of the commission.

●In late January 2009, NCW came under heavy criticism for its response to the attack by 40 male members of the Hindu right-wing Sri Ram Sena on eight women in a bar in Mangalore. Videos of the attack show women being beaten and dragged. NCW member Nirmala Venkatesh, who was sent to investigate the situation, said in an interview that there was insufficient security in the pub and the women should have defended themselves. "If the girls feel they have done nothing wrong, why are they afraid to come forward and make a statement," Venkatesh said. On February 6, NCW announced that it had decided not to accept Venkatesh's report but would not send a new team to Mangalore. On February 27, the Prime Minister's Office approved the dismissal of Nirmala Venkatesh on disciplinary grounds.<sup>19</sup>

● Delhi Commission for Women is itself against NCW 's inaction -Delhi women's panel chief Swati Maliwal, on 21st July 2023, slammed the National Commission for Women (NCW) over alleged inaction over the incident involving women being paraded naked and sexually assaulted by a mob in Manipur. "Whatever has happened with the two girls in Manipur is shameful. The CM of Manipur has said that this is not an isolated case & this has been happening over some time...NCW received such serious complaints& they haven't taken any action", Maliwal told ANI.

### **Flaws In The National Commission For Women.**

- 1.First, it depends on the central government for every action.
- 2.Lack of legislative powers: they retain only recommendatory powers.
- 3.Funding becomes an issue as the Commission needs to make a report to the Union Government on their expenditure.

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<sup>19</sup> 'National Commission for Women', <<https://academic-accelerator.com/encyclopedia/national-commission-for-women>> accessed 4 November 2023.

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4. Appointment of members is done by the central government, which implies that bias or nepotism might be involved in the process.
5. It lacks Constitutional status and thus has no legal powers to summon police officers or witnesses.
6. It has no power to take legal actions against the Internal Complaint Committees, which have a lackadaisical attitude towards the grievance redressal of women facing harassment.
7. Follow-up on matters of issue is questionable.
8. The Commission has a history of insensitive and anti-women remarks by its representatives.

### **Suggestions**

- A. The Chairperson must command respect in the government and across civil society.
- B. women's needs should be taken as a solo moto of the Commission.
- C. The National Commission for Women's leadership must be selected transparently among women or even men of merit.
- D. Members shall be appointed only if they are committed to the cause of women's development and enhancement of their lives.
- E. It must connect and create more networks with various women's groups.
- F. Instead of coming up with paperwork ( Reports) of 100 pages almost containing similar contents, the Commission should head to the fields of incidents as soon as possible.

“ We recognise now that violence against women in politics is not only a threat to women but also a threat to democracy” – Madeleine K. Albright.

This article will not have a conclusion about the reason that problems faced by women have become never-ending unless the whole society tends to change from a patriarchal mindset and moves forward with the true essence of equality so that a day comes when the National Commission for Women becomes entirely unnecessary for our Indian society.

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