



Role of National Women Commission and Assessment

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Abstract:

According to the National Commission Act of 1990, the National Commission on Women was established in 1992. This panel has the power to examine the constitutional protections in place for women. The panel has mostly suggested taking legislative steps to reduce the imbalance and making it easier to use redress procedures. It offers suggestions for how the government might better ensure that women's rights are respected and protected. Therefore, the author of this paper set out to investigate the national women's commission's role and responsibilities. The report elaborates on the function of the commission in analyzing existing legislation. The report indicates that carrying out the NCW's duties is difficult and calls for strategic action. It collaborates with the governing body to address customer concerns.

Keywords: Commission, Women, Legal Intervention, Policy Decisions.

Introduction:

Our culture is largely patriarchal, and as a result, women have been devalued and discriminated against in a number of ways. The Constitution's authors foresaw the need to correct such injustices and included specific measures to do so. There was a pressing need for formalized procedures to protect citizens' legal rights and carry out the terms of helpful laws. According to the National Commission for Women Act, 1990, the NCW is a government agency charged with advancing the status of women. Nominees for the NCW's chair, five members, and member-secretary are selected by the Central Government in accordance with the Act's stipulations. It is common knowledge that women in India have never been treated fairly, either in the home or in the workplace. Parliamentarians, ordinary men, organizations and societies for the welfare of women have been agitating the issue both within and outside of parliament for quite some time. The government of India established a number of commissions to investigate the status of women there. Successive Commissions on the Status of Women have documented the pervasive discrimination against women and called for the establishment of an agency to carry out surveillance duties and assist redress of women's claims. A number of women's rights advocates and grassroots organizations have long advocated for the establishment of a commission for women. The National Commission for Women was established in recognition of the need for such a body on a national scale. On May 22nd, 1990, the Bill 1990 was presented to the (Lok Sabha. K.B. Ojha, 2013) The Bill eventually became law. According to section 10 of the National Commission for Women Act, "the complaints and counseling cell of the commission processes all the complaints relating to domestic violence, harassment, dowry, torture, desertion, bigamy, rape, refusal to

register FIR, cruelty by husband, deprivation, gender discrimination, and sexual harassment of work place, whether received orally, in writing, or suomoto".

Objectives of the Study: The present study aims at the following objectives:

- To study the mandate of the National Women commission.
- To discuss the functions of the National Women Commission.
- To study the role of National Women Commission in the review of laws.

Method:

Since the present study is descriptive in nature the researcher has followed the secondary sources for the required information. Different books, journals, government records and internet sources have also been for gathering information.

The Mandate of the Commission

The National Commission on Women has a fourteen-point mandate, as outlined in Section 10(1) of the Act of 1990. The Commission's duties can be broken down into four categories: (a) protecting the legal protections afforded to women; (b) researching and recommending solutions to the issues women face today; (c) periodically assessing the position of women in India; and (d) providing financial support for legal actions involving violations of women's rights. In order to—

(a) protect women's rights, The Act codifies them in subsections (a)–(e) of Section 10 (1). They anticipate the Commission will look at constitutional and legal protections for women. The Commission is responsible for reporting on these protections and providing suggestions for their implementation. The Commission must also conduct regular reviews of these protections in order to spot any gaps or deficiencies and address them accordingly. Violation charges may also be brought before the Commission for consideration.

(b)Researching women's issues:

The Act primarily codifies them in paragraphs (g) through (i) of Section 10 (1). These provisions direct the Commission to investigate and provide solutions to issues related to discrimination against women. In accordance with this portion of its mandate, the Commission is also tasked with providing policy recommendations to the government for the socio-economic advancement of women.

(c) To assess the position of women in India

According to the rules, the Commission is responsible for assessing the position of women in the Indian federal and state governments. The goal is to investigate and analyse the circumstances of detention houses and similar institutions where women may be imprisoned, and to work with the relevant authorities to improve such conditions. The Federal Government and the State Governments should receive these assessments on a regular basis in the form of reports and suggestions.

(d) Cases involving violations of women's rights will be funded and fought for

Situations involving discrimination against women, violations of women's rights, and situations involving the rights of a significant number of women may be brought before the Commission under certain provisions of its mandate. The Commission is authorized to approach the appropriate authorities and seek remedies in cases involving the denial of women's rights, the failure to implement laws enacted to protect women, and

the failure to comply with policies and guidelines designed to alleviate the plight of women, as provided for in sub clause (f) of Section 3 of the Act of 1990.

Functions of the Commission

(a) Inquiry and Investigation

While conducting its investigations and examinations into problems pertaining to the protections granted for women under the Constitution and other legislation, the NCW now also possesses the powers of a civil court. It has the authority to investigate cases of sex rights violations and bring them to the attention of relevant authorities. It investigates complaints and takes suo motu notice of matters relating to the failure to implement laws and "non-compliance of policy decisions, guidelines or instructions enacted and aimed at, mitigating hardships, ensuring welfare, and achieving equality and development," and then takes up the issues that arise from such failures with the relevant authorities.

(b) Action Research: The study looks at issues related to prejudice and crimes against women, and then proposes solutions to these concerns. Members of the NCW advise and participate in the planning process for women's economic and social advancement, provide recommendations for expanding women's participation in decision-making, and assess the results. In addition to ensuring that women are treated fairly, the NCW must assess the efficacy of the protections for women included in the Constitution and other laws, conduct research into how these laws are actually applied, and propose changes to address any gaps or flaws. For instance, the now has advocated for changes to the Indian Penal Code to strengthen protections against the trafficking of teenage girls. It has also suggested that the Child Marriage Restraint Act of 1929 be amended to make marriages between minors illegal and invalid. In addition, with input from all sectors of society, the NCW drafted the Domestic Violence to Women (Prevention) Bill 1994 and the Bill for the Prevention of Sexual Harassment in the Workplace.

(c) Legal Intervention: To far, the NCW's groundbreaking Parivarik Mahila Lok Adalat (PMLA) has heard 7,500 cases. Family law is the focus, with the goal of empowering women and promoting the resolution of conflicts outside of the traditional judicial system. Each party to a disagreement must abide by the PMLA's ruling. The National Commission for Women is tasked with carrying out the following duties in accordance with Section 10 of the National Commission for Women Act, 1990:

- [1] **Investigation and Examination** - investigate and examine all matters relating to the safeguards provided for women under the Constitution of India, 1950 and other laws;
- [2] **Presentation of Reports** - Present reports to the Central Government, annually and at such other times as the Commission may deem fit, reporting upon the working of those safeguards;
- [3] **Recommendations** - make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;
- [4] **Review** - review, from time to time, the existing provisions of the Constitution of India, 1950 and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;
- [5] **Taking up of cases of Violation** - take up the cases of violation of the provisions of the Constitution of India, 1950 and of other laws relating to women with the appropriate authorities;
- [6] **Suo Motu Notice** - looks into complaints, and take suo motu notice of matters relating to:-

- [7] **Women's Rights** - deprivation of women's rights; enacted to provide protection to women and also to achieve the objective of equality and development.
- [8] **Policy Decisions** - non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women; and take up the issue arising out of such matters with appropriate authorities;
- [9] **Special Studies and Investigation** - call for special studies or investigation into specific problems or situation arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;
- [10] **Promotional Research** - undertake promotional research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement;
- [11] **Participation in Planning** - participates and advises on the planning process of socio- economic development of women;
- [12] **Evaluation** - evaluate the progress of the development of women under the Union and any State;
- [13] **Inspection** - inspect or cause to be inspected a jail, remand home women's institution or other place of custody where women are kept as prisoners;

Review of Laws:

To ensure that any gaps, deficiencies, or flaws in the law protecting women are filled, the Commission is tasked with periodically reviewing the relevant sections of the Constitution and other laws. Twenty-three statutes have been examined, and the Commission has delivered its recommendations to the Department of Women and Child Development (DWCD) for implementation. Out of the 23 Acts, Cabinet notes have been prepared and are being considered for 4, amendments are being finalised for 2, and the DWCD is consulting other concerned Ministries/Departments of the Government of India for the remaining Acts, as stated in the Report of the Parliamentary Committee on Empowerment of Women (2001-2002).⁶¹ According to the NCW's own account of Action Taken in the same Report, the Government is now considering the proposed revisions to these Acts in cooperation with the relevant Ministries/Departments of the Government of India and the State Governments

Typically, the NCW receives legislation from several government agencies for examination and revisions. The NCW may propose new laws or revisions to existing ones at its own discretion. Commission members might volunteer to head up Expert Committees tasked with analyzing current legislation and making recommendations for reform. Lawyers, academics, government officials, and representatives from women's organizations are only some of the various fields represented on the Committee's roster of specialists in law and justice. In its first annual report, the Commission detailed the several committees it had formed and the individuals that made them up. Unfortunately, subsequent Annual Reports did not continue this practise, making it impossible to learn how these committees operated or how many people served on them. While the NCW has held national level consultations with the representatives of women's groups on certain Bills and has invited and involved persons active with the women's movement in the process of reviewing existing laws, many women's groups remain dissatisfied with the NCW's approach to this issue (*See Annual Report*,

2000-2001). Going through the sections on Review of Laws and Legislative Measures Affecting Women in the Commission's Annual Reports, one finds that the Commission has not been able to develop institutional mechanisms to carry forward the work of each Commission. This is despite the fact that reviewing the existing laws on women has consistently been a major area of the Commission's work. The way work is done is very impromptu, with little to no consistency. The work of the previous Commission, any difficulties it may have encountered, if the Government took any action in this respect, and if not, why, and what should be done to implement the previous recommendations made by the Commission are not discussed in this report. Each Commission operates independently of the others and does not consider itself to be continuing the task of the preceding Commission. For instance, the first National Commission for Women suggested a new legislation to protect women from domestic violence in its first three reports. This bill was called the Domestic Violence on Women (Protection) Bill, 1994. The 1995–1996 Report, as well as the 1996–1997 and 1997–1998 Reports, do not reference this Bill. Intriguingly, the 1996–97 Report brags that, as part of the Government's Common Minimum Programme, they reviewed all 39 laws pertaining to women.⁶³ Obviously, it ignores the work done by the previous Commission on several statutes that this Commission has also chosen to investigate. Again, 17 statutes are mentioned as having been examined in 2000-2001 Report. As part of the government's plan, the DWCD included a review of numerous legislation involving women, for which proposals had previously been made to the Department five years earlier, in 2001, which had been named Women's Empowerment Year by the then-ruling government. I don't see why we have to do this all over again. Is anything happening with the suggestions that have previously been sent to the government? When it comes to the previously submitted suggestions, what steps has the government made to implement them? There were constantly competing theories. Although the Chairpersons and members of the Commission often expressed frustration with the government's lack of action, the administration maintained that ideas had been given to the National Law School in Bangalore and that the school's input would be included in the final report (*Flavia Agnes, 1995*).

Though the Commission has been reviewing nearly all laws pertaining to women, we intend to take up a select few in order to learn how the NCW operates in this area and to assess the extent to which it has been able to push for the necessary changes by collaborating with women's movements and the government's response to these initiatives. The politics of women's movements throughout the last three decades have centred on three primary topics that have been taken up for the sake of study.

Conclusion:

The NCW's duties are difficult and need careful execution. It collaborates with the governing body to address customer concerns. This is mostly for Indian women whose husbands have deserted them abroad. To facilitate effective mediation and conciliation between disputing parties. Building relationships with non-governmental organizations (NGOs) that seek to promote and safeguard women's rights. Help women in need with their legal cases.

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