



# National Commission for Women: Recent Working and Challenges

Dr. Jyoti Arun

Associate Professor, Dept. of Political Science, SCRS Govt. PG College, Sawai Madhopur, Rajasthan, India

**ABSTRACT:** The National Commission for Women (NCW) is the statutory body of the Government of India, generally concerned with advising the government on all policy matters affecting women. It was established on 31 January 1992 under the provisions of the Indian Constitution,<sup>[1]</sup> as defined in the 1990 National Commission for Women Act.<sup>[2]</sup> The first head of the commission was Jayanti Patnaik.

**KEYWORDS:** NCW, statutory, government, India, women, act, head, jayanti patnaik, advising, nation

## I. INTRODUCTION

The objective of the NCW is to represent the rights of women in India and to provide a voice for their issues and concerns. The subjects of their campaigns have included dowry, politics, religion, equal representation for women in jobs, and the exploitation of women for labour. They have also discussed police abuses against women.<sup>[4]</sup>

The commission regularly publishes a monthly newsletter, *Rashtra Mahila*, in both Hindi and English.<sup>[5]</sup>

In December 2006 and January 2007, the NCW found itself at the center of a minor controversy over its insistence that Section 497<sup>[6]</sup> of the Indian Penal Code not be changed to make adulterous wives equally prosecutable by their husbands.

But the grounds on which Ms. Vyas resists the logic of making this a criminal offence — particularly for women, as often recommended — are not as encouraging. She is averse to holding the adulterous woman equally culpable as the adulterous man because women, she believes, are never offenders. They are always the victims.<sup>[7]</sup>

The NCW has demanded that women should not be punished for adultery, as a woman is "the victim and not an offender" in such cases. They have also advocated the amendment of Section 198 of the CrPC to allow women to file complaints against unfaithful husbands and prosecute them for their promiscuous behaviour. This was in response to "loopholes" in the Indian Penal Code that allowed men to file adultery charges against other men who have engaged in illicit relations but did not allow women to file charges against their husbands.<sup>[8]</sup>

The Commission has also worked to guarantee women security in unconventional relationships.<sup>[7]</sup>

The NCW came under sharp criticism for their response to the attack by forty male members of the Hindu right-wing Sri Ram Sena on eight women in a bar in Mangalore in late January 2009. Video from the attack shows the women were punched, pulled by their hair, and thrown out of the pub.<sup>[9]</sup>

NCW member Nirmala Venkatesh was sent to assess the situation, and said in an interview that the pub did not have adequate security and that the women should have protected themselves. Venkatesh said, "If the girls feel they were not doing anything wrong why are they afraid to come forward and give a statement?"<sup>[10]</sup> On 6 February, the NCW said they decided not to accept Venkatesh's report but would not be sending a new team to Mangalore. On 27 February, the Prime Minister's Office approved the removal of Nirmala Venkatesh on disciplinary grounds.<sup>[11]</sup>

The NCW came under fire again after the molestation of a 17-year-old girl by a gang of men outside a pub in Guwahati on 9 July 2012. NCW member Alka Lamba was accused of leaking the name of the minor victim to the media, and was subsequently removed from the fact-finding committee, though she remains a member of the commission.<sup>[12]</sup> The following week, NCW chairperson Mamta Sharma made comments suggesting that women "be careful how you dress", which invited criticism that she was guilty of victim blaming. The controversy led activists to call for a restructuring of the commission.<sup>[13][14]</sup>

Chairpersons

No.	Name	Portrait	From	To
1	Jayanti Patnaik		3 February 1992	30 January 1995
2	V. Mohini Giri		21 July 1995	20 July 1998
3	Vibha Parthasarathy		18 January 1999	17 January 2002
4	Poornima Advani		25 January 2002	24 January 2005
5	Girija Vyas		16 February 2005	15 February 2008
6	Girija Vyas		9 April 2008	8 April 2011
7	Mamta Sharma		2 August 2011	1 August 2014

## II. DISCUSSION

Following is the list of state level women commissions

Rank	State	States Women commission
1	Andhra Pradesh	Andhra Pradesh Women Commission
2	Arunachal Pradesh	Arunachal Pradesh State Commission for Women
3	Assam	Assam State Commission for Women
4	Bihar	Bihar State Women Commission
5	Chhattisgarh	Chhattisgarh State Women Commission
6	Goa	Goa State Commission For Women
7	Gujarat	Gujarat State Commission For Women
8	Haryana	Haryana State Commission for Women
9	Himachal Pradesh	Himachal Pradesh State Commission for Women
10	Jammu and Kashmir	Jammu and Kashmir State Commission for Women
11	Jharkhand	Jharkhand State Commission for Women
12	Karnataka	Karnataka State Commission for Women
13	Kerala	Kerala Women's Commission
14	Madhya Pradesh	Madhya Pradesh State Commission For Women
15	Maharashtra	Maharashtra State Commission for Woman



Rank	State	States Women commission
16	Manipur	Manipur State Commission for Women
17	Meghalaya	Meghalaya State Commission for Women
18	Mizoram	Mizoram State Commission for Women
19	Nagaland	Nagaland Women Commission
20	Odisha	Odisha State Commission For Women
21	Punjab	Punjab State Commission For Women
22	Rajasthan	Rajasthan State Commission For Women
22	Sikkim	Sikkim State Commission For Women
23	Tamil Nadu	Tamil Nadu State Commission For Women
24	Telangana	Telangana State Women Commission
25	Tripura	Tripura State Commission For Women
26	Uttar Pradesh	Uttar Pradesh State Women Commission
27	Uttarakhand	Uttarakhand State Commission For Women
28	West Bengal	West Bengal Commission for Women
29	Delhi	Delhi Commission for Women
30	Pondicherry	Puducherry Women Commission

Jayanti Patnaik (7 April 1932) was an Indian politician and social worker.<sup>[2]</sup> She was the first Chairperson of the National Commission for Women. Her term of office was from 3 February 1992 to 30 January 1995.<sup>[3][4][5]</sup> She was born in 1932 in Aska, Ganjam district of Orissa. Her father is Niranjana Patnaik. She was educated at Harihar High School, Aska. She has studied Master of Arts (M.A.) in Social Work from Sailabala Women's College under Utkal University, Cuttack. She pursued advanced studies at Tata Institute of Social Sciences, Mumbai.<sup>[2]</sup>

She married politician Janaki Ballabh Patnaik in 1953, who later remained Chief Minister of Odisha (1980–89), and the couple had one son and two daughters.

On 24 January 2009, the Sri Ram Sena attacked a group of young women and men in a pub in Mangalore, India.<sup>[1][2][3]</sup> A group of 40 activists of the Sri Rama Sena barged into the pub "Amnesia – The Lounge" and beat up a group of young women and men, claiming the women were violating traditional Indian values. Two of the women were hospitalised. The video of the incident has become one of the most watched clips on YouTube, though how the TV crew happened to be ready at the 'unannounced' attack is not known.<sup>[4][5]</sup>

According to statements of staff at the Amnesia Pub at the Hotel Woodside in the busy Balmatta area of Mangalore, two men approached the front desk of the hotel an hour before the actual attack took place at 4:30 pm on Saturday, reportedly claiming rights to inspect the premises. However, local police officials claimed the hotel staff had not made any reference to an extortion attempt or on previous occasions.<sup>[6]</sup>

The police also suspect that the real hidden agenda could have been extortion, the fact is that by claiming responsibility, a group will be able to extort money from similar establishments later.<sup>[6]</sup>

"Whoever has done this has done a good job. Girls going to pubs is not acceptable. So, whatever the Sena members did was right. You are highlighting this small incident to malign the BJP government in the state," said founder Pramod Muthalik.<sup>[5]</sup>

The Karnataka police have picked up Prasad Attavar, the convenor of the Sri Ram Sena, along with Lohith, another member of the outfit.<sup>[8]</sup> Police sources declared that they were hiding ever since the incident in an area called Adyar in Mangalore. The police is still looking for another key member of the outfit by the name Dinakar, who had claimed responsibility for the attack.<sup>[8]</sup> The Sri Ram Sena chief Prasad Attavar claimed that these girls are like his sisters and he would not approve of anyone raising their hand on his sisters and this is just a minor incident that has been blown out



of proportion.<sup>[9]</sup> The police sources said that there were 40 persons involved in the attack in all and till now they had picked up 19 of them.<sup>[8]</sup>

Around 27 people were arrested related to this incident till now.<sup>[10]</sup> The Sri Rama Sena, which has 1,000–1,500 cadre in the coastal Karnataka region, has threatened to carry out a state-wide bandh if Muthalik is not released by 29 January 2009, Thursday evening.<sup>[11]</sup> A pub attack victim has told NDTV that she received threat calls.<sup>[12]</sup>

The Pink Chaddi Campaign, nonviolent protest movement was launched in India in response to notable incidences of violent conservative and right-wing activism against perceived violations of Indian culture. The campaign was conceived particularly in protest against a threat by Pramod Muthalik.

On 3 February 2009, Pravin Valke, founding member of the Sri Rama Sena, told The Indian Express, "These girls come from all over India, drink, smoke, and walk around in the night spoiling the traditional girls of Mangalore. Why should girls go to pubs? Are they going to serve their future husbands alcohol? Should they not be learning to make chapattis [Indian bread]? Bars and pubs should be for men only. We wanted to ensure that all women in Mangalore are home by 7 p.m."<sup>[13]</sup>

Shri Ram Sena chief Pramod Muthalik later apologised for the attack on weekend revellers at a Mangalore pub, saying the way the right-wing group acted "was wrong" but insisted it was done to "save our mothers and daughters". He was later arrested under IPC section 153 by the Karnataka Police.<sup>[10]</sup>

The Karnataka Chief Minister B. S. Yeddyurappa had said the Sriram Sena is not a Sangh Parivar outfit and asserted that stringent action will be taken against the culprits. He also has ruled out banning the Sri Ram Sena even though the outfit's chief admitted to wrongdoing. The Ram Sena chief has threatened a similar protest on Valentine's Day.<sup>[16]</sup>

Pramod Muthalik, a full-time Rashtriya Swayamsevak Sangh (RSS) man earlier was the Karnataka coordinator of the Bajrang Dal four years ago. Soon he was expelled from the Bajrang Dal after which he joined the Shiv Sena and later he formed his own group.<sup>[5]</sup> Pramod Muthalik has over 45 cases pending against him. Most of these cases are still under investigation. A look at the chargesheet makes it clear that he has never been arrested for any of these cases. Pramod even recently held a press meet in Bangalore to release the photographs of the members of Hindu suicide squad undergoing training in handling arms and ammunition to take on Muslim Jihadis. According to Muthalik there are 1,132 members in the suicide squad.

The Janata Dal (Secular) chief and the former PM of India, H. D. Deve Gowda on 26 January 2009, accused Karnataka Chief Minister B S Yeddyurappa of being responsible for Talibanisation of Karnataka.

The mayor of Mangalore filed an FIR against Women and Child Development Minister Renuka Chowdhury for her reference to the Talibanisation of Mangalore

Toeing the right-wing group Sri Ram Sena Pramod Muthalik's line, Karnataka CM Yeddyurappa has said that pub culture is wrong and should not be permitted. One of the woman victims of the attack on a Mangalore pub on Monday claimed that the Sri Ram Sena activists hurled abuses at them and called them prostitutes".

### III. RESULTS

The National Commission for Women (NCW) constituted a three-member team to investigate the attack on women in the pub.<sup>[10]</sup>

In what was termed a shocking statement, the NCW put the blame on the girls who were beaten. They also implicated the pub.

Nirmala Venkatesh, a member of the three-member NCW team, blamed the pub for the attacks, saying they did not have adequate security to protect against a mob of 40 men. She also stated that a live band was playing, and the girls partaking in this could have been another cause. She said her concern was that the media coverage had tarnished the image of Karnataka. She stated that as per information available to her, several of the girls were from north India.

"Everybody was dancing wearing so many nude clothes (sic) and all. That is why they did what they did, they (the attackers) said. We women should always try to safeguard ourselves," Nirmala Venkatesh said.

Asked for an assessment of the incident, she strangely stated that she has found illegal activities going on in some hotels and pubs in Mangalore, including prostitution. She claimed to have conducted a surprise raid on one of the hotels and found "that not everything was going on legally."<sup>[17]</sup>



Numerous reports have talked about the victims receiving threatening phone calls. The victims are said to be in a state of fear, and have not come forward to register complaints.<sup>[12]</sup> In relation to this, Nirmala Venkatesh had a different view: "If the girls feel they were not doing anything wrong why are they afraid to come forward and give a statement?"

She stated that she was not concentrating on the Sri Ram Sena group, but that she will interrogate the owner of the pub, and the media persons present. She stated that she held the pub's staff culpable.

The NCW investigation has focused solely on the license and documentation of the attacked pub. The NCW advised the police to look into alleged misuse of the licence. According to Ms. Venkatesh, the NCW will recommend the cancellation of the pub's license. The NCW team is also investigating the register of guests, claiming it is suspicious.

Nirmala Venkatesh met with the culprits who perpetrated the attack and provided counselling for them. She has, however, not talked to any of the victims of the attack.

The Sri Ram Sena has thanked the NCW for helping spread its message to other states.<sup>16</sup>

In her report to the commission, Nirmala blamed the owner of the pub for not providing security to women guests, and recommended suspension of its licence. While claiming that she was unable to trace the victims, she met the accused in jail. At one point in time, she even suggested that women refrain from wearing "skimpy" and provocative dresses. When her report was not accepted by the Commission, Nirmala even challenged the authority of Minister for Women and Child Development Renuka Chowdhury. Nirmala Venkatesh was removed from her office of National Commission for Women member by the Ministry of Women and Child Development for failing to conduct an unbiased enquiry.

Nirmala Venkatesh joined the Bharatiya Janata Party (BJP) shortly after this, and declared that she was ready to contest the coming Lok Sabha elections if she was given a ticket.<sup>15</sup>

#### IV. CONCLUSIONS

On 9 July 2012, in Guwahati city, the capital city of Assam, an Indian state,<sup>[1]</sup> a teenage girl was allegedly molested and manhandled by a crowd of approximately 30 men outside a bar, many of whom were subsequently arrested based on video footage of the event. A local TV journalist from News Live was accused of instigating the mob and was arrested on 20 July 2012. Investigations are ongoing.<sup>[2]</sup> On 9 July 2012, two women were exiting a bar and became involved in a physical struggle with a group of men standing outside. Gaurav Jyoti Neog, a journalist from News Live who was nearby, phoned his office asking for camera and crew to shoot the brawl.<sup>[3]</sup> Although the girl tried breaking away and asking for help, she was dragged back twice into the mob and abused further. Eventually, after almost half an hour, Mukul Kalita, another journalist from a local daily Ajir Asom intervened and rescued the girl.<sup>[4]</sup> Once the police reached the site, the girl was taken back home and a case was filed. Amarjyoti Kalita as the prime accused based on alleged identification from the video footage.<sup>[5]</sup> The case caused uproar in the national and local media right after the video was aired by News Live, going viral on YouTube<sup>[6]</sup> and provoking debates about the safety of women and human rights in India.<sup>[7]</sup> By 20 July 2012, 12 of the 22 accused were arrested.<sup>[8]</sup> Amarjyoti Kalita, the main accused surrendered to the Uttar Pradesh police in Varanasi on 23 July.<sup>[9]</sup> The next day, Assam police went to Varanasi to take custody of Kalita and it was declared that 14 of the 17 identified accused had been arrested.<sup>[10]</sup> Alka Lamba, a representative of the National Commission for Women (NCW) who was sent to Guwahati to investigate the molestation case, was criticized for accidentally revealing the identity of the victim in a press conference.<sup>[11]</sup> Child rights experts also criticized the government for handing the case over to NCW instead of NCPCR (National Commission for Protection of Child Rights) since the victim was a minor.<sup>[12]</sup> Eleven accused in this case including prime accused Amarjyoti Kalita, were convicted on 7 December 2012<sup>[13][14]</sup> while four others were acquitted. Chief Judicial Magistrate S.P. Moitra convicted the prime accused Amarjyoti Kalita along with 10 others under various Sections of IPC namely 143 – unlawful assembly, 341- wrongful restraint, 294 -Obscene act, 323 – voluntarily causing hurt and 354 – Assault or criminal force to woman with intent to outrage her modesty.

News Live journalist Gaurav Jyoti Neog was acquitted along with Hafizuddin, Diganta Basumatary and Jitumoni Deka due to lack of evidence.<sup>16,17</sup>

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