

Bill No. 203 of 2024

THE NATIONAL COMMISSION FOR WOMEN (AMENDMENT)
BILL, 2024

By

SHRIMATI SHAMBHAVI, M.P.

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BILL

further to amend the National Commission for Women Act, 1990.

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Women (Amendment) Act, 2024.

Short title and
commencement.

5 (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 10 of the National Commission for Women Act, 1990,—

20 of 1990.

(a) in sub-section (1)—

(i) in clause (e) after the words “with the appropriate authorities”, the words “and make recommendations and/or take appropriate measures for the effective implementation of those provisions” shall be inserted; and

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(ii) after clause (f) the following clause shall be inserted, namely:—

“(fa) intervene in any matter involving any allegation of violation of the rights of women or of the safeguards provided for women under the Constitution or any other law for the time being in force pending before a court with the approval of such court.”.

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(b) in sub-section (4), after the words “while investigating any matter referred to in clause (a) or sub-clause (i) of clause (f) of sub-section (1)”, the words “or inquiring into any complaints under this Act” shall be inserted;

(iv) after sub-section (4), the following sub-sections shall be inserted, namely:—

“(4A) The Commission shall have power to 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 sections 211 and 212 of Bharatiya Nyaya Sanhita, 2023.

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20 45 of 2023.

(4B) The Commission shall be deemed to be a civil court for the purposes of any offence as is described in section 210, section 213, section 214, section 215 or section 267 of the Bharatiya Nyaya Sanhita, 2023 and if any offence is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Bharatiya Nyaya Sanhita, 2023, forward the case to a Magistrate having jurisdiction to try the same.

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(4C) If after, investigation into any complaint under this section, the Commission is satisfied that a person has committed any criminal offence, then it may pass an order to that effect and initiate prosecution of the person concerned, if there is no necessity for prior sanction; and if prior sanction of any authority is required for such prosecution, then notwithstanding anything contained in any law, such sanction shall be granted by that authority within thirty days of the request by the Commission and if such sanction is not granted within the said period such sanction shall be deemed to have been granted by the authority.”.

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STATEMENT OF OBJECTS AND REASONS

The National Commission for Women Act was enacted to establish the National Commission for Women (NCW) in India. The NCW's primary purpose is to promote and protect women's rights, address grievances, advocate for policy changes, raise awareness, and monitor the status of women's rights. It provides a legal framework to empower women and work towards gender equality in the country. Since the enactment of the Act, the number and forms of such cases have increased tremendously and the judicial bodies have remained limited as they were before, putting a burden on the judicial courts. It has, thus, become necessary to widen the scope of the Act so as to widen the scope of the powers of the National Commission of Women.

The Parliamentary Committee on Empowerment of Women has also recommended that the commission be equipped with more powers through suitable amendments. It has been observed by the panel that the power of the commission is not equipped to deal effectively in bringing women on a par with their male counterparts in every aspect of socio-economic development in the country. The perception of its effectiveness varies, and ensuring compliance with its recommendations, particularly in cases involving influential entities, remains a challenge. Addressing these issues often necessitates legislative changes, increased resources, and public awareness campaigns to enhance the NCW's effectiveness in protecting and promoting women's rights.

It is thus imperative to amend the principal act in order to accommodate the required changes for improving the situation of women's rights and providing power to the National Commission for Women. Thus, this amendment act is to fulfil its above stated objective, empower the Commission to enhance its ability to take swift legal actions in response to violations, ensuring that justice is served promptly.

Furthermore, recognizing the Commission as a judicial court and granting it corresponding powers is aimed at enhancing its investigative and adjudicative capabilities, ensuring that it can conduct fair and impartial investigations in line with legal principles. The amendment also fills the void and give power to the commission to inquire the matter and to call for all those individuals which the commission thinks are aware of the incident. This amendment empowers the commission to initiate prosecution if after investigation the commission is satisfied. These changes aim to make the Commission's work more efficient in safeguarding women's rights.

Hence this Bill.

NEW DELHI;
November 13, 2024

SHAMBHAVI

ANNEXURE

[EXTRACTS FROM THE NATIONAL COMMISSION FOR WOMEN ACT, 1990]

(ACT No. 20 OF 1990)

	*	*	*	*	*	*
Functions of the Commission.	10. (1) The Commission shall perform all or any of the following functions, namely:—					
	(a)	*	*	*	*	*
	(b) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;					
	(c)	*	*	*	*	*
	(d)	*	*	*	*	*
	(e) take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;					
	*	*	*	*	*	*
	(4) The Commission shall, while investigating any matter referred to in clause (a) or sub-clause (i) of clause (f) of sub-section (1), have all the powers of a civil court trying a suit and, in particular, in respect of the following matters, namely:—					
	(a)	*	*	*	*	*
	(b)	*	*	*	*	*
	(c)	*	*	*	*	*
	(d)	*	*	*	*	*
	(e)	*	*	*	*	*
	(f)	*	*	*	*	*
	*	*	*	*	*	*

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further to amend the National Commission for Women Act, 1990.

(Shrimati Shambhavi, M.P.)