

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

RAJYA SABHA
UNSTARRED QUESTION NO. 3355
TO BE ANSWERED ON 29.03.2023

**PROVIDING CONSTITUTIONAL STATUS TO NATIONAL COMMISSION FOR
WOMEN**

3355: SHRI MUKUL BALKRISHNA WASNIK:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether it is a fact that the National Commission for Women (NCW) is mandated to investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws and also to review, from time to time, the existing provisions of the Constitution and other laws affecting the rights of women;
- (b) if so, in view of the enormous responsibility of the NCW, whether Government would consider amending the Constitution for according Constitutional status;
- (c) if so, the time frame for undertaking this exercise; and
- (d) if not, the reasons therefor?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) Yes, sir. As per the Section 10 (functions of the Commission) of the National Commission for Women Act, 1990 (Act No. 20 of 1990), (1) the Commission shall perform all or any of the following functions, namely: -

- a. investigate and examine all matters relating to the safeguards provided for women under the Constitution and other law;
- 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. make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;
- d. review, from time to time, the existing provisions of the Constitution 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;
- e. take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;
- f. look into complaints and take *suo moto* notice of matters relating to—

- i. deprivation of women's rights;
 - ii. non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;
 - iii. non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities;
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- g. call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;
 - h. undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;
 - i. participate and advise on the planning process of socio-economic development of women;
 - j. inspect or cause to be inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;

(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.

(3) 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: -

- (i) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (ii) requiring the discovery and production of any document;
- (iii) receiving evidence on affidavits;
- (iv) requisitioning any public record or copy thereof from any court or office;
- (v) issuing commissions for the examination of witnesses and documents; and
- (vi) any other matter which may be prescribed.

(b) to (d) At present, no proposal for amending the Constitution for providing constitutional status to NCW, is under consideration of the Ministry.
