

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO.1323
TO BE ANSWERED ON 09.02.2018

POWERS TO NATIONAL COMMISSION FOR WOMEN

1323. SHRI GODSE HEMANT TUKARAM:

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

- (a) whether the Government proposes to make the National Commission for Women (NCW) at par with NHRC in the wake of growing violence against women and girl children in the country;
- (b) if so, the details thereof; and
- (c) the measures taken by the Government to give more power to the NCW to make it more effective in dealing with cases relating to violence against women?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT
(DR. VIRENDRA KUMAR)

- (a) to (c): No, Madam. The National Commission for Women (NCW) draws its powers under the National Commission for Women Act, 1990. The functions entrusted to the Commission and powers vested in the Commission are detailed in Section 10 of the National Commission for Women Act, 1990. Relevant extracts of the Section are at **Annexure**. The National Commission for Women has adequate powers to fulfill its mandate. In accordance with its mandate, the Commission is playing a constructive role in empowering women and improving their socio-economic conditions. Accordingly no changes are envisaged in the powers and authority of the Commission at this stage.

CHAPTER-III

FUNCTIONS OF THE COMMISSION

Section 10 in the National Commission for Women Act, 1990

10. Functions of the Commission.-

- (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 laws;
 - (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,
 - (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) evaluate the progress of the development of women under the Union and any State;

- (k) 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;
 - (l) fund litigation involving issues affecting a large body of women;
 - (m) make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil;
 - (n) any other matter which may be referred to it by the Central Government.
- (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 any of such recommendations.
- (3) Where any such report or any part thereof relate 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.
- (4) The Commission shall, while investigating any matter referred to in clause (a) or sub-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) 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;
 - (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.
