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Wanted: NCW with teeth

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Disillusioned and appalled with the failure of the National Commission for Women to intervene satisfactorily in the recent cases of violence against women, 92 women's rights groups from across India have demanded a comprehensive review of the Commission's panel. Bula Devi elaborates.

April 2002: Amidst allegations of mass sexual violence against minority women in the Gujarat riots, the National Commission for Women's (NCW) fact-finding team found that no particular community had been targeted.

This was in contrast to the National Human Rights Commission (NHRC) reports and subsequent observations by the Supreme Court.

nJanuary 2009: After the highly-publicised Mangalore pub attack incident — young women and men were beaten up, claiming that women were violating traditional Indian values — the then NCW member Nirmala Venkatesh, who carried out the fact-finding exercise, put the blame on the women who were attacked; her comments suggested that the women's clothes were a major provocative point for the attack. As the controversy raged, she was removed.

nFebruary 2012: Mamta Sharma, Chairperson of the NCW, who took over in 2011, made the statement that women should not be offended when they are called "sexy", and should take it as a compliment instead. She had said, "Women need not be offended when called sexy. It is merely a compliment that the dictionary defines as beautiful and charming."

nJuly 2012: After the recent horrific molestation incident of a minor girl in Guwahati, the Commission sent Alka Lamba for fact-finding, who not only created a huge media circus around her visit — posing for cameras in Assamese hat and shawl — but followed it up by holding a press conference even before the

report of the investigation was finalised. That was not all. Displaying a complete lack of protocol, Lamba also revealed the victim's name to the press.

Disillusioned and appalled with the "failure" of the NCW to intervene satisfactorily in the recent cases of violence against women, 92 women's rights groups from across India have demanded a comprehensive review of the Commission's panel to enable it to properly defend the interests of those in whose name it was created.

In addition, they have called for a transparent process of appointments to the Commission as well as the removal of the current NCW chairperson with immediate effect. The joint statement issued by the group read: "Institutions like the NCW that have been set up to safeguard women's interests must be strengthened and enabled to carry out its mandate."

It took 15 years of hard work to set up the institution and today it has been reduced to a mockery. Vested with the powers of the civil court, the NCW, set up in 1992, is empowered to be the watchdog on women's issues and a facilitator in the redress of grievances.

However, its persistent failure in performing its sworn duty has led rights groups to call it a "non-serious" national body. While the Commission is officially autonomous and its mandate is to recommend remedial legislative measures and advise the government on women related policies, these days it is seen as a mere "subaltern" of the Ministry of Women and Child Development.

Syeda Hameed, Member, Planning Commission, and a former NCW member, is still very emotional about the organisation and feels "distressed" by the irrational comments that have been made by its members of late. "It goes to show that there is no conceptual clarity. Why should women move in burqas and men go unhampered?" she wonders.

Former NCW Chairperson Mohini Giri, who gave the Commission a fillip in 1995 by networking extensively to make it a visible and effective body, is also saddened by its prevailing "immature" functioning.

Prominent women's activists point out several factors ailing the institution today. Primary among them is the selection criteria of the NCW chairperson and its members. As per rules, the Chairperson who is "committed to the cause of women" is to be nominated by the central government. However, more often than not, it is the woman with the right political leanings that is appointed to the position.

Sadhna Arya of the Delhi-based Saheli Women's Resource Centre, who has done a research study on the decline of the NCW, elaborates, "By mere nomination of the political party in power, the chairperson is selected; there is no involvement of any other agency.

With nobody from the men's movement, an atmosphere of insensitivity prevails towards women's issues, and those who comprise the Commission have little grasp over the issues. Besides, there is no accountability towards those for whom the institution was created."

Legal resource group, Partners for Law in Development's Madhu Mehra agrees with this assessment. She says, "The flawed selection process has turned an important position into a plum posting for those whom the party in power wants to extend patronage. Most often it has been bestowed on people who are otherwise jobless."

The rights groups across the spectrum, who represent a large and diverse section of Indian women, have, therefore, demanded that the government change the current nomination system with a “transparent, democratic and non-partisan” selection process. In this context, Giri recalls the recommendations that had been submitted at a national level meeting during her stint, which never saw the light of day.

Perhaps this politicisation of the Commission was foreseen because one of the suggestions put forward was to set up a six-member selection committee comprising two members each from the ruling party and the opposition and another two eminent persons from some other field.

“The purpose behind this was to make the institute above political influences,” explains Giri. But nothing happened and now the NCW consists of “political faces that are immature.”

On the issue of autonomy, old timers recall how Giri had walked up to the then Prime Minister H D Deve Gowda at a meeting in the Vigyan Bhavan in Delhi and handed over her resignation in protest against unnecessary interference of the ministry. The next day’s newspapers were splashed with the news; Giri was subsequently mollified with an assurance that there would be no interference. But in practice that has remained a far cry.

Among the reforms discussed during Giri’s stint was the setting up of a proper investigation cell — on the lines of the NHRC — so that the right people are involved and true voices and experiences come forward.

As far as justice is concerned, while the NCW is vested with civil powers, at times the cases turn out to be criminal. Says Giri, “There should be a debate on how legal cases should be tackled by the Commission. Moreover, it should aggressively network with all women rights groups in the country so that every case comes to the nodal body.”

Another lacuna that Saheli’s Arya points to is the unwillingness of new members to continue with the work of their predecessors. “Every panel functions on its own and since there is lack of seriousness on the part of the government, the NCW is more of the chairperson’s commission rather than a commission for all women in the country,” she rues.

Notwithstanding the fact that the recent Guwahati incident has proved to be a flashpoint in the relations between the NCW and women’s groups, nobody wants the Commission to fold up. Yet, many feel it is high time women’s groups became more assertive, question the nodal agency and constructively engage with it to make it accountable.

With a view to proposing institutional reforms, these groups have asked for a “comprehensive review” of the performance of the NCW, in terms of its role in addressing systematic gender-related social, economic and legal issues (including law reform and police reform), its ability to pin accountability for violations of women’s rights and its ability to further the cause of justice for women.

Instead of allowing it to become a “bureaucratic office that occupies itself only in bringing out a brochure,” the time has come for the Commission to finally become the vanguard of women’s rights.

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