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MINUTES OF THE TENTH MEETING OF THE NATIONAL COMMISSION
FOR WOMEN HELD ON THE 13TH DECEMBER, 1993.

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The tenth meeting of the National Commission for Women was held at New Delhi on 13 December 1993, under the Chairpersonship of Ms. Jayanti Patnaik. The following were present:

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| 1. Ms. Jayanti Patnaik | | Chairperson |
| 2. Ms. Monika Das | | Member |
| 3. Ms. Padma Seth | | Member |
| 4. Ms. Subhashini Ali | | Member |
| 5. Ms. B. Senapati | | Member |
| 6. Ms. Annie Prasad | | Member-Secretary |

Dr. K.K. Kirty, Deputy Secretary, Shri R.P. Madan, OSD to Chairperson and Consultants S/Shri B.K. Samaddar, K.M. Kamboj, DKD Chowdhuri and Shri P.S. Ravindra were also present for rendering assistance.

After Chairperson's introductory remarks, the agenda items were taken up for discussions:

Item No.1 - Confirmation of the minutes of the 9th meeting of NCW held on 5 October 1993.

The minutes of the ninth meeting of the National Commission for Women were confirmed.

Item No.2 - Action taken on the decision taken in the 9th meeting held on 5 October 1993.

(i) Visits to States:

(a) M(PS) gave brief account of the Commission's visit to Tamil Nadu and Pondicherry during 25-30 November 1993 and informed that the visit had been extremely successful. A brief note prepared by her on the visit is at Annex.

(b) Arising out of the experience of the visit to Tamil Nadu and Pondicherry, it was decided that for future visits to States, a briefing meeting should be held well in advance so that the visiting Team is fully acquainted with the information available on the basis of the replies to the questionnaires, and lacunae, if any, therein. It was also decided that the questionnaire to be sent to various States should be, as far as possible, in the same format; changes to suit peculiar situations in some States could however, be introduced.

(c) It was tentatively agreed that the Commission would visit Andhra Pradesh in January 1994 and N.E. States in the middle of February 1994. M(MD) informed that she would be finalising programme of the Commission's visit to either Maharashtra or Karnataka some time in April 1994.

- (ii) Leave Rules applicable to the Members and Chairperson - Decisions in individual cases.

The Commission was informed that a reference is being made to the Government (viz. Department of Women and Child Development) for a decision in the matter.

- (iii) Complaint from Smt. Mohini, a divorcee, alleging that her former husband, Shri Kiran Manda, had not returned her "Stridhan" articles.

The Commission was informed that after receipt of the report of the Women (Crime) Cell, along with copies of the other documents, the case was re-examined and it was found that the allegation made by Smt. Mohini was baseless. It was decided that the case be closed. [Action: C(PSR)]

- (iv) Smt. Poonam Baluja's case

It was decided that Shri P.M. Sayeed, MOS for Home Affairs should be reminded to have the police investigation into the case, on the basis of the FIR registered in Police Station, Lajpat Nagar in September 1993, expedited. MOS for Home Affairs should also be reminded about providing security guard to Smt. Baluja to protect her from the miscreants.

[Action: C(PSR)]

- (v) The incident of atrocity committed against Smt. Usha Dhiman, resident of Nawagaon, Saharanpur District, Uttar Pradesh.

The Commission considered the matter and it was decided that the question whether the depositions made by Smt. Usha Dhiman, her husband and other witnesses before the Commission in pursuance of section 10(4) of the National Commission for Women Act be forwarded to the Government of U.P., be examined.

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- (vi) TA/DA and Conveyance Allowance to the Social Workers and Consultants to investigate cases of child rape

The Commission noted that guidelines had been framed for release of funds for meeting the expenditure on social workers (2 each for Maharashtra, Andhra Pradesh, Karnataka and 1 for Chandigarh). M(MD) welcomed the decision taken in the matter, and informed the meeting that some social workers had been engaged and they had already started their work. The periodical reports of these social workers will be placed before the Commission. In so far as Delhi was concerned, M(MD) would herself supervise the work.

- (vii) Petition filed by Smt. Niti Jain, wife of Shri Rajesh Jain, resident of 50, Suksh Vihar, Delhi, and presently residing with her parents at A-2/85, Safdarjang Enclave, New Delhi, for directing her husband to pay maintenance allowance @ 50% of his salary/income, possession of her house property on the Plot No.861, Gurgaon, etc.

The Commission noted that Smt. Niti Jain was advised to file a petition in the Court for payment of Maintenance Allowance, share in the matrimonial property etc. and that no further action was pending on the part of the Commission.

- (viii) NORPLANT contraception devices

It was decided that the very concept of "social marketing of family planning devices" should now be taken up with the Ministry of Health and Family Welfare. [Action C(PSR).

- (ix) Preparation of UNICEF-slides, short film documentaries etc. for showing them in the villages with a view to educating women Panchayati Raj members and also creating social awareness among them.

The Commission was informed that action was pending as the report of the Workshop on Women and Panchayati Raj held on 18 & 19 October 1993 at IIC had not yet been received.

[Action C(RL)]

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- (x) Progress of preparatory work in connection with the the Fourth World Conference on Women, Beijing.

M.S. informed the meeting that a Preparatory Committee had been set up to advise the Government on the preparation for the Fourth World Women's Conference to be held at Beijing in September, 1993, with the main objective of identifying the issues to be covered in the Country Paper for the Conference. Besides M(PS) and MS, a few selected representatives from the national level NGOs, some prominent women activists working in socio-economic fields are represented on the Preparatory Committee. The Country Paper will contain 14 Chapters covering various issues such as Women & Violence, women law, etc. The Commission would be preparing the chapters on "National Economic Policies and the impact of SAP on women" and "Women and Law". MS apprised the Commission about the progress achieved so far.

- (xi) Complaints from young widows forwarded by "Indian Housewives Federation".

It was decided the each case should be examined separately and issues raised therein culled out and discussed in the next meeting of the Commission with a view to deciding on the further course of action to be taken on these cases.

- (xii) Amendment of the Parliament (Prevention of Disqualification) Act (Amended by Act No.54 of 1993) to the effect

The Commission noted that the proposal for the amendment of the National Commission for Women (Salaries and Allowances and the Conditions of Services of the Chairperson and Members) Rules, 1993 had been referred to the Department of Women and Child Development for taking necessary action to give effect to the provisions of the Parliament (Prevention of Disqualification) Act (Amended by Act No.54 of 1993) insofar as it relates to the Chairperson of the Commission. Chairperson

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desired to know whether it could be inferred that the Chairperson, who is not an M.P., could contest election for Lok Sabha without having to resign from the Chairpersonship. A clarification in this regard was essential.

(xiii) Training of Personnel in Crime against Women's Cells located in Delhi and all over the country.

The Commission was informed that a National Conference of Crime (Women) Cells located all over the country would be held in Delhi in April, 1994.

[Action: C(MKMK)]

(xiv) Updating of the report of the Committee on the Status of Women in India, 1975

The Commission was informed that in the first instance an informal discussion would be held with the members of the Committee and the Commission may consider setting up its own Committee to update the report. In the meantime action will be taken to have sufficient copies of the photostated or reprinted with the assistance from the Department of W&CD.

[Action:DS]

Item No.3 Interpretation of Section 10 of the National Commission for Women Act, 1990.

(a) The Commission took note of the paper circulated in this regard by the Legal Unit and decided that the question of amendment of the Act so as to make it more powerful be remitted to the Committee on Justice Delivery System.

(b) As regards the suggestion for amendment of the N.C.W. Act for inclusion of a provision analogous to section 38 of the Protection of Human Rights Ordinance 1993, it was decided that the matter be referred to the Government for immediate necessary action.

In the meantime, copies of the replies to the questionnaire received from various jurists, experts, etc. be made available to CP and Members and those who had not yet sent any reply, particularly the Department of Women & Child Development, be reminded.

[Action: C(BKS)]

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Item No.4 Any other item with the permission of the Chair

(i) M(PS) informed the meeting about outcome of the investigations she had made into the allegations of gang rape of women by policemen in the village Jaysankhpur in Orissa. The Commission took note of the fact that a copy of the report had been sent to the State Government for necessary action on 17 November, 1993. ✓

(ii) M(PS) also informed the Commission about the progress made in processing the undermentioned cases :-

(a) In connection with the complaint lodged with the Commission by one Smt.Santosh Gupta against her husband, Shri Bharat Bhushan, stating that he had treated her with cruelty and tortured her for not bringing adequate dowry, it was finally decided to summon the husband to appear before the Commission on 10 January, 1994 to answer all material questions relating to the complaint.

(b) In connection with the complaint lodged with the commission by one Smt.Sangeeta Dhawan against her husband, Shri Kamal Dhawan, alleging that he had been treating her with cruelty and torturing her for not bringing adequate dowry, it was decided by the Commission, after both the Police and the Crime (Women) Cell failed to solve the problem, to summon the husband to appear before the Commission on the January, to answer all material questions relating to the Complaint.

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(c) A joint complaint was received from harijan women, all residents of Pataudi, District Gurgaon, Haryana, alleging harassment and criminal assault by upper caste persons because of drawing water for drinking and cooking purposes in defiance of the threats given by the latter. Member (PS) proposed to visit the village sometime in the month of February, 1994, to make an on-the-spot inquiry.

(iii) Member (BS) informed the Commission about her recent visit to the North-Eastern States as follows :-

(a) Visited Assam on 24.11.93 and participated in Mahila Diwas Celebrations.

(b) Attended a meeting as Chief Guest to deliver a lecture at Guwahati; the Governor of Assam presided over the meeting.

(c) In one meeting it was announced that Assam State Level Commission for Women had been constituted with effect from 23 November, 1993.

(iv) Visited the first All Women Police Station set up at Guwahati.

(e) At the instance of the NCW, 9 women prisoners out of women prisoners, who were convicted for life, had been released from Lucknow Jail. Governor of U.P. has written a letter to M(BS) about this.

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(iv) Member(BS) also informed the Commission about the undermentioned Action-Plan for the ensuing months:-

(a) Orientation Training Programme for Jail Superintendents in the Northern Region will be organised with the help of NIPCCD at New Delhi from 3rd January to 7th January, 1994. Similar courses for the Southern Zone will be held at Bangalore in February, 1994, for the Central Regional at Lucknow (date not yet fixed) and for North-East Regional and West Bengal at Guwahati (date not yet fixed). These courses will also be conducted by the NIPCCD as they have the expertise.

(b) The meetings of the Committee and Sub-Committee on "Custodial Justice" have already processed 4 out of 10 recommendations made in the Seminar on Custodial Justice for Women in Jails and recommended them to the Central Government for amendment of the Code of Criminal Procedure. As for the remaining recommendations these will be discussed and finalised in the meeting of the Committee to be held on the 19th December, 1993.

(v) M(SA) expressed her willingness to serve on any Committee, which the Commission may set up till such time as her resignation from the membership of the Commission is accepted by the Central Government.

It was decided that the next meeting of the Commission would be held on 22 February, 1994.

The meeting ended with a vote of thanks to the Chairperson.

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