

MINUTES OF THE MEETING OF THE COMMISSION HELD ON 15-16TH MARCH,99

DATE: 15th March,99

Time: 10.30 A.M. Venue: CHAIRPERSON'S CHAMBER

At the outset Chairperson welcomed all present.

On 15th March,99 before the agenda was taken up, Member (VD) raised the issue of attendance in the Commission's meeting. She was of the view that the meeting should be attended by CP,Members and MS and not by the officers. For recording the minutes, the MS should nominate a person from Secretariat. MS clarified that if JS was expected to assist the Commission in its work, it was necessary to have her attend the meeting; also that DS was present for recording the minutes. CP clarified that JS would attend as a special invitee and DS as part of MS's s secretariat.

Agenda items were then taken up.

Item No.1:

Confirmation of the minutes of the Commission's meeting held on 4.3.99

The minutes were confirmed with the following corrections:-

- (a) At page 2 item (2) the date of the proposed workshop by CBI may be read as 5th to 8th April,99 instead of March,99.
- (b) Item No.(iii) regarding procedure for conduct of Commission's meetings. Member (PA) desired that her note circulated should form part of the minutes.
- (c) Item No.(viii) at page 4 the heading should read as submission of tour reports by Members mistakenly typed as tour receipts.
- (d) At Sl.No.(ix) access to FAX Machine, Member (VD) desired that it be recorded that Member (VD) had raised this issue.
- (e) At page 6 item No.(xv) appointment of Librarian and Protocol Officer- Member (PA) said that she had also suggested discussion on the subject of working of legal unit pending SIU study which was not recorded in the minutes.

(f) In the list of persons present in the meeting the name of Dr. Poornima Advani was wrongly recorded as Mrs. Poornima Advani.

With regard to the Screening Committees, on a query of Member (PA), MS clarified that Screening Committees are administrative committees which do not decide on matters on policy and are thus not covered under Section 8 of the NCW Act.

Item No.2

Issue of Devadasis- Note of M(IB)-unfinished agenda of 25.2.99

The discussion was initiated by Member (IB). She said that in the participatory seminar on 7th March, 99 a point had come up in the group discussing "Women in Special needs". Members of the group had felt that a dialogue should be initiated with religious leaders since they are opinion builders of the society. The idea was welcomed by the Commission. JS was of the view that two types of dialogues are necessary (a) dialogue with the eminent leaders to act as opinion builders and (b) dialogue with priests to change their own way of thinking. They cling to the existing traditional system because of economic fear as they have no other training for their livelihood. CP said that in addition to the economic fear that priests are worried to change the system for fear of loss of status. Great care is necessary because religious and political issues are interconnected and acceptance or change is very difficult. It is, therefore, necessary to begin talks, first with progressive religious groups. Greater discussion is necessary before NCW takes any policy decision. Member (VD) said that the devadasi system prevails in all border areas of Tamil Nadu, Karnataka and Andhra Pradesh and should be taken serious note of. Member (IB) said a strategy should be worked out. She had met Secretary, WCD and Chairperson of the Women's Development Corporation of Karnataka who had suggested one meeting/workshop at the national level and another at the State level with Devadasis. CP requested Member (IB) to submit a base paper for discussion with her suggestions to enable the Commission to take a view on the same.

Item No.3&4

Item No.3 procedure for conduct of Meetings of the Commission and Committees of the Commission

Item No.4- Submission of files by Members/Officers to Chairperson

Member (PA) suggested that since they were crucial for the functioning of the Commission discussion on the

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same should be postponed. Member (VD) also agreed that since the agenda papers were received by her on 13th evening and on 14th she was unable to go through the papers, discussion should be postponed. Member (PA) also suggested that discussion on the procedure be kept pending and meanwhile, Members may agree to continue with the existing procedure. MS said that since the basic procedure of the functioning of the Commission was in issue and disagreement, she would not be in a position to process proposals or papers or any orders for financial sanction until items at Sl.No.3 and 4 are decided. She therefore, suggested that the Commission should decide on these as early as possible.

On this note it was decided by Chairperson to postpone the meeting for 16th March, 99 at the same time and venue.

On the directions of CP a revised agenda was circulated which was taken up for discussion on 16.3.99.

Date: 16th March, 99 Time: 10.30 A.M.

Venue: Chairperson's Chamber

Revised Item No.1&2- were already discussed on 15.3.99

Revised Agenda Item No.3

Submission of files by Members to CP

Member (VD) expressed her personal view that Members are answerable to CP and since Members and MS are of the same rank of Addl. Secretary, Members should not submit their files to the CP through MS. She felt that Members's notings/files should first go to CP and CP may then examine, if it needs to be marked to MS. Member (PA) wanted to know what was the earlier procedure and how it worked in practice. MS explained that earlier the files were being sent to MS and the procedure was working satisfactorily. Member (SO) felt that the earlier system was easier and faster. However, Screening Committees should have a meeting every week or every 15 days. Member (IB) was of the view that marking files to CP directly by Members would be better because of quicker processing. CP said that since inputs from MS would be necessary in any case, direct marking by Members to CP and from CP to MS would only make the route circuitous. If the

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earlier system was functioning satisfactorily we need to have strong reasons for changing it. MS explained that the existing system was not formulated to vest MS with greater powers. However, earlier proposals were being sanctioned without proper approval of CP and CP's signature on the paper was taken as approval. Hence the system of routing files through MS was followed. Member (PA) said that the issue should not be personalised as in her experience with one project of Rape Laws, she faced no problems with the present MS. However, NCW should think of a system which should work even in future as the person holding the posts of CP, Members and MS would change over time. She said two issues need to be considered (1) delay in sanctioning of project proposals and (2) whether sending files to persons of equal rank is appropriate. MS stated when powers and roles of CP and MS are to ensure the smooth functioning of the Commission, therefore, appointment of any Member Secretary whether of the Civil Service or otherwise would not take any difference. There would be no change in the time taken even if the staff and consultants are available. Member (PA) suggested that two copies of every proposals be made - one may be marked to the Screening Committee and the other sent to CP for her information. CP suggested that as system should not be changed frequently the existing system should be followed for 6 months and a decision may be taken thereafter for stronger reasons. Member (VD) said that the existing system may be followed for 3 months incorporating the suggestions of Member (PA) that 2 copies be made, one of which may be sent to CP. MS pointed out that sending a copy to CP would not facilitate the processing of the proposal.

It was decided that the existing system/procedure would be followed for 3 months and to be discussed thereafter. Members would mark the papers to the Screening Committee. After the Screening Committee examines it, it will send it to the MS and to CP and then to the Commission for approval.

Revised Item No.4

Revision in conveyance allowance paid to Counsellors

The proposals to enhance conveyance allowance paid to part time Counsellors from Rs.150/- to 200/- per visit was approved.

Members were requested to suggest more names of part time Counsellors as more were needed for handling the large volume of cases. CP wanted to know how many more Counsellors could be engaged and desired to have a note on the Complaints Cell giving details of the workload and pendency.

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Revised Agenda Item No.5

Payment of Conveyance allowance to personal engaged for follow up etc.

MS clarified that such engagements should be for a short periods, say 15 days. Since earlier, persons engaged for this job were of retired DS level, only persons of good qualifications and stature should be taken on these terms. This is an alternative till the regular staff is sanctioned. It was also clarified that this does not include engagement of PSs or Stenographers.

Revised Agenda Item No.6

Conditions for appointment of PSs to Members - co-terminus with the terms of Members

The agenda note was noted by the Commission. It was clarified by MS that there was no age limit for non-retired Government servants. Further appointments of PSs on such (co-terminus) terms may not create a problem as the posts had been sanctioned more than 5 years ago. However, if new posts are created as a result of the SIU study and if the posts are not filled up by deputation within 6 months the post would lapse. The conditions for appointment as contained in the agenda note were accepted to be used as and when needed.

Revised Agenda Item No.7

Airconditioning for cars used by Members/hiring of airconditioned taxis:

Chairperson desired that the appreciation for the efforts of MS for getting two additional cars sanctioned for the Commission should be put on record. Member (SO) wanted to know if official cars/taxis can be used for personal visits out of station. She was informed that information should be invariably be given to the office if the car/taxis is taken outside Delhi to take care of problems in case of accident etc.

It was clarified that the limits specified in the agenda note are in addition to mileage allowed for official duties. The limits laid down were accepted by the Commission.

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Revised Agenda Item No.8

Status of NCW Members as compared to other Commissions

MS requested that Members may kindly give a little background of the agenda items which they wish to discuss in the meeting as it would enable the Administration to prepare notes accordingly, whenever the matters relating to administration. However, a note has been prepared which is placed in the agenda. MS clarified that no status of CP or Members is laid down in the notification issued by the Government. Only in the warrant of precedence they are treated as at par with High Court judges. CP and Members are drawing salaries payable to Secretary/Addl. Secretary respectively. However, the status is not equated with the Secretary/Addl. Secretary. MS also mentioned that no status has formally been granted to any Commission. In the case of some Commissions, for example, the last CP of the Minorities' Commission, was a former Cabinet Minister, thus he carried his rank with him. On a query as to how is it possible to have the status formally declared, MS suggested that this may be taken up with Ministers and at the political level. It was decided that CP may call on MOS, WCD and later when all Members are in station, the entire Commission would call on her and invite MOS to visit NCW.

Revised Agenda Item No.9

Functions of Commission for discussion

Member (PA) clarified that the functional allocation, subject allocation in terms of Section 10 was proposed to be discussed. She said that in the Members' meeting held on 7.3.99 subject allocation amongst members were decided before the CP had joined the NCW. Member (VD) said that the allocation was tentative till the taking over of the CP and requested that allocation should now be decided. Member (SO) was of the view that NCW's thrust areas, for example, issue of widows, elderly etc. should also be included. CP desired (a) that earlier subject allocation Member-wise may be prepared and submitted (b) Members may submit to her the subjects which can be addressed (c) a special meeting of Members would be held to discuss and think about the said areas and allocation. After such identification it could be brought before the Commission.

MS said that prior to the subject allocation, a decision would need to be taken on the procedure for conduct of meetings since as per present procedure, the CP has the power to allocate subjects and

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responsibilities among the Members.

REvised Agenda Item No.10

Budgetary expenditure of 7th-8th March for discussions

The expenditure statement was placed before the Members. Member (IB) wanted greater details of small items. MS said that if she identifies the areas of expenditure, details can be provided. However, she or any other Member is free to inspect the expenditure records which are available with the PAO, as and when they desire.

Additional item taken up with the permission of the Chair

Item No.11

Passes for Members for entry to Parliament House:

Member (PA) had sent a note requesting for the same. MS clarified that earlier passes were being issued to CP, Members and Officers of the Commission. However, in 1998, the then CP and Members had sat on a dharna inside the Parliament House and had abused the CP's car for ferrying activists to and fro into the compound. Hence the Parliament Sectt. had taken a decision not to issue passes for CP and Members. Passes are issued through WCD. For this session, passes have been issued only in the names of MS and JS. Member (VD) suggested that the CP should take up the matter again with the Lok Sabha Speaker.

Item No.12

Issue of diplomatic passport for Members

Member (VD) raised this issue. MS clarified that these are issues as and when Members go abroad on official trips. No one is allowed to have two passports (personal and official), at the time of visit the personal passport has to be surrendered and the official passport obtained.

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Item No. 13Attending Conferences abroad

M(PA) wanted to know if their names could be put on the mailing list of UN/foreign organisations so that they are aware of conferences held abroad. They need not necessarily attend, however the information is useful in sending or receiving papers on the matter taken up in such conferences. MS clarified that Members are on the mailing list of UN agencies. She, however, clarified few points regarding the visit of Member (SSH) who has gone on the invitation to UNIFEM and UNICEF. She said Member (SSH) is neither a delegate of the Govt. nor an NGO and as such she had no status in the conference. She also cautioned Members while proceeding on the invitation of UN agencies, she quoted an instance when one delegate did not tow the line of the sponsoring agency, whereupon financial commitment by the said agency was withdrawn. She suggested that Members, NCW should go only as part of the Govt. delegation and on government expense not on the expense of UNICEF, UNIFEM etc.

She also informed the Commission that she had taken up the matter with the Ministry of External Affairs for granting NCW the same status as NHRC in the meetings of United Nations. NHRC has the right to intervene. MEA has responded recently to say that the matter has been examined and they are of the view that NCW can be best represented in the CSWI as part of Govt. delegation. MS requested Members to inform which journals carry information about conferences on women's issues and NCW could then subscribe to them. MS also informed Members that she has written to the Planning Commission to include NCW on Committees of advisory nature on the Planning meetings.

Item No. 14

Member(PA) apprised the Commission of the latest position regarding the project of Laws relating to Rape and Sexual Assault. She said that issues would be submitted to the Commission which had arisen as a result of the workshop and not a detailed draft of laws although a drafting Committee had been set up. Ministry of Home Affairs had also requested for help on issues to be taken up. She said that final discussion would be held on 22nd April, 99 at 8 p.m. at Vigyan Bhavan,

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Hall No. 6. MS requested Member (PA) to send a note of requirements for the function , in advance.

Member(PA) also mentioned that in the meeting with Secretary, WCD on the Dowry Prohibition Act, Secretary had requested NCW to take another look at the proposal and send a draft with the changes if any. She had send a note to all Members, MS, JS proposing to fix the meeting on 17.3.99 at 3.00 p.m. MS clarified that Secretary, WCD had asked NCW to prioritise a few Acts where NCW had submitted recommendations. The priority of NCW should be to take up amendments to the NCW, Act and only then take up the Dowry Prohibition Act. She also mentioned that in a meeting taken by Secretary, WCD on 8.1.99 she had requested for details of the financial implications for setting up of an office for the Commissioner for Women's Rights. A statement has been worked out and circulated. It was decided that the NCW Act would be discussed on 17.3.99 at 3.00 p.m. If Chairperson is free, and if CP is not available the Dowry Prohibition Act would be held.

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

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List of those present in the Meeting of the Commission
held on 15th-16th March, 1999

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| (1) | Mrs.Vibha Parthasarathi,Chairperson | - in chair |
| (2) | Dr.(Mrs) Indira Basavaraj | - Member |
| (3) | Kum.Sukeshi Oram | - Member |
| (4) | Mrs.Vijay Daksh | - Member |
| (5) | Dr.Poornima Advani | - Member |
| (6) | Mrs.Binoo Sen | - Member Secretary |
| (7) | Mrs.Leena Mehendale | - Joint Secretary |
| | (was present only on 15th March,99) | |
| (8) | Kum.R.Bhama | - Deputy Secretary |

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