

**National Commission for Women  
Minutes of the meeting of the Commission**

**Held on 29.05.2000 & 30.05.2000**

Present in the meeting were:

1. Smt. Vibha Parthasarathi : Chairperson
2. Smt. S.S Hameed : Member
3. Smt. V. Daksh : Member
4. Smt. P. Advani : Member
5. Smt. K.S Reddy : Member
6. Kum. A. Uike : Member
7. Smt. Binoo Sen : Member Secretary
8. Smt. Leena Mehendale : Joint Secretary
9. Kum.R. Bhama : Dy. Secretary (was present only in the afternoon session of 29.05.2000)

At the outset CP welcomed all present.

**Agenda Item No.1**

**Sub : Confirmation of the minutes of the preceding meeting held on 25.04.2000.**

The minutes of the preceding meeting held on 25.4.2000 were confirmed.

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**Agenda Item No.2**

**Sub: Proposal to amend the Commission of Sati (Prevention) Act, 1987.**

It was decided that since abetment and murder are already defined in the IPC, the term 'SATI MURDER' should not be used. The Commission agreed with the MHA that SATI should not be incorporated into the General Criminal laws of India.

**Agenda Item No.3**

**Sub: Report of the Inquiry Committee in respect of Child Sexual Abuse and Targetting of NGOs – in Karvi, U.P – for approval and adoption.**

The Commission approved the report and adopted the recommendations contained therein.

**Agenda Item No.4**

**Sub: Inquiry Report into the Alleged Atrocities against a Nun in Chhapra, Bihar – for approval and adoption.**

The Commission approved the report and adopted the recommendations contained therein.

**Agenda Item No.5**

**Sub: Inquiry Report in respect of Alleged Rape and Harassment of a Tribal Woman in Village Gadvi, Danga Distt., Gujarat – for adoption and approval.**

The Commission approved the report and adopted its recommendations except recommendation No.4, which said that NCW should be given the powers

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o order compensation to victims and NCW be provided with sufficient funds for he same.

**Agenda Item No.6**

**Sub: Inquiry Report of an incident which occurred at Kambalhalli village, Distt. Kolar, Karnataka, in which three Dalit women were burnt alive - for approval and adoption**

The Commission felt that the report needed to be carefully edited; the task may be assigned to an appropriate person.

**Agenda Item No.7**

**Sub: Investigation into Gang Rape of a 12 year old child on 14.2.2000 in Meerut Distt. - Report for approval and adoption.**

Two changes were suggested, one for the body of the Report and one with reference to its recommendations viz. The concerned police officer be suspended, a charge sheet be framed and Departmental Enquiry be conducted. In view of his grave insensitivity he is not fit in to be the Police.

It was stated by C.P that all the reports should be dated and should contain the signature of all Members of the Inquiry Committee.

**Agenda Item No.8**

**Sub: Two day Conference of the State Women's Commissions and NGOs of the Eastern Region States with NCW held at Agartala, Tripura on 18<sup>th</sup>-19<sup>th</sup> Jan. 2000 - approval of report reg.**

The report was approved.

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**Agenda Item No.9**

**Sub: Parliamentary Committee on the Empowerment of Women – Reply to the List of Points (Questionnaire)**

The draft reply to the List of Points to be sent to the Parliamentary Committee on Empowerment of Women was approved.

**Agenda Item No.10**

**Sub: Two day Workshop on New Models of Accessible Justice 11<sup>th</sup>-12<sup>th</sup> Nov, 1999 – adoption of report**

The report was approved and adopted without including the portion about the Prisons' Bill.

**Agenda Item No.11**

**Sub: Approval of Commission's Report "Rape – A Legal Study"**

The report was approved and its recommendations adopted.

**Agenda Item No.12**

**Sub: Procedure for approval of Commission's Reports.**

The procedure proposed in the Agenda Note was approved. It was reiterated that all reports must be dated and should contain the signature of all the members of the Inquiry Committee.

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Agenda Item No.13

**Sub: Sexual harassment of women at their workplace Act, 2000 – draft Bill.**

It was decided that a draft Bill be prepared by NCW, particularly since the Supreme Court in the Vishakha Judgement had directed that an enactment on the subject be passed and NCW was given this responsibility. The comments of the Commission on the draft Bill are as follows:

- 1) Section 2(a)(i) be renumbered as 2(b);
- 2) In Section 2©, the following be included in the definition of 'Sexual Harassment' – pinching, whistling and staring;
- 3) In Section 2(e) (xiv), the word 'employed' be replaced by 'working'. (xiv) would read as "any other such place, where a woman is working";
- 4) Proviso in Section 5 be deleted; and
- 5) In Sub-Section 8(1), the words "as far as may be" should be added. Section 8(1) would read as "8(1) The appropriate Government shall designate, an officer who shall be a woman as far as may be, as it may deem fit, -----".
- 6) Similarly in Section 9, the words 'as far as may be' also be added. Section 9 should also make clear that the "Special Officer for every district" is other than those covered under Section 8(1).
- 7) In Section 13(b) (i), the word 'employed' shall be replaced by the word 'working'.
- 8) The procedure regarding constitution of the Complaints Committee, its functioning etc. shall be drafted and has to be included in the procedure to be notified by the Central Govt. Rules, under Section 15.

It was decided that the draft will be modified in accordance with the above and sent to the Govt.

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Agenda Item No.14

**Sub: Report on the Workshop on Empowering Women for Sustained Development: Forging Urban Local Bodies and Corporate Partnership – held on 8<sup>th</sup>-9<sup>th</sup> March, 2000 – by NCW in collaboration with CII – for approval.**

It was felt that the Report needed editing. Recommendations emanating from the workshop have to be listed and an Action Plan drawn up. The speech delivered by Shri Bandaru Dattareya should also be annexed.

Specifically, in the executive summary, under the discussion on hazards due to lack of toilets in homes, in addition to it causing health hazards, should be added that it causes health hazards too.

Agenda Item No.15

**Sub: Draft Bills on Juvenile Justice & Neglected Children prepared by National Law School of India University, Bangalore (Ref. from Minister for Social Justice & Empowerment).**

It was decided to set up a group of experts to look into the draft.

Agenda Item No.16

**Sub: Suggestion to introduce a tax saving deposit scheme in the name of daughter which would provide additional tax benefits to parents and also result in raising the girl child (Ref. from DWCD).**

The following changes were suggested in the letter of Shri Y.P. Loroya:

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- (a) Under this scheme, parents of the girl child may deposit upto Rs.20,000/- annually for a daughter till she is married, or till she completes her education, whichever is earlier. The restrictions of the deposit upto 2 daughters was decided as unnecessary; and
- (b) The clause regarding the entitlement on the death of the girl should be removed.

Agenda Item No.17

**Sub: CrCRWJC 120 of 1998 – Gulam Sarwar Vs. UOI – Applicability of Sec. 6(3) (A) of Dowry Prohibition Act. (Ref. from DWCD).**

It was decided that Shri Rakesh Prasad, Advocate be consulted.

Agenda Item No.18

**Sub: Joint title to the husband and wife in all Developmental activities involving transfer of Assets. (Ref. from DWCD)**

Draft comments prepared and circulated were approved.

Agenda Item No.19

**Sub: Proposals for Research Studies/Conferences/Seminars – approved and sanctioned**

The proposals for Research Studies, Conferences, Seminars approved and sanctioned already by the Chairperson after scrutiny by the Screening Committee were noted by the Commission. It was decided that for the next 3 months all proposals shall be placed before the Commission for its consideration. The position would be re-assessed after 3 months.

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Agenda Item No.20

**Sub: Proposals for Legal Awareness Programme – approved and sanctioned**

List of sanctions issued in respect of proposals for legal awareness programmes were noted by the Commission.

Agenda Item No.21

**Sub: Procedure to be followed for forwarding reports on Inspection of Jails**

It was decided that the proposed procedure would be followed as there is the need for recording of any Member's good work and also for follow up and coordination. It was also suggested that quarterly reports of visits to places of custody be placed before the Commission. Such procedure could be followed in case of all inspections by the Commission. This would enable the Commission to take a holistic view so as to crystallize these recommendations. It was also suggested that entry should be made in the visitors' books maintained at the respective jails/homes.

CP said this routine needs to be followed. However, if Members come across practical problems, the procedure can be discussed again.

Agenda Item No.22

**Sub: Proposed public hearing against dowry to be held in Bhilai**

It was felt that programmes of legal awareness and PMLA can be sanctioned for Bhilai if pending. District Collector could also be requested to have a meeting with the affected persons, to which NCW may be invited.

Agenda Item No.23

**Sub : Plight of Widows at Vrindavan**

The plight of widows mentioned in the letter of the Agra NGO was noted. It was decided that NCW can take up this issue through the Chairperson in the

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Committee constituted by MOS.

**Agenda Item No.24**

**Sub: Constitution of Expert Committee on Tribal Women**

Commission agreed that such a Committee should be framed. Member (A. Uike) to propose Members.

J.S from Ministry for Tribal affairs to be invited to NCW.

**Agenda Item No.25**

**Sub: Expenditure on Research Studies/Conferences/Seminars in the financial year 1998-99 and 1999-2000**

Commission desired to know the status of each project/study sponsored by NCW. It was also decided that a letter would be sent to Dr. Sarala Gopalan to obtain a report by July or to refund the funds already released by the NCW.

**Agenda Item No.26,27 & 28**

**Sub: Programmes/Schemes for Tribal Women to be undertaken by NCW**

**Reaching the Community of Tribal Women in the country – ways and means.**

**Programmes for the Welfare of Tribal women implemented by Min. of Tribal Affairs – Coordination with NCW**

The issues contained into the above Agenda Items were already discussed alongwith Agenda Item No.24.

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Agenda Item No.29

**Sub: Hearings on the issues of Immoral Trafficking**

It was decided that at most 12 hearings would be held. Amount sanctioned at the rate of Rs.6,000/- per hearing. CP would approve which NGO should conduct the hearing. Different places should be chosen, e.g. tourists areas, places of pilgrimage, slums and big cities, national highways, places where Devadasi system is prevalent etc. Some places suggested were Mandasaur, Basai village, (Agra) Sagar. CP said a wider choice is necessary, categories of settlement would be as above. Areas should be chosen out of the two States per member already allocated.

Agenda Item No.30

**Sub: CWP in the matter of NCW Vs. UOI and Global Internet Ltd.**

It was decided to engage Ms. Indira Jaising, Advocate, to take up the case on behalf of NCW. Further, the Commission should ask the Chandigarh police to request an investigation into the activities of the Adult Plus 21 Channel.

Agenda Item No.31

**Sub: Recommendations of the Commission on the Report of Muslim Women – voice of the Voiceless – released by the Commission.**

The idea of countrywide debate on the recommendations of the report was approved. It was also decided that a Committee would be formed for codification of Muslim Laws as recommended in the report. Member (S.S Hameed) outgoing Member would suggest some names.

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**Agenda Item No.32**

**Sub: Condition of women in NE Region of the country**

Member (SSHameed) and Member(V. Daksh) gave a brief over view of the programme attended by them in Manipur and also spoke about the two NGOs who had organised the programme. The two members felt that NCW should support NGOs in the N.E. CP spoke on the overall situation in the N.E. to stress the need to exercise caution in NCW activities in the N.E.

**Agenda Item No.33**

**Sub: Work responsibilities and rights of Members of the Commission**

Since the work distribution among members had already been done, there was no discussion on the Agenda.

**Agenda Item No.34**

**Sub: Public Hearings for Dalit Women proposed by M (V. Daksh)**

Twelve hearings were approved in principle. Usual process for individual hearings would be followed. Hearings to include variety, i.e. all over India and all types of Dalits. Member (V. Daksh) would submit her detailed note.

**Agenda Item No.35**

**Sub: Availability of items/materials to be provided to Members of the Commission for their personal/official use at residence**

Commission took note of the fact that earlier, the Commission had taken a decision to provide furniture to the tune of Rs.10,000/- for maintaining an office

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at the residence of Members. The Commission is now providing computers at the residence of Members for the official work, if so desired, by the Member.

It was decided that Administration would check whether an office bag could be provided to Members as was said to have been done in the case of (former) Member Sukeshi Oram.

Administration would also check whether telephone bills of local calls made by SPAs to Members could be reimbursed.

**Agenda Item No.36**

**Sub: Complaints/Counselling Cell**

The Commission was briefed in the meeting held with Counsellors on the 2<sup>7th</sup> of May, 2000, where the following had been decided — to obtain more counsellors for the Counselling Cell, a circular would be issued to 50 local NGOs specifying the job description and qualification. JS would also take up the matter with Shri P.R Singh, Director, Delhi School of Social Work. JS would also take up the case with UGC and NALSA. Members were also requested to join the meeting with Counsellors on the 2<sup>nd</sup> of June.

**Agenda Item No.37**

**Sub: Sexual Harassment and victimisation of a woman officer of NTC at workplace.**

Deferred

**Agenda item No.38**

**Sub: Gang Rape of 4 Catholic Nuns working among the Tribals at Navapare, Pandania Vill. in Jhabhua Distt. M.P.**

This had been approved by the Commission soon after the enquiry was completed and the State Govt. has also taken action on the report. The same may be communicated to NHRC.

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**Agenda Item No.39**

**Sub: Report of the Inquiry Committee on the incident of Rape of a Dalit Woman in Vill. Uttarawan, Distt. Banda, U.P.**

The report was approved and its recommendations adopted with a minor change in recommendation No.3. Instead of 'appropriate action', it should be recommended that a departmental inquiry should be initiated.

**Agenda Item No.40**

**Sub: Public hearings for the women affected by major Government projects**

It was agreed in principle that Public Hearings be arranged. JS to give list of geographical locations and kinds of projects.

**Agenda Item No.41**

**Sub: Atrocities/Lathi-charge on women in Uttarakhand on 18.5.2000.**

NCW to take up after Members' meeting with them.

**Agenda Item No.42**

**Sub: Civil Appeal No.4641 of 1998 in the Supreme Court of India in the matter of Mr. X Versus Z on the issue of right of an HIV (+)ve to marry**

The Commission felt that HIV positive persons should not be allowed to enter into marriage. However, MS and JS had a dissenting opinion that in case of full disclosure, there is no harm in allowing such marriage. Also, in particular, in

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the present case where both persons making IA are HIV +ve and want to marry each other.

**Agenda Item No.43**

**Sub: Any other item with the permission of the Chair**

- (1) **Discontinuation of facilities as State Guest for Members of NCW –a letters of Madhya Pradesh and Maharashtra Governments.**

MS brought to the notice of the Commission that the M.P and Maharashtra Governments have said they would not be treating members of NCW as State Guests until requisition is received by them from the Central Government. It was decided that MS would take up the matter with the State Governments.

- (2) **Meeting with Parliamentarians to take up the issue of Malnutrition – proposal of Breast Feeding Promotion Net work of India**

The proposal for a meeting as above was not approved.

- (2) **Solo play “*Ek Laapata Sainik ki Ma*”, enacted by Ms. Papia Dasgupta, on the traumas of war, suffered by women.**

It was decided to sponsor the above.

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

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