

NATIONAL COMMISSION FOR WOMEN



Report on the Interactive Meeting with State Commissions for Women

MAY 8-9, 2018



National Commission for Women

INTERACTIVE MEETING WITH STATE COMMISSIONS FOR WOMEN

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1. Introduction

1.1 India has traditionally been a patriarchal society and, therefore, women have always suffered from social handicaps and disabilities. In such a scenario it becomes necessary to take certain ameliorative steps in order to improve the condition of women. In the early 1990s, keeping the vulnerable position of women in the Indian society in view, Government of India constituted a Committee on the Status of Women in India (CSWI). The CSWI inter alia recommended setting up of a National Commission for Women to facilitate redressal of grievances and to accelerate socio-economic development of women.

1.2 In the light of the principle of gender equality enshrined in the Constitution of India, 1950, the recommendations of the Committee on the Status of Women in India (CSWI) and the National Perspective Plan for Women (1988-2000), the National Commission for Women (NCW) was set up as a statutory body on January 31, 1992 under the National Commission for Women Act, 1990 to carry out the mandate set out by the Act.

1.3 Keeping in view its primary mandate of safeguarding and protecting the interests of women across the country, the NCW interacts with the State Commissions for Women (SCW) at regular intervals. Accordingly, an interactive meeting was held on 8th – 9th May 2018 in the premises of the National Commission for Women, New Delhi, in the august presence of Smt. Rekha Sharma Chairperson (I/C), NCW, Smt. Sushma Sahu (Member, NCW), Sh. Alok Rawat (Member, NCW), Dr. Satbir Bedi (Member Secretary, NCW) and Sh. K.L Sharma (Joint Secretary, NCW). The Meeting was attended by Chairpersons, Members and Member Secretaries of eighteen State Commissions, namely, Jammu and Kashmir, Uttarakhand, Haryana, Delhi, Punjab, Manipur, Jharkhand, Arunachal Pradesh, Chhattisgarh, West Bengal, Maharashtra, Madhya Pradesh, Andhra Pradesh, Himachal Pradesh, Tamil Nadu, Nagaland, Assam and Meghalaya.



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Ms. Rekha Sharma, Hon'ble Chairperson delivering the opening address

1.4 Addressing the gathering, Smt. Rekha Sharma emphasised the need for regular interaction between State Commissions and the NCW.

It was observed that better coordination has led to better performance, with increased numbers in Legal Awareness Programmes (LAPs) and visits for monitoring the conditions in jails across the country. The role of State Commissions in bringing about changes at the grass-roots level was highlighted. Considering the differences in the requirements of various States in view, the CP recognized specific issues and emphasised the need to first evolve an effective action plan for implementation of policy measures. She extended assurance to the State Commissions regarding full cooperation from the NCW.

2. Agenda of the Interactive Meeting

2.1 The meeting aimed at strengthening interaction and cooperation between State Commissions and for mutual exchange of experiences, in the background of recommendations by the Parliamentary Committee on Empowerment of Women in its 12th Report on the Working of NCW and SCW, as reproduced below:

2.2 *'the meetings with the State Commissions and the National Commission for Women should be made mandatory and be held at least once in 6 months. This would help*



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NCW and State Commissions to work and strive together as one individual entity for the well being of women.'

The following agenda items were placed in this Meeting:

- Recap of last meeting and action taken
 - Action taken on establishing women hostels in all states/Union Territories
 - Action taken on undertaking skill development programmes for women
 - Condition of women in prisons
- Cyber Crime and Women
 - Specific focus on crimes related to women, including crimes like cyber-stalking, defamation, bullying, morphing and harassment with the objective of making the audience aware of the magnitude of the threat cyber crime poses.
- Gender and Masculinity
 - Discussion on changing perceptions of patriarchy and masculinity and their relation with the men's rights movement in India
- Gender, Sexuality and Disability
 - Attempt at gaining nuanced perspectives on the intersection of gender disability, and sexuality aimed at inclusion of differently-abled women in the mainstream.
- Website Design
 - Taking note of condition of websites of many of the State Commissions, this was to stress the necessity of effective web design and a user friendly interface.
- Legal Awareness Programmes
 - Aimed at learning through sharing experiences in organizing legal awareness programmes and feedback and suggestions from State Women Commissions.
- Innovative Practices in the State
- Discussion on Action Plan for 2018-19
 - Interactive workshop in schools and colleges regarding NRI issues
 - Home Tourism: Women as entrepreneurs



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DAY 1: May 8, 2018

Session I: Recap of last meeting and action taken

1.1. The first session comprised of presentations made by representatives from the State Women Commissions with respect to the action taken on the agenda items included in the meeting held on 27th – 28th October, 2017.

- i. establishing women hostels in all states/ UTs
- ii. undertaking skill development programmes for women and development of women entrepreneurs
- iii. Inspection of prisons to analyse the condition of women inmates

a) Haryana State Commission for Women:

Women hostels: The Commission visited a few hostels in various districts of Haryana and observed that basic facilities like access to washrooms and changing rooms were not adequate. The State Commission has forwarded their observations and recommendations to appropriate state authorities for further action in the matter.

Skill development programmes: The State Commission collaborated with the Haryana Vishwakarma Skill University, Gurugram and developed a database on Women Entrepreneurs and information about how Government initiatives like Mudra scheme can be accessed. Efforts have also been made with different organizations in promoting 'Made in India' goods.

Jail visits: The Commission inspected Karnal District Jail, housing 60 women inmates. The major observations pertained to lack of proper facilities provided to pregnant as well as foreign inmates and non-availability of adequate number of medical health professionals. It was found that prison authorities have introduced various capacity building programmes, such as, training to make sanitary pads which could be supplied in Government schools, packing skills in coordination with local small scale industries, book binding, etc.



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b) Manipur State Commission for Women

Women hostels: The Commission visited two women hostels and found the facilities provided to the residents to be satisfactory.

Skill development programmes: Skill development programmes were being organised by the Commission in collaboration with the Ministry of Textiles, Government of India

Jail visits: The Commission inspected Manipur Central Jail, housing 31 women inmates out of which 29 were under trials and 2 were convicts. The Commission pointed out many shortcomings in facilities being provided to inmates. Two main concerns of the inmates were lack of proper sanitation and medical facilities. It was also found that as a consequence of abandonment by their families, many inmates had developed psychological issues. The Commission stated that they were trying to approach their families for reconciliation. Further, the Commission felt the need to organize gender sensitization programmes for the jail authorities.

c) Jharkhand State Commission for Women

Women hostels: The Commission inspected women hostels across the State and found the facilities and infrastructure to be adequate.

Jail visits: The Commission inspected 24 jails in total. Condition of the prisons was found to be satisfactory. A major problem highlighted was desertion of inmates by their family members.

d) Arunachal Pradesh State Commission for Women

Women hostels: The Commission inspected seven hostels, out of which two were not appropriately maintained by the authorities. The State Commission has forwarded the recommendations to the State government for appropriate action.



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Skill development programmes: Vocational training was being provided to women living in short-stay homes and they were given assignments depending on their educational qualifications. The Commission is in the process of seeking approval of the State government for implementing the Ministry of Women and Child Development's plan to provide training to 200 women living near border areas. The Commission has also shown interest in organizing a seminar to spread awareness on cyber crime and mental health.

Jail visits: The Commission has inspected two jails in which the overall infrastructure, sanitary and medical facilities were found to be satisfactory. However, the Commission felt that proper vocational, recreational and educational facilities should be provided for the children of the inmates.

e) Chhattisgarh State Commission for Women

Women hostels: The Commission visited a few hostels and found the facilities and infrastructure satisfactory. Further, it highlighted the need to make provisions for governing private hostels in addition to those established by the Government. In this regard, the Commission has forwarded the recommendations to the Chief Secretary.

Skill development programmes: Skill development programmes are being conducted based on the educational qualifications of inmates, such as, computer education and aachar and papad-making.

Jail visits: The Commission informed that the jail inspection format developed by the National Commission for Women has greatly helped in undertaking inspection of four central jails in the state. It was highlighted that during inspection, the condition of the jails was found to be not satisfactory. Infrastructure was not proper, basic necessities such as medicines and sanitary pads were not being adequately provided and doctors/nurses were also not available. In the absence of direct water supply, inmates had to carry water from a distance for their personal use. It was noted that inmates were not aware of their rights. The jail authorities were, therefore, advised to provide quarterly updates to inmates about the wages they get



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from their skilled and unskilled labour. A need was felt to introduce an effective investment plan to economically empower inmates by mobilizing and channelizing their money in the right direction. In addition, the Commission also informed the participants that Chhattisgarh has become the first state to set up a State Yoga Commission, which has made two hour yoga sessions compulsory for inmates in central jails.

f) West Bengal State Commission for Women

Skill development programmes: The Commission has introduced jute skill development programme in collaboration with Biswa Bangla Market. The Commission has introduced a Book on 'Women's Right and Law' in local language, to be distributed in various jails, colleges and schools.

Jail visits: The Commission visited eight district jails and a few correctional homes. The Commission has suggested correctional homes to discover new schooling methods for children of inmates. A need was felt for introduction of educational and vocational programmes for children of inmates. Problems related to sanitary conditions and medical facilities had been reported to the State Government by the State Commission

g) Andhra Pradesh State Commission for Women

Women hostels: During inspection of women hostels, the State Commission had noted that basic medical, hygiene and sanitation facilities were not adequate. The State Commission had advised the hostel administration to arrange for weekly/ monthly visits by female doctors.

Skill development programmes: Laying emphasis on the improvement of service delivery systems at Anganwadi Centers, it was stated that the administration has introduced Yashoda Diploma Programme aimed at capacity building of women to work as Anganwadi workers. The Commission is also aiding in providing driving lessons to women and, thereafter, help them in getting auto-rickshaws with loans. Other traditional courses such as beauty, handicrafts, knitting, tailoring, etc. were also being taught.



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Jail visits: The Commission inspected two jails at Harappa and Anantapur. The infrastructure and facilities provided by the jail authorities were found to be satisfactory. However, the State Commission emphasized the need to ensure welfare of children of inmates, especially, with regard to providing educational facilities.

h) Himachal Pradesh State Commission for Women

Women hostels: Visits were made to a few hostels wherein the deficiencies noted by the Commission concerning infrastructure and basic facilities were forwarded to the State Government.

Skill development programmes: The Commission has been organizing capacity building programmes to provide training to women inmates in shawl and blanket making, and for being employed in the handicrafts industry. In addition to this vocational training, yoga classes by the 'Art of living' were also being conducted for the inmates.

Jail visits: The Commission inspected five jails and another three jail visits were scheduled to be inspected in the next few months. The overall condition of jails that were inspected was found to be satisfactory. Basic medical and other amenities were being provided to inmates. The Commission acknowledged the usefulness of jail inspection proforma developed by the NCW.

i) Tamil Nadu State Commission for Women

Women hostels: The Commission informed that Tamil Nadu presently has 28 functional women hostels while 15 more were being constructed. The charges for providing accommodation are relatively low, for eg. in Chennai, a woman has to pay Rs. 300 per room if she earns around Rs. 25,000 and Rs. 200 per room in hostels outside Chennai. The Commission emphasized the need to draft standard provisions/rules for the governance of private hostels.



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Skill development programmes: Tamil Nadu Corporation for Development of Women has been made responsible to carry out various skill development programmes for the welfare of women. Vocational training, communication skills training and job oriented programmes are organised by the corporation in order to help women lead a self sufficient life. A total of 12,524 Gram Panchayats have been organising such programmes at their level. According to the data available with the Tamil Nadu State Commission, around 1, 25,500 women had been trained till the date of the meeting.

Jail visits: The State has a total of nine women prisons, out of which, the Commission has inspected two. During inspection, inadequacies were brought to the notice of Additional Director General of Police of the respective jails. Recommendations with regard to providing separate facilities for children of inmates have been sent to the DGP and the Superintendent of jails. The State Commission has also collaborated with a few NGOs who were willing to work for the welfare of such children.

j) Assam State Commission for Women

Women hostels: The Commission visited a few hostels and found that most buildings were in dilapidated condition and were not being maintained properly and needed renovation. The same has been brought to the notice of the authorities.

Jail visits: The State has a total of six central jails and thirty-one district jails. The Commission had already inspected ten jails. Most jails lacked basic sanitation/hygiene and medical facilities. In a few jails it was observed that pregnant women inmates and infants were sleeping on the floor due to inadequate bedding. The Commission expressed the need for having separate study and play area for the children of inmates,

k) Meghalaya State Commission for Women

Women hostels: The Commission visited three working women hostels and found that capacity of the hostels has been increased from 80 to 300. The overall condition of the hostels was found to be satisfactory.



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Skill development programmes: The Commission has been organising skill development programmes in knitting and handicraft making. Since a need was felt to expand the scope of these programmes, the Commission has written to the State government to provide raw material which could be used in the learning process.

Jail visits: There are three women jails in the State. During inspection, major deficiencies noticed were unavailability of proper medical facilities especially the services of a female doctor and lack of potable drinking water. The observations and recommendations have been forwarded to the State Government

1) National Commission for Women:

The session was concluded by Sh. K. L Sharma, Joint Secretary, NCW. He brought out details of the jails visits and inspection carried out by the NCW. He emphasized that for sustainable and inclusive development of a country, it was important that women of the country be empowered. The issues discussed by the Commission were key to attaining the goal of empowering women. He requested them to forward a detailed report of the work undertaken by the Commission so that further assistance could be provided by the NCW. He stated that NCW, had, till that date, visited 14 jails during which jail authorities were made to fill a standard Proforma developed by the NCW. Major issues that came across during inspections of these jails were: overcrowding, inadequate sanitation facilities, inadequate toiletries being provided and large number of staff vacancies. He emphasised that the condition of children of inmates and under-trial inmates all needed clearer focus.

He shared the details of initiatives undertaken by the NCW such as vocational training, legal awareness programmes and skill development programmes all over India. He further stressed that in order to chalk out various provisions regarding governance of private women hostels, coordination with respective States Commissions was necessary.



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Session II: Cyber Crime and Women

Resource Person: Mr. Rakshit Tandon



Mr. Rakshit Tandon delivering his lecture on cyber crime and women

2.1 Keeping in mind the urgent need to address the menace of cyber crime, Mr. Rakshit Tandon, renowned Cyber Expert, was invited to talk on the issue. He began the session with the statistics that one cyber crime is committed in India every ten minutes and the number is increasing day by day. Referring to the data provided by the National Crime Records Bureau, he noted that increasing reporting of cyber crime is a positive sign.

Number of cyber crime cases registered

Year	No. of cases registered
2010	966
2011	1971
2012	2876
2013	5693
2014	9622
2015	11592
2016	12317



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2.2 He stated that people born after 1990 were digital citizens and cyber offences were mostly committed by the people of this age group. He referred to NCRB data, which showed that during the year 2011-12, 1630 cyber crimes were reported, out of which 41 were committed by people below the age of 18 years and 554 by the people in the age group of 18-30 years. He displayed several newspaper reports of cyber crimes, and how, in some cases, cyber crime has led to women committing suicide.

2.3 He stated that there was a three-step approach which could be taken as a roadmap to address the problem. The three steps were:

- a. Identification of Cyber Crimes/Threats
- b. Redressal
- c. Empowerment

2.4 The speaker identified the following crimes having the maximum rate of incidence:

- i. Fake Profiles / Impersonation on Social Networking
- ii. Defamatory Posts
- iii. Sexting - Private Pictures Viral
- iv. Identity Hijacked and Misused
- v. Bullying on Public Pages
- vi. Pornography
- vii. Social Media Scams
- viii. Dating Sites
- ix. Online Human Trafficking

Out of these categories, he stated that most of the complaints, women made, were related to revenge pornography, which includes making private pictures viral, recording private moments and morphing pictures and posting them on pornography sites. He also linked these to blackmail and harassment. He referred to an incident taken up by NCW, in which, an Indian girl studying in Maryland, Australia was blackmailed by her ex-boyfriend for her private pictures. She reported the matter to NCW and thereafter the Commission wrote



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to the DCP concerned and the blackmailer was arrested and the photos deleted from all sources.

The speaker also showed how mobile applications, portals and websites like Snapchat, Confession Pages, Memes and Trolls, and online dating or matchmaking apps like jeevansaathi.com, shaadi,.com, Tinder etc. are popular mediums for hacking, owing to the easy availability of the registered users personal information

2.5 Mr. Tandon suggested some security measures that can be adopted by users to prevent cyber crime on different social media platforms, including measures like keeping date of birth, mobile number and email hidden on Facebook profile, switching the two-factor authentication to 'ON' on Facebook and WhatsApp, keeping certain things visible only to friends etc. He mentioned the importance of keeping strong passwords with multiple characters, and avoiding common phrases. He repeatedly stressed the importance of observing precautions while accessing the internet, social media and phone, and to prevent hacking. He further referred to various provisions of the Information Technology Act, 2000 i.e. Section 67, 67A, 67B, 66B, 66C, 66D, 66E, 66F and Sections 500, 505, 506, 507, 509, 124A, 295A of the Indian Penal Code and briefed the audience on various offences and punishments prescribed under the law for these offences.

2.6 The speaker opined that in order to empower women, it was necessary that they become aware regarding online security and privacy as this would enable them to make informed choices regarding their personal information, which could help prevent the occurrence of cyber crime.

2.7 The session was followed by an interaction with the audience. The following questions were asked:

1. Member Secretary, NCW

Q: What precautions should be taken by adults to secure their data and privacy against cyber crimes?



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Ans.: The precautions and safety measures are equally useful for adults and should be followed by all irrespective of their age.

2. Chairperson, Himachal State Commission for Women:

Q: How to know if my phone is under surveillance or being tapped. If so, under which law can I get relief?

Ans.: There is no specific law for this purpose. However, TRAI rulings say that no call or phone can be tapped without prior approval of the person on call. Smartphone users should avoid sharing their Live Location and if required, should share for a limited time period and with limited people only.

2.8 Chairperson, Jharkhand State Commission for Women commented that in Jharkhand, efforts were being made to spread awareness about cyber crimes and also resolving issues with the help of concerned agencies. However, more support and coordination was required from the police and other administrative bodies for successful implementation of such initiatives.

Session III: Men, Masculinity and Gender Justice

Resource Person: Prof. Sanjay Srivastava, Institute of Economic Growth, Delhi University



Prof. Sanjay Srivastava, delivering his lecture on Men, Masculinity and Gender Justice

3.1 It was stated in feminist discourse, it was imperative that not just patriarchy, which dealt with the relationship between men and women, but masculinity, which dealt with the relationship between men and women and men and men, be given due attention. Prof.



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Srivastava, a recognized academic on gender issues, explained that in the study of gender identities, power relationships of all kinds must be explored, which also would bring to focus, the ideas of manhood.

3.2 Prof. Srivastava talked of not just masculinity but ‘masculinities’, which meant that in the different relationships a man has with other people, he often has to conform to different notions of ‘ideal masculinity’. This has consequence, for both men and women. He therefore, the speaker emphasized that it was required that men be looked as gendered beings too. This will make it possible for boys to be trained as social beings.

3.3 The speaker stated that in order to train men differently and think of change, it was necessary that masculinity be defined and understood as a social process and not a biological concept. Also, while masculinity is a subset of patriarchy in that it solidifies the power hierarchy, it had to be engaged with separately as a concept. The speaker mentioned examples of how masculinity was learned in family, school, clubs and institutions, wherein a woman’s identity in a male-centric family was that of being its honour, which led to a sense of entitlement for male members. This entitlement, in turn, resulted in violence being normalized, by both men and women, if the woman did any act which threatened or caused anxiety in men. The speaker also showed how fragile this masculinity was, being hurt by the slightest of challenges. Many violent acts against women were due to this fragility of masculinity.

3.4 He brought out the social aspects of the discourse around Section 498A of the Indian Penal Code and Domestic Violence Act, 2005. He specified that there was a difference between the legal and social aspect. It was stated that PWDV Act made a significant step in understanding the cultures of violence. From 1980s, there were number of cases that revolved around ideals of gender justice like the Mary Roy case, Vishaka case, Gurmeet Singh case, Gita Hariharan case, Shah Bano case, etc. These cases gave a sense that a great deal of progress was being made in terms of gender equality. PWDV Act was a step in that direction and brought forth the idea that violence can be multi-faceted. Section 498A, IPC restricted itself to physical manifestation of violence whereas PWDV Act



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encompassed all kinds of violence such as economic abuse, sexual abuse, emotional abuse, etc.

3.5 After this, the speaker moved the discussion to the ideology of men's rights groups in India in contemporary times. It was stated that the claim of these groups that law and the system has been structured in such a way that its main aim now was to victimize men and it has turned a blind eye to the plight of men. They believe that the ideas of gender equality undermine the basis of family and destroyed the bedrock of society.

It is, in light of these, ideas that the speaker introduced the case of *Rajesh Sharma v State of UP* (2017), wherein the Hon'ble Supreme Court had observed: "*most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualized. At times such complaints lead to uncalled for harassment not only to the accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement.*"

The speaker stated that the law appeared to have succumbed to the stance of men's right groups' ideologies.

3.6 The speaker stated that the judgement appeared to be a culmination of backlash that had been building up on the part of men's right groups. By this judgment, the Supreme Court had put forward a masculine view that a woman's best interest lies in the family that she is married into and breakup of the family as an institution was a blot on society's norm. This judgement had supported the view that woman was the honour of the family, clan and community and she should be protected so long as she acted as a woman. The speaker called the judgement regressive as it had prioritized family over women's rights and thereby had reversed years of work put in by civil society groups. From 1980s, progressive judgements and laws had carved a system where family was not considered sacrosanct and notions such as 'what happens in family stays in family' had been done away with. However, this judgment, in the opinion of the speaker, had spilled water over all efforts that had been made towards securing gender justice.



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3.7 The speaker was of the view that a confrontational approach was not the way forward to reconcile differences in attitudes and ideologies. There needed to be wider understanding of masculine anxiety and dissemination of the idea that changing family structure was not about fundamental undermining of the society. It was imperative that men's right groups be engaged in the discussion of domestic violence by showing that it was not an individualized incident. The speaker seemed to believe that specific strategies of engaging with men needed to be devised which contested what they were saying without absolutely refuting their claims at the same time. The speaker concluded by saying that the National Commission for Women and the State Commissions needed to urgently address this resistance as they functioned at the grass roots level and this may enable them to engage in a meaningful dialogue with all stakeholders.

Session IV: Website Design of Commissions' websites

Resource person: Mr. Atul Sinha (Senior Programmer, NCW)

4.1 A short session on website designing was scheduled as part of the meeting, to draw attention of the State Commissions, to the importance of a well-designed website. The speaker explained the concept through the following three 'Ws':

I. Why

The speaker stated that availability of a responsive website ensures online presence of that specific organization 24*7. In case of SWCs, the complainants get a sense of relief that a point of contact is always available to them. A website is an easy medium of communicating information to others, which indicates credibility and builds reputation in the society.

II. What

The speaker stated that in order to ensure that the visitor feels secure and to ensure authenticity, the website should contain certain information. Additionally, the information should be displayed in a manner which makes the visitor feel engaged.



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The following things were suggested by the speaker to be kept in mind in order to ensure that the abovementioned requirements are fulfilled:

- Indian Government Identity: State Government emblem/ logo should be displayed on the website. The Homepage and all important entry pages of the website MUST display the ownership information, either in the header or footer.
- Government Domains: URL or the Web address should contain “gov.in” or “nic.in”
- Name of the Organization and address in clear, bold and visible text.
- Contact numbers and email IDs should be clearly visible and easily accessible. The organization’s address should be clearly mentioned and its location on Google Maps be shared.
- The nature of work done by the Organization should be explicitly stated.
- Search Engine Optimization should be done so that the organization can be easily found on search engines.
- Social media handles should be prominently placed on the website for increased reach. Connect with social media enhances visibility of the organization.
- A separate page for FAQs (Frequently Asked Questions), as this can help reduce citizen service cost and save time and money.

III. Who

The website should be designed in a way that it is accessible to everyone in the society, irrespective of language, education or region. Special care should be taken so that persons with disabilities are able to access, understand, and navigate the website at ease. This encompasses all disabilities that affect access to the Web, including visual, physical, speech, cognitive, and neurological disabilities. The speaker also mentioned web Content Accessibility Guidelines (WCAG), which cover a wide range of recommendations for making web content accessible. It was stated by the speaker that intrinsic improvements in websites would go a long way in making the NCW and the SWCs accessible organisations. It was stated in today’s world, a user friendly and self explanatory website was a necessity.

4.2 In her concluding remarks for the day, Dr. Satbir Bedi, Member Secretary, NCW, thanked all attendees, and invited them for the next day’s meeting.



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DAY 2: May 9, 2018

Session I: Gender, Disability and Sexuality

Resource Person: Ms. Nidhi Goyal



Ms. Nidhi Goyal, delivering her lecture on Gender, Sexuality and Disability

5.1 The speaker, founder and director of ‘Rising Flame’ a Mumbai based NGO working for persons with disabilities, with special focus on women and youth, highlighted issues women with disabilities face, and how the State Commissions should introduce measures to improve their situation.

5.2 Ms. Nidhi Goyal initiated the discussion by asking a basic question: what words does one associate with the word ‘disability’? Based on the responses received, she gave a brief overview of the three models associated with disability, namely:

- i. Medical
- ii. Charity; and
- iii. Social or Rights-Based

5.3 She stated that there had been a movement from the medical model, wherein disability was seen as a defect that needs to be removed, to the charity model, wherein the disabled were seen as people who should be pitied and treated with sympathy, rather than equals who could assert their rights. The social or rights-based model, on the other hand, viewed persons with disabilities as equals who could demand their own rights. The speaker



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defined the multifaceted issues associated with a woman's life, and how, the issues disabled women faced were amplified.

- 5.4 The speaker stated that in the domestic space, disabled women were not thought of as being capable of fulfilling the duty of the care-givers, being dependent themselves. In some parts of the country, disabled women are either perceived as a bad omen for the family, or as punishment for sins committed in past lives. They have been mostly deprived of any agency, and considered a 'double burden' for the family, since it is difficult to get them married. Eventually leading them to become victims of domestic violence.
- 5.5 Furthermore, she discussed how in educational institutions, there was a high drop-out rate of disabled women from schools and colleges. This was primarily due to lack of disabled friendly modes of transportation and necessary infrastructural facilities, including accessible toilets in schools. Additionally, the speaker stated that owing to their vulnerability they are frequent victims of sexual abuse in special schools.
- 5.6 Ms. Nidhi focused on the issues relating to marriage, where she stated that the family of the disabled woman usually had to pay huge amount as dowry. But this did not mean being excused from doing household work, rather in many cases she was expected to work more. The speaker, through a story about a father who made her disabled daughter take birth control pills after her marriage without her knowledge, drew attention to the fact that in many instances, it was believed that 'disability breeds disability', a myth that holds no ground in science.
- 5.7 Talking about the assumptions associated with a disabled woman's sexuality, the speaker highlighted that disabled women were often considered in binaries, i.e. either asexual or hyper-sexual. She mentioned how a touch for help was often misinterpreted as consent for access to their body. These stereotypes had a damaging effect when complaint of a disabled woman is not paid heed to, both at the familial level and by police.



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- 5.8 Ms. Nidhi also highlighted the medical issues faced by disabled women, including involuntary admission to Mental Healthcare Institutions, unnecessary Electro-Convulsive Therapy (ECT) and forced abortion to escape victim shaming in rape or sexual assault cases. Referring to the frequent practice of removing the uterus of a disabled woman against her will, the speaker emphasized how the reproductive rights of a disabled woman are not respected.
- 5.9 The speaker then mentioned different laws that exist in India to address the problems faced by disabled women namely the Rights of Persons with Disabilities Act, 2016, the Criminal Law Amendment Act, 2013 and POCSO Act, 2012 enacted in conformity with the Convention on the Rights of Persons with Disabilities, 2006.
- 5.10 She concluded by suggesting measures that could be undertaken by the Commissions, which included visits to mental health institutes, organizing legal awareness programmes in accessible formats for disabled women and disability sensitization programmes for police personnel. She displayed posters and visual content that had been developed by the Human Rights Watch on these issues. The speaker emphasized the role of stakeholders in improving community response for the needs of disabled women.
- 5.11 During the interactive session, Ms. Chetna Soni, NCW, inquired about the stage India had reached with respect to the three models explained by the speaker. In response, the speaker stated India was still largely stuck in the charity-based approach, and in some areas, even the medical model. She stated that the movement towards a rights-based model had only recently begun, but that too was limited to certain pockets in few cities.



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Session II: Legal Awareness Programme

Convenors: Ms. Rekha Sharma, Chairperson (I/C), NCW, Dr. Satbir Bedi, Member Secretary, NCW, Mr. K. L. Sharma, Joint Secretary, NCW



6.1 An overview on the Legal Awareness Programme (LAP) was shared with the participants. The session began with a presentation on the subject by Mr. Varun Bansal, NCW explaining the objective of LAPs which is to generate awareness among citizens to understand, appreciate and use the laws related to women in helping to create a conducive environment for women to realise their potential and secure their rights.

6.2 This was proposed to be achieved by involving experts and stakeholders from different professions. It was added that to reap the benefits from LAPs, the focus should be on the resource persons and the target of such programmes. It was stated that the panel of resource persons should constitute a mix of Protection officer, District Women Child Development Officer, Senior Police Representative from the District, a Chief Medical Officer, Area Representative and an official of District Legal Service Authority and academician (Professor of law, social work, gender studies or sociology, social Activist) and a media consultant.

6.3 It was highlighted that the target groups for LAPs, i.e. people who would constitute the audience needs to be carefully selected. It was reiterated that the objective of LAPs was to spread awareness among people from various fields and all strata of the society.



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6.4 Thereafter, the State Commissions raised a concern over the budget sanctioned by the NCW for the LAPs i.e. one Lakh for all states and 1.2 Lakh for N.E. States.. The following issues were identified and accordingly, solutions proposed:

- i. The Commissions stated that their budget often increases in making arrangements (accommodation) for the resource persons. This query was addressed by the Chairperson (I/C), NCW who informed that the Commission is in the process of making the LAP a one day programme instead of the existing two days.
- ii. It was suggested by the State Commissions that a separate head titled 'Miscellaneous' could be included to cover unanticipated costs. As many a times, expenditure incurred couldn't be classified under the already prescribed heads. Separate budget allocation should be there for follow-up action after the LAP and a survey could be conducted with 20% of the target groups.

6.5 Suggestions regarding monitoring and evaluation of the programme, included an official from the NCW to be deputed for attending the LAP, mandatory filling of the feedback form. It was pressed by her that such feedback be sought in writing 3 months after the conclusion of such programmes. It was also proposed by NCW that participants and women's groups be encouraged to spread knowledge and any success stories be shared.

6.6 Moving on, the following measures were proposed by the NCW to improve the performance of LAPs:

- i. LAPs should be for one day instead of two days, which, as mentioned above, would eliminate the requirement of arranging for stay and accommodation. This would result in the State Commissions being able to conduct more LAPs.
- ii. It was decided that to ensure maximum impact, not more than two laws should be taken up in one LAP.
- iii. Creation of Standardized modules on different laws, to maintain continuity and a minimum standard.



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6.7 The State Commissions put forward the following suggestions of their own:

- i. The target group could also include school teachers.
- ii. Innovative audio-visual aids could be used to ensure wider reach.
- iii. The panel of resource persons could include a person from the prosecution team from the Conflict Resolution Cell or the Complaints Cell.
- iv. The sessions in the LAP could be followed by a Questions and Answers session with small gifts for people from the audience who answered correctly.
- v. Awareness could be spread about issues concerning women with disabilities, and specific initiatives that would help them.

6.8 Lastly with a pledge to work for the welfare of women at every level the session came to an end and the attendees dispersed for lunch after a group photograph.



Group Photograph with Representatives from State Commissions for Women



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Session III: Best and Innovative Practices adopted by State Commissions for Women

Convener: Ms. Rekha Sharma, Chairperson (I/C), NCW

7.1 This session aimed at facilitating exchange of ideas among representatives from different Commissions. During the session, each representative highlighted the best practices followed by their Commission and inputs on the same were invited from the audience:

7.2 Maharashtra State Commission for Women

- i. The Commission has initiated a training of trainers called 'People United against Sexual Harassment' (PUSH) on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the UGC Rules, 2016 pertaining to sexual harassment. The programme was being executed in four stages, namely, Stage I: schools and colleges, Stage II: government sector, Stage III: private sector and Stage IV: corporate sector.
- ii. The Commission, for the first time organized a 'confidence walk' called '**SAKSHAM**', for acid attack victims.
- iii. An International Conference on Women Trafficking (ICWT) was organized which was attended by 28 countries and various Indian States.
- iv. Other initiatives undertaken by the Commission are: drafting of guidelines for Crèche and day care services in the State; self-defence programs in rural schools; workshop on paedophilia; spreading awareness on women issues through street plays, workshops, etc.; a handbook/training module on Domestic Violence called '**PRAVAS**' has also been designed for counsellors
- v. The State Commission has launched a mobile phone application called 'Tejswani App', a counselling help-line for women in distress.
- vi. The Commission has launched a helpline named '**SUHITA**' for counselling and guidance to distressed women on which 1200 cases have been received till the date of this meeting.
- vii. Additionally, the Commission has formed an organization '**MAKAM**' (Mahila Adhikari Karyakari Manch), which works with widows of farmers who have committed suicide
- viii. A cyber committee has been constituted to look into cases of cyber crime.



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7.3 Delhi State Commission for Women

- i. The Commission had launched a helpline for women in distress, and received more than 9 Lakh calls in nine years since its inception. In addition, a helpline Number- 181 is in place for victims of domestic violence.
- ii. As per the orders of the Delhi High Court, a rape Crisis Cell has been constituted where the public prosecutors are designated for working with victims. A Crisis Intervention Counsellor has also been appointed to assist the cell.
- iii. The Commission has established Mahila Panchayat working in collaboration with 88 NGOs for spreading Legal Awareness.
- iv. The Commission has constituted three expert committees on regulation of acid attacks, domestic violence and rehabilitation of victims.

7.4 **Manipur State Commission for Women** had organized a training programme for jail inmates. The Commission is working to make a Directory of Women Achievers in Manipur. In addition to this, the Commission has opened help lines and included self-defence classes in school curriculums.

7.5 **Sikkim State Commission for Women** launched 'SAHAYOG' on International Women's Day, 2018, which is an application to provide immediate relief to distressed women and to locate victims through Google Maps. The Commission stated that it has introduced a novel practice, wherein in marriage related cases, it deducts maintenance amount from the husband's account and gets it deposited into the complainant's account. The Commission is providing Rs. 2 Lakh as assistance to physically challenged women. To encourage women to be financially secure, the Commission had launched '*Mahila -e- Haat*' to provide platforms for making different products, especially organic products like pickles, etc.

7.6 **Andhra Pradesh State Commission for Women** informed that even though it has been newly constituted, it has undertaken initiatives such as training for women in distress and vocational training for becoming service providers in beauty parlours.



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7.7 Arunachal Pradesh State Commission for Women stated that they were working closely with the State Commission for Protection of Child Rights. The Commission has created the following categories, based on the gravity of the cases:

- i. Petty family issues: which involve primary level counselling (talking to spouse about the issues) and middle level counselling (involving relatives and friends).
- ii. Serious cases which deserve penal action – adultery, domestic violence and abuse, in which State Legal Services Authority provides, free legal aid.
- iii. Providing vocational training to destitute women during pendency of their court cases, an initiative through which, they claimed, 50 victims were benefitted. The Commission further talked about its action plan on cyber crime and laws, mental health, teenage pregnancy and vocational training of women.

7.8 Haryana State Commission for Women has launched ‘JAAGRITI’ a project to reduce gender disparity in Haryana. Gender Sensitization Programmes have been organized in 100 government schools using visual media. The Commission has also started training of women in Karnal to be Mahila Police Volunteers, which are to be posted in villages. The Commission, besides these initiatives, has also organized a one day programme for commemorating unsung heroes.

7.9 Uttarakhand State Commission for Women has engaged village officers to make villagers aware of the Mahila Ayog. It has given vocational training for employment as a result of which women earned Rs. 10,000 per month. It has organized Legal Awareness Programmes wherein 4 Lakh kids participated. It has given self- defence training to around 1000 girls.

7.10 Meghalaya State Commission for Women has launched the capacity building programme to sensitize men and women in community; also sensitization programs have been organized for the parents for the safety of children. It also launched flash numbers which portrayed harassment and violence against women.



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- 7.11 **Himachal Pradesh State Commission for Women** stated that it has written to various private universities to collaborate with the Commission.
- 7.12 Shri Alok Rawat, Member, NCW congratulated the State Commissions on their success and encouraged state commissions to learn from each others' experiences and come up with new ideas. Ms. Sushma Sahu, Member, NCW closed the session while stating that it was important for the representatives of the State Commissions to take implementable lessons from the sessions by resource persons and act on the initiatives discussed in the meeting.
- 7.13 In the end, The Chairperson gave a brief overview of a new initiative which was being developed by NCW namely, the Home Stay Tourism Project. Hard copies of the presentation were provided to all attendees for future reference.

THE WAY FORWARD

8.1 The two day meeting concluded with the following resolutions being passed:

1. Prison Reforms:

The Conference resolved that based on the deficiencies noticed during inspection of jails carried out by the National Commission for Women and the State Women Commissions, there was an urgent need for carrying out reforms in prisons. These should include updation of the data-base of women in prisons both as convicts and under-trials, separately, and higher degree of transparency being maintained in so far as the remuneration paid to the women inmates is concerned. The Conference also resolved that the wages paid to the inmates should be appropriately increased and financial literacy programmes organized in each prison in local languages. Such programmes will help in ensuring that the money earned by women inmates is properly credited to their accounts and the same is invested in such a manner that helps in maximizing the return on investment.



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Noting the overcrowding in prisons as revealed during inspections, the Conference resolved to request the Central and the State Governments to augment infrastructural

facilities in all prisons. The Conference also resolved that an integrated development programme for welfare of women inmates in prisons should be evolved which will ensure that provisions of existing schemes such as mid-day meal scheme, old age and widow pension, etc. are also made available to women inmates of the prisons. The conference also resolved that appropriate crèche facilities, educational facilities and yoga training, etc. should be established in each prison. The Conference further resolved that the facilities of legal aid to women inmates need to be dialled up particularly as in a few cases, it has been noticed that the advocates associated for rendering such aid to women inmates demanded money from women for pursuing their cases.

2. Amendments in Laws to make them inclusive for differently-abled women.

The Conference noted that while some of the Acts had been amended in 2013 through Criminal Amendment Act, a number of Acts of the Parliament as well as State Legislatures do not recognize the special requirements of differently abled women and are, as such, discriminatory. The Conference noted that these laws need a relook.

The Conference, in view of the above, resolved that the Central and the State Governments may be requested to undertake a comprehensive review of all such laws in a time-bound manner and make provisions for catering to the special requirements of differently abled women. In particular, the Conference recommended that the Acts relating to protection of women from Domestic Violence Act, 2005 and the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal Act, 2013) may be taken up for urgent review.

The Conference also resolved that collection of data concerning women should also be organized in such a manner as to ensure that data in respect of violence against Women by the National Crimes Record Bureau (NCRB) is collected separately in respect of differently abled women to help in evolving appropriate strategies to deal with them.



3. Regulation of private women hostels:

The Conference noted that currently no uniform practices are being followed by various States as regards regulation of women hostels being run by private organizations. It was noted that, while in a few States, an Act had been enacted for the purpose, in other States, executive guidelines have been framed. However, in most States, no provision has been made for regulating hostels. This results in exploitation of women and rendition of substandard services. In the above context, the Conference resolved that the best practices in this regard can be studied and model guidelines framed, for enactment of a suitable legislation by each State Government.

4. Judicious use of social media and internet

Keeping in view the rising trend of cyber-crime especially against women and girls, a detailed presentation was made highlighting the dangers involved in indiscriminate use of social media by them as also the need for precautions to be taken for preventing exploitation. During the presentation, the simple steps that can be taken for minimizing the danger were also explained.

The Conference resolved that all State Commissions shall hold extensive training and sensitization programme and workshops in colleges and community centres to enhance awareness of women and girls regarding safe use of social media and internet resource/technology. It was resolved that the National Commission for Women will support the State Commission in conducting such programmes.

5. Widow Pension Scheme:

The Conference noted that different States are paying pension to old women and widows at different rates as the scheme provides that States can supplement the pension amount payable by the Central Government. Since this amount had been fixed long time back, the Conference noted that the amount paid as pension in such cases is a meagre amount. The Conference, therefore, resolved to request the Central and State Governments to



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double the amount of their respective contribution to pension so that such women can lead a life of dignity.

6. Issues relating to NRI marriages

The Conference, after a detailed deliberation on issues arising in NRI marriages and the vulnerability of women in such marriages especially in view of the conflict between the domestic laws and international private laws on the subject, issues relating to jurisdiction and servicing of summon and warrants, etc. resolved that a comprehensive exercise should be undertaken for reviewing various laws on the subject to ensure that justice is not denied to such women.

The Conference also resolved that each State Women Commission should have a NRI Cell with competent staff in adequate numbers and a senior officer of the level of DIG from the State Police should be part of the Cell. The Conference also resolved that NRI Cells in the States be integrated with the NRI Cell of the National Commission for Women for furthering the objective of providing justice in a timely and coordinated manner in such cases. The Conference also resolved that the National Commission for Women in partnership with the State Women Commissions should start interactive workshops on provisions of different laws, Do's and Don'ts in case of NRI marriages, prepare a training module on the subject, organize training of trainers and commence interactive workshops in all colleges/universities for dissemination of information for generating awareness on this subject. The Conference agreed that all State Commissions will voluntarily pool their resources for preparation of training modules and organizing interactive workshops.

7. Promotion of Home Stay Tourism

The National Commission for Women made a detailed presentation on the economic and psychological empowerment of women and the role that Home Stay Tourism can play in this regard. The Conference, after detailed presentation, resolved that training be imparted to women to promote Home Stay Tourism and, in the first instance, this activity



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may be promoted in the North Eastern States and Himachal Pradesh, keeping in view the high potential for augmenting Home Stay Tourism in these States.

The Conference also resolved that the National Commission for Women may organise suitable training programmes for selected women from these States.

8. Strengthening of the National Commission and the State Women Commissions

The Conference noted that the availability of human and financial resources with different State Commissions is not uniform and, in many States, the Chairperson and Members of the Commission are not being provided even the basic minimum facilities. It was also noted that the component of staff is generally inadequate both in terms of quality as well as quantity.

The Conference, in the light of above, resolved to request the Central and State Governments to take urgent steps for strengthening the National and State Commissions for Women both in terms of human and financial resources.