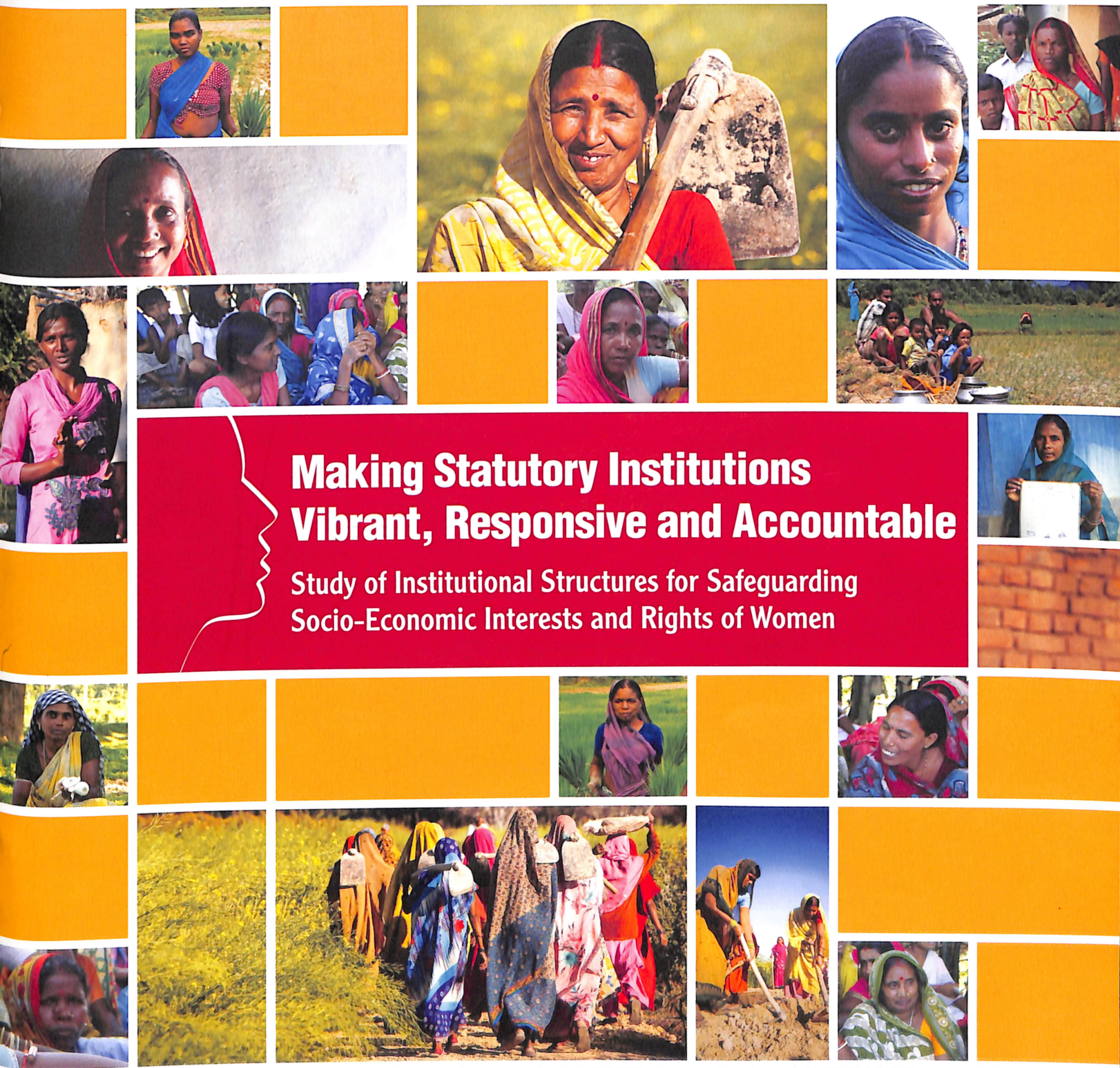


National Synthesis Report on Status of State Commissions for Women



Making Statutory Institutions Vibrant, Responsive and Accountable

Study of Institutional Structures for Safeguarding Socio-Economic Interests and Rights of Women

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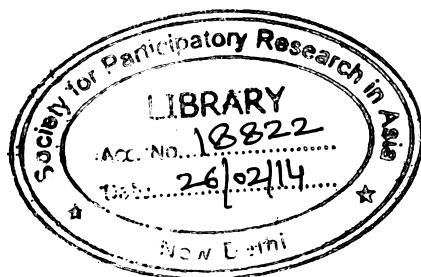
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PACS publication series

Study on Statutory Commissions for socially excluded groups

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Preface

Socially excluded groups experience greater challenges in moving out of poverty. Being systematically pushed to margins, their life experiences are marked with inequality in accessing rights, entitlements and opportunities. This inequality manifests in contrasting figures of differential access to entitlements and even in access to constitutional rights. It is in the context of this chasm that Poorest Areas Civil Society (PACS) programme's interventions are positioned. Focusing on Scheduled Castes, Scheduled Tribes, Muslims, Women and Persons with Disabilities, the programme works to assist the groups to claim their rights and entitlements while addressing issues of differential access. For PACS, strengthening demand as well as the supply side of the governance processes is strategically critical to ensure inclusive policies, programmes, and responsive institutions. Promoting social justice hence gets inevitably linked with making institutions **for the socially excluded as well of the socially excluded** vibrant, effective and accountable.

Recognising the tremendous historical barriers and discrimination that the socially excluded groups have faced and continue to face, the Constitution of India has various provisions and instruments for safeguarding their rights and addressing their development needs. For putting an end to all visible and invisible forms of discrimination however, it is crucial that all such protective and developmental measures are implemented and are continuously responding to the requirements of the people they are mandated to address. This is where the role of **Statutory Institutions gains centrality**. Having the constitutional mandate, the Statutory Institutions are to perform the important role of **overall safeguarding interests and rights of socially excluded**, of being the supervisory body with the primary responsibility of monitoring the entire gamut of protective, compensatory and developmental measures and mechanisms. It is in this context that the study of the Statutory Institutions* was undertaken by PACS in collaboration with the Society for Participatory Research in Asia (PRIA) across PACS programme focused states; viz. Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and West Bengal.

The national level reports synthesise the findings and the experiences of the State level studies vis-à-vis each commission. The study has been conducted by using participatory tools and has generated important information through interviews (with all possible stakeholders), Focus Group Discussions with community

* State Commissions for Women, Scheduled Castes, Scheduled Tribes, Minorities and Persons with Disabilities

members, and multi-stakeholder state level workshops in each state. People across the states and stakes expect concrete initiatives for strengthening of these commissions.

The underlying directional idea of this action research study has been to create a critical and collaborative space for various stakeholders to engage with. Developing this pathway of engagement, the study brings to fore interesting and important analysis on issues of (i) legislative mandate, structure, composition, modes of functions of the Statutory Institutions (ii) assesses awareness levels and practical experience of community members and puts together (iii) a set of recommendations for advocacy and dissemination based upon the study and socially excluded community's experiences. The study draws attention to the fecundity of the various commissions and at the same time also to the areas which need inputs for the Statutory Institutions to play their role more effectively.

There is a real and an urgent need to strengthen the presence and engagement of the commissions and to address issues of access and visibility. There is an equally pressing need for the civil society, the activists, the campaigns and the Statutory Institutions to work together for promoting the rights of socially excluded communities.

We hope that the study is able to generate useful debates and discussions towards making Statutory Institutions vibrant, responsive and accountable.

In solidarity,

Rajan Khosla
Director
PACS

Dr. Rajesh Tandon
President
PRIA

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We would like to thank the office bearers of all the State Commissions, of the Nodal Departments of the State Governments, members of the Urban Local Bodies, of the Panchayati Raj Institutions who took time out, provided the study team the information needed as well as their insights and valuable suggestions in this process of exploring ways of strengthening the statutory institutions. This study could not have proceeded without their support.

This study would also not have been completed without the support that was rendered by the civil society organisations and individuals that are working very closely with community people, at the grass roots level, in all the seven states selected for this study. We would like to thank Vikas Vihar, Chhapra (Bihar), Development Education & Environmental Programme (DEEP), Patna (Bihar), Dalit Vikas Abhiyan Samiti (DVAS), Patna (Bihar), Nav Manas Kalyan Kendra, Bihar Sharif (Bihar), Disha Samaj Sevi Sanstha, Kanker (Chhattisgarh), Shikhar Yuva Manch, Bilaspur (Chhattisgarh), Badlao Foundation, Jamtara (Jharkhand), Vedic Society, Latehar (Jharkhand), Samarthan – Centre for Development Support, Bhopal (Madhya Pradesh), Sangini Gender Resource Centre, Bhopal (Madhya Pradesh), Adivasi Sanrachna Sewa Sansthan, Betul (Madhya Pradesh), Mansi – Centre for Human Development Research & Initiative, Panna (Madhya Pradesh), Institute of Social Sciences, Bhubaneswar (Odisha), Centre for World Solidarity, Bhubaneswar (Odisha), Women Organisation for Socio Cultural Awareness (WOSCA) Keonjhar (Odisha), Ekta Parishad Trust, Kalahandi (Odisha), Tarun Chetna, Pratapgarh (Uttar Pradesh), PACE, Pratapgarh (Uttar Pradesh), Gramin Vikas Sansthan (Uttar Pradesh), Child in Need Institute (CINI), South 24 Parganas (West Bengal), Nari-O-Shishu Kalyan Kendra, Howrah (West Bengal) for their contributions and time.

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We also wish to acknowledge the persistent work that has been put in by the PACS State teams and PRIA colleagues.

Last, but definitely not the least, our heartfelt thanks to all the community people who not only gave us time but also shared their experiences and personal information with us; and to whom we would like to dedicate this report with a hope of being able to translate it into real actions for them.

Abbreviations

CSO	Civil Society Organisation
CEDAW	Convention for Elimination of Discrimination against Women
FGD	Focus Group Discussion
MP	Madhya Pradesh
NCW	National Commission for Women
NGO	Non-Government Organisation
PACS	Poorest Areas Civil Society
PLCC	Pre-Litigation Counselling and Complaint Cell
PRIA	Society for Participatory Research in Asia
SC	Scheduled Castes
SCW	State Commission for Women
ToR	Terms of References
WB	West Bengal



Introduction

Background

In this era of modernisation and globalisation, women have moved away from only playing their traditional reproductive roles of daughter, wife and mother, to various public arenas like the armed forces, technology, politics, industry and others. This journey from the private to the public sphere has not been easy for most women as they are still expected to play out their traditional roles and further, there has not been a corresponding change in the roles of men in society. Accepting women as equals and for them to have their freedom to exercise their choices and assert their views, has met with resistance at all levels of the traditional patriarchal male-dominated Indian society, in all walks of life. The backlash against women moving away from the traditional roles inspite of proving her capability in managing both her roles effectively, has been in the form of increased subjugation, escalation in the cases of violence against women—foeticide, domestic violence, rape, sexual harassment at workplace, dowry deaths, women trafficking etc.

The culture of denying and depriving women of their constitutional and human rights have created a demand for institutions with a mandate to protect and promote the rights of women. However, these institutes have failed in their responsibilities of ensuring women's rights and have not come up to the mark in the context of their accessibility, outreach and meeting the needs of the poorest, marginalised and most vulnerable sections of our society.

The Promise

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution of India grants equality to women, and also empowers the state to adopt measures of positive discrimination in favour of women for their socio-economic and political advancement. Fundamental Rights, among others,

The Constitution of India grants equality to women, and also empowers the state to adopt measures of positive discrimination in favour of women for their socio-economic and political advancement.

ensure equality before the law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantees equal opportunities to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

The Reality

Despite the constitutional and legal safeguards, human development indicators consistently reflect women's low status in areas of health, education, political participation and status in social.

The female literacy rate in India is 65.46% while the male literacy rate is over 80%, as per Census 2011. In rural India, girls continue to be less well-educated than boys and fewer girls than boys are enrolled in school, with many more girl drop outs. In urban India, girls are nearly at par with boys in terms of education and perform better academically; however they are found missing from the workforce.

Violence against Women (VAW)¹ is one of the most brutal consequences of the economic, social, political and cultural inequalities that exist between the sexes. On the one hand, women are worshipped as goddesses, and on the other, technology is used to ensure that a female foetus is detected and destroyed before birth itself. The sex ratio in India is 940 females per 1000 males (Census 2011). The extent of such discrimination is reflected in the low sex ratio, lack of educational opportunities, high incidences of maternal mortality and a host of other forms of violence against women both in the private, as well as public spaces. Sexual molestation couched under the innocuous term of eve teasing is rampant and affects the daily lives of almost every Indian woman. A woman is sexually harassed every 51 minutes and every 21 minutes, one woman is molested.

A number of laws have also been formulated for women specifically:

- **Equal Remuneration Act, 1976** provisions that there should be no discrimination in recruitment of women and men workers. It also provides for equal remuneration to men and women workers for the same work or of similar nature.
- **Maternity Benefits Act, 1961** regulates the employment of women in certain establishments for certain periods before and after

¹ United Nations declaration, 1993, defined *violence against women* as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a woman, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life".

child-birth and to provide for maternity benefit and certain other benefits.

- **The Minimum Wages Act, 1948** provides for fixing minimum rates of wages to both men and women in certain employments.
- **Prevention of Sexual Harassment against Women, 2013** provides for protection and prevention against sexual harassment of women at workplace and for redressal of complaints of sexual harassment.
- **Protection of Women Against Domestic Violence Act, 2005** is the first significant attempt in India to recognise domestic abuse as a punishable offence
- **Pre Conception and Pre Natal Diagnostic Techniques Act, 1994** provides for the regulation of the use of pre-natal diagnostic techniques and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide.

There are various other laws meant for women including

- Plantation Labour Act, 1951
- Factories Act, 1952
- Contract Labour (Regulation and Abolition) Act, 1970

Apart from these, India is also a signatory to many international conventions like Convention for Elimination of Discrimination against Women (CEDAW).

Despite the numerous laws and supporting mechanisms available in India to protect women against violence in the country, there has been a steep increase in incidences of violence against all

In India, special initiatives have been made for the development of women, including the following

1

National Commission for Women

In January 1992, the Government setup this statutory body, with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation and to suggest amendments wherever necessary.

2

Reservation for Women in Local Self -Government

The 73rd Constitutional Amendment Act passed in 1992 by Parliament, ensures one-third of the total seats for women in all elected offices in local bodies whether in rural or urban areas.

3

National Policy for the Empowerment of Women, 2001

The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a "National Policy for the Empowerment of Women" in the year 2001. The goal of this policy is to promote advancement, development and empowerment of women.

women and those who belong to the lower strata in the society, the Scheduled Castes² or Dalit, the tribal and other economically women are more vulnerable.

It is in with this background that the results and recommendations of this study need to be contextualised and understood.

The Study

This study of Women Commissions is part of a larger study of five different Commissions in the seven states covered under the PACS programme. Four Women Commissions in Bihar, MP, Odisha and WB were included in this study.

This study began in January 2013 as a joint initiative of PRIA and PACS with the following specific objectives:

- To understand the legislative mandate, structure, composition, modes of functioning and delivery of State Women Commissions of the four states of Bihar, Madhya Pradesh (MP), Odisha and West Bengal (WB), mandated to safeguard the socio-economic rights of women
- To assess the awareness levels and practical experiences of women within the context of the specific State Women Commissions in the states under study
- To arrive at a set of recommendations for advocacy and dissemination efforts, in order that Women Commissions become more 'vibrant, responsive and accountable'.

The present report aims to analyse the functioning and impacts of Women Commissions based on empirical studies and consultations carried out in these four states during the past ten months. It describes the nature of the mandates of these Commissions, the experiences of people in rural and urban areas with respect to the functioning of these Commissions, identifies factors that have influenced their performance and makes suggestions for making Women Commissions vibrant, responsive and accountable to their mandates across the country.

A common methodology for the study was deployed in each of these four states. It comprised of a preliminary review of the respective Women Commissions in the four states and was conducted to examine the statutory and legislative mandates of each institution. The review included studying the ToR, constitution, composition, structures, support systems, general functioning, as well as process of appointments of commissioners and officials.

² Scheduled Castes are the Indian population groupings that are explicitly recognised by the Constitution of India under article 341, previously called the "depressed classes" by the British and otherwise known as Dalits in India

The present report aims to analyse the functioning and impacts of Women Commissions based on empirical studies and consultations carried out in these four states during the past ten months.

The intensive field data collection for in-depth empirical study was carried out in two districts of each state as mentioned below:

Bihar - Gaya and Samastipur

Madhya Pradesh - Panna and Betul

Odisha - Keonjhar and Kalahandi

West Bengal - Murshidabad and South 24 Parganas

The methods of data collection were as listed below:

- **Focused Group Discussions (FGDs):** Eight FGDs were organised, two in each of the identified rural and urban locations in each district. There were separate discussions for men and women members get an their understanding, awareness and perceptions of accessibility, approachability and effectiveness of the State Women Commission.

Nearly ten cases handled by the Women Commissions within the last two years were tracked in each state, to understand the actual procedures and time taken to resolve a complaint, after it is registered with the Women Commission.

Table 1.1: Number of Persons Attending the Focused Group Discussion (FGD)

State	Number of persons covered in the FGDs	
	Male	Female
Bihar	66	57
Madhya Pradesh	18	52
Odisha	42	61
West Bengal	33	63

Source: Field Data.

- **In-depth Interviews** were conducted with 60 persons in each district including panchayat representatives, health workers, teachers, local people including women, NGO workers, local leaders and others (to gain further information and insights on various aspects of the functioning of Women Commissions).

The following are the details of the interviews in the four states:

- In Bihar, interviews were conducted in the two districts of Nalanda and Saran, with 32 respondents from rural areas, 20 from urban areas and eight from civil society organisations.
- In Odisha, interviews were conducted in two districts of Keonjhar and Kalahandi with 35 respondents from rural and 25 from urban areas.
- In Madhya Pradesh, 35 respondents were interviewed from rural areas and 25 from the urban areas, in the districts of Betul and Panna.

- In West Bengal, 35 respondents were interviewed from rural areas and 25 from the urban areas of Murshidabad and South 24 Parganas districts.
- **Tracking of cases:** Nearly ten cases handled by the Women Commissions within the last two years were tracked in each state, to understand the actual procedures and time taken to resolve a complaint, after it is registered with the Women Commission. However, all the ten cases could not be tracked in all the states due to various challenges:
 - ◆ lack of support from the Commissions
 - ◆ lack of knowledge about the cases filed in the Commission, and
 - ◆ situational context of floods in states like Madhya Pradesh during the study period.

Despite all these challenges, three cases were tracked from Kalahandi and seven from Keonjhar districts of Odisha. In Bihar, two from Vaishali district while eight from Patna district were tracked. In West Bengal two from Murshidabad and four from South 24 Parganas districts were tracked. In Madhya Pradesh, four cases were tracked from Panna district.

This report presents a synthesis of the findings of Women Commissions studied in these states, drawing comparisons with National Commission for Women and includes a set of recommendations based on the 'emerging issues' of the study.



Findings from the Field

The main findings of the study are presented in two sections. The first section focuses on the mandate and institutional design and the second section focuses on the institutional effectiveness.

Mandate and Institutional Design

The mandate and institutional design includes the statutory nature and formation, mandate composition, budget and expenditure patterns.

a) Formation of the Commissions

The National Commission for Women was set up as a statutory body in January 1992 under the National Commission for Women Act, 1990, after the assent by the President on 30th August 1990.

State Women's Commissions

- The Bihar State Women Commission was constituted in August 2001, as per the Bihar State Commission for Women Act, 1999.
- Madhya Pradesh State Women Commission was constituted in March 1998, as per the Madhya Pradesh State Commission for Women Act, 1995. The Act received the assent of the Governor on 5th December, 1996.
- Odisha State Commission for Women came into force in January 1993, as per the Odisha Commission for Women Act, 1993.
- West Bengal Women Commission was formed in February 1993, as per the West Bengal State Commission for Women Act, 1992.

Table 2.1: Formation of the Commission

S. N.	Parameter	National Commission for Women	Bihar	Madhya Pradesh	Odisha	West Bengal
1.	Constitution of the Commission	31 st January, 1992	30 th August 2001	23 rd March, 1998	14 th January, 1993	3 rd February, 1993
2.	Year of formation of the Rules	1 st October, 1993	–	1998	26 th December, 2006	Rules not yet framed. Present Commission formed a 'Rules Drafting Committee' in the year 2011.

Source: Field Data.

As per the information given in the above table, Odisha notified its rules for functioning after a gap of 13 years (in 2006). West Bengal has not yet notified its rules for functioning, though the present Commission formed a "Rules Drafting Committee" in the year 2011, after a gap of almost two decades.

b) Functions of the Commission

All the Commissions, both National and State level Commissions are statutory bodies, mandated to investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws of the country.

The National and State Women Commissions are also mandated to call for special studies or investigations, into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints, so as to recommend strategies for their removal. However, Madhya Pradesh and Odisha State Governments have mentioned specifically in their ToRs that the focus of these studies would be on tribal districts and areas, which are underdeveloped with respect to women literacy, mortality and economic development. The focus is also on women working in factories, establishments and construction sites etc.

Based on the investigations and studies, these bodies are bound to provide annual reports to the Central and State Government for consideration and implementation of measures for improving the conditions of women. All these Commissions are also required

to enquire into specific complaints and take *suo moto*³ notice of matters relating to:

- deprivation of women's rights
- non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development
- non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and relief to women, and take up the issues arising out of such matters with appropriate authorities.

National Women Commission has an additional responsibility, which is not mentioned in the ToRs of other State Commissions, which relates to participating and advising in the planning processes of the socio-economic development of women. However, it is important to mention that State Commissions are not part of this function. National Commission for Women is also the only Commission among other State Commissions, to fund litigation involving issues affecting a large body of women.

However, Madhya Pradesh and Odisha Commission for Women have mentioned additional functions in their ToRs, which none other, not even National Commission for Women contain. These are:

- Coordination with the state cell and district cells, to address atrocities against women, if any; for mobilisation of public opinion in the state as a whole, or in specific areas. The objective behind this is to help in speedy reporting and detection of atrocities and mobilisation or public opinion against the offenders
- Assist, train and orient non-governmental organisations in the state, on aspects of legal counselling for poor women and enabling such women to get legal aid.

c) Composition and Tenure

Table 2.2 provides a comparative picture of the staff sanctioned for the four State Commissions and the National Commission. West Bengal is the most privileged State Commission in the context of the number of Chairpersons and members appointed for functioning. However, no explanations were offered for this variation between the Commissions.

There is also serious lacuna in the mandate of the number of posts sanctioned to the Commissions and this has resulted in a lack of uniformity in the staffing patterns, across the State Commissions. In the case of Bihar only four posts have been sanctioned, while Madhya Pradesh and Odisha have sanctioned 20 and 36 staff respectively.

³ Women Commissions have the power to take *suo motu* action, meaning it can initiate the legal process on its own on any kind of gender based violence and violation of women rights.

National Women Commission has an additional responsibility, which relates to participating and advising in the planning processes of the socio-economic development of women.

Table 2.2: Composition of Commissions⁴

		NCW	Bihar	Madhya Pradesh	Odisha	West Bengal
Office Bearers	Chairperson	1	1	1	1	1
	Vice-Chairperson	0	0	0	0	1
	Member Secretary	1	1	1	1	1
	Members	5	7	5	6	9
Staff	Administrative	Data not available	Sanctioned 4 Appointed 4	Sanctioned 20 Appointed 16	Sanctioned 36 Appointed (NA)	Data not available
	Personal	0	Data not available	Sanctioned 31 Appointed 28	Data not available	Data not available

Source: Field Data.

It is also interesting to note here that the personal staff provided to Chairperson and members of the Women Commission of Madhya Pradesh, outnumber the administrative staff. Though only 20 administrative posts have been sanctioned for office, a total of 31 personal staff has been sanctioned for the Chairperson and members, who are in all seven persons.

There is also lack of clarity regarding clear criteria for assessing suitability of various appointed members, including the Chair and Vice-chair of the Commissions. Further, there is no clear procedure for selection and appointment of such members. In the absence of transparent criteria and procedures for appointment of the Chair and members of Women Commissions, these appointments are made by the state government (typically by the office of the Chief Minister). Appointments for the NCW are made by national government and the concerned Minister.

It may be noted that because of the lack of proper procedures for the basis for such appointments, they tend to be based on party affiliations, typically made to provide a formal ministerial status with associated perks. The motivation, competence, knowledge or previous experience in working on such issues does not seem to be given much weightage.

⁴ Data available from the Act, Annual Reports and 1st phase study reports of PACS.

Table 2.3: Annual Budgets of the Commission

	NCW	Bihar	Madhya Pradesh	Odisha	West Bengal
Annual Budget	1 crore 41 lakhs (2010-11)	30 lakhs (2012-13)	1 crore 34 lakhs (2009-10)	55.99 lakhs (2009-2010)	Not Available

Source: Field Data.

d) Annual Budget

There is lack of clarity over the benchmark for establishing a reasonable budget for these Commissions, vis-à-vis their mandates. While NCW received a budget of above one crore rupees in the year 2010-11, Madhya Pradesh also received budget above one crore rupees in the year 2009-10, despite the vast difference in the area and population to be covered. The other Commissions of Bihar and Odisha are struggling with limited budgets of 30 lakh rupees and 55 lakh rupees respectively.

A detailed analysis of budgetary provisions in all Commissions suggested that most of the funds are consumed in the running the office, including paying salaries and meeting administrative expenses of the Commission. A very limited proportion of the funds are actually utilised for programmatic activities of the Commissions in respect of fulfillment of their mandates.

e) Outreach through Website

One of the ways for enhancing the outreach of the Commission, to people, especially victims is through its website. Despite limitations of access to information technology and the internet/website by a large majority of people living in rural areas nevertheless its significance cannot be underscored. While NCW has a very detailed and updated website with a lot of information available on the Commission, the State Commissions have not been able to meet this benchmark effectively.

Though West Bengal and Madhya Pradesh Commissions have their own websites, the information provided is very limited and outdated. One of the indicators of this is filing online complaints easily. NCW has a very detailed format for victims to file online complaints, which asks for complete details of the victim and perpetrator, along with details of the incident. There are also procedures for registration and follow-up on the complaints.

Madhya Pradesh SCW website only asks the details of the complainant and address. There is no mechanism of tracking and follow-up through the website. In case of West Bengal, there is no procedure for filing online complaints.

Table 2.4: Outreach through website

S. N.	Parameter	NCW	Bihar	Madhya Pradesh	Odisha	West Bengal
1.	Website	<p>Very detailed and updated website with vast information.</p> <p>Victims or family can submit online complaints in a detailed form. They can follow-up and check the status of their complaints.</p> <p>www.ncw.nic.in</p>	No website	<p>Website available but not updated or detailed.</p> <p>Victims can submit online complaints but no space for providing complete details like details of perpetrator of the crime, no categorisation of the crime as done by NCW.</p> <p>www.mpswc.nic.in</p>	<p>No separate website.</p> <p>Brief introduction available on the Department of Women and Child Development</p> <p>www.wcdorissa.gov.in</p>	<p>Website available but not updated or detailed.</p> <p>No procedure for filing online complaints.</p> <p>www.wbcw.org</p>

Source: Field Data.

Institutional Effectiveness

The empirical data collected during the study focused on following aspects:

a) Awareness about Existence of the Commissions – One of the key dimensions of awareness focuses on public awareness regarding the existence of the Commission; other dimensions were related to its accessibility, mandate, office, and office-bearers. The interviews were specifically conducted with the representatives of the community including panchayat members, health workers, teachers and department officials who were expected to be the knowledge bearers of the community.

A comparative analysis of information from the four states showed several interesting patterns. Around 67% of respondents had heard about Women Commission in Madhya Pradesh and Bihar, while it was 23% and 29% in Odisha and West Bengal respectively. Of the FGDs conducted with women and men groups in rural and urban locations in each state, there was no awareness among the local community – this is a serious reflection on the visibility and status of these Commissions among the community at large.

b) Accessing the Commissions – On probing whether respondents were aware about the location and office of the Commission, 68% of the respondents in Bihar, did not know about the office of the Commission, while 72% in Madhya Pradesh and 90% in West Bengal had no information. However, Odisha proved to be different, where 71% were aware about the office of the Commission

One of the key dimensions of awareness focuses on public awareness regarding the existence of the Commission; other dimensions are related to its accessibility, mandate, office, and office-bearers.

Respondents were further asked about whether they had ever visited the office of the Commission, to which 95% in Bihar, 95% in Madhya Pradesh, 97% in West Bengal shared that they had never visited the office of the Commission.

From the interviews with respondents who knew about the existence of the Commission in their state, it appeared that the major hurdle to accessing the Women Commissions was the physical distances to the capital of the state, where these offices are located. This made access to the Commissions virtually impossible due to constraints of time and resources. But it was the absence of any systematic outreach efforts that made people hesitant in coming to the office of the Commission, as they were unsure of whether they would get assistance and support after making all the effort.

c) Source of Information – A majority of respondents in each state shared that the source of information about the Commission were NGOs and media (newspapers, electronic). In West Bengal, political parties were also playing a major role in informing about the Commission, while in Odisha, Women Commission has played a major role in creating awareness. Government departments in Madhya Pradesh and Bihar also played a key role.

d) Knowledge of Functioning – In Bihar 5%, MP 23%, Odisha 13% and West Bengal 3% were aware about the nodal department of the Commissions. Clearly, the understanding about the Women Commissions and its linkages with the state government was rather weak.

e) Knowledge of Selection of Members – Majority of the respondents was unaware about the criteria or process of appointments of Chairpersons and members. This came as no surprise considering the general lack of awareness about the very existence of the Women Commission. However, a majority of respondents were clear in their recommendations and suggestions that stringent criteria should be formulated for the appointment of members and chairpersons of Women Commissions in the states, in order to promote transparency and establish credibility.

f) Transparency – The transparency of the Commissions was also analysed in relation to efforts made at proactive disclosure of activities, budgets and progress on disposal of cases, including annual reports.

One of the key findings was that there was hardly any **information or documentation regarding programmes conducted** by the Women Commission in any of the states. It was generally shared that even when members of Women Commission undertook field visits, hardly any of the respondents knew about such visits or ever met the Commission staff. Further, these rare visits were limited to

The transparency of the Commissions was also analysed in relation to efforts made at proactive disclosure of activities, budgets and progress on disposal of cases, as well as their including annual reports.

In the absence of any concrete annual plans, detailed budgetary applications towards achievements of those plans and disclosure of expenditures made with respect of those plans, it is impossible to establish any accountability of these Women Commissions.

inquiry into some specific complaints filed from the locality and information regarding the visits was given to government offices and functionaries, as opposed to the complainants. It was also revealed that these meetings usually took on tones of a politically coloured agenda, where the visit remained limited to the circuit house and not to the districts or villages where the incidents actually took place.

However, Odisha and Madhya Pradesh present a better picture in terms of awareness among respondents about the visits of the Commission with 8% and 15% aware that programmes had been conducted.

A second aspect of ensuring transparency is related **to publication of annual reports of the Commission**. While, NCW has a 270 page annual report published for the period 2010-11. It was observed that in Madhya Pradesh the last published annual report was of the year 2009-10 and no further report is available in public domain, after this period. However, the said reports though not available to the general public could be accessed only on approaching the Commission. The website of the Commission has not allocated space for sharing of publications including annual reports, research reports, success stories, posters etc. which could not only disseminate information about its activities, but could be drawn upon by the NCW, other Commissions and agencies as learning to support their own work and for purposes of policy advocacy.

The latest annual report of the Odisha Commission was for the years 2007-08 and 2008-09. This 14-page annual report has been written for both the years of 2007-08 and 2008-09, and cannot in essence and spirit be termed as "annual", it also raises several questions as to the content of the report and the lack of frequency.

The information about **annual budgets and expenditure patterns** also presents a dull picture as there are no clear standards for receiving the annual budgets. Madhya Pradesh Commission receives a budget almost equivalent to that of NCW and the highest budget compared to the states studied. Odisha and Bihar receive not even half this budget, while West Bengal budget data could not be accessed. It was further noticed that there is no expenditure booked as per the functions and mandates of the Commissions. The maximum expenditure has been made towards salary and travel costs. However, in the absence of any concrete annual plans, detailed budgetary applications towards achievements of those plans and disclosure of expenditures made with respect of those plans, it is impossible to establish any accountability of these Women Commissions.

Yet another measure of transparency relates to **information about the progress of cases filed by complainants and rate of addressal** of these cases. Table 2.5 presents the rate of disposal of cases.

Table 2.5: Rate of disposal of cases by the Commissions

State	Bihar	Odisha	Madhya Pradesh	West Bengal
Year	2012	2008-2009	April 2012- Jan 2013	2012
Number of cases received	1332	3211	3446	2044
Number of cases resolved	1092	4300 (includes pending cases of previous years)	1090	929
% of cases resolved	82%	100%	32%	45%

Source: Annual Report of the State Women Commissions

There needs to be a detailed investigation of how cases are probed and disposed off. West Bengal presents a better and replicable model of redressal of cases, wherein the structure consists of a pre-litigation and counselling cell, comprising trained counsellors to support and advise the victims. This mechanism acts as an umbrella for the oppressed and harassed women. However, no such mechanisms could be seen in Madhya Pradesh, Bihar and Odisha, though they organise mobile courts/camp courts which are attended by a minimum of two members from the district level, along with district administration and police.

One of the successes of the NCW which can be also followed by the state Commissions is formation of different cells, to promote better functioning and clarity of roles.

One of the successes of the NCW which can be also followed by the State Commissions is formation of different cells, to promote better functioning and clarity of roles. The NCW has separate complaints and counselling cells, a legal cell, a research and studies cell, public relations cell, Right to Information cell and Non-Resident Indian cell. The division of cells leads to demarcation of functions and clarity over roles. Such standards must be maintained even by the State Commissions for improving their effectiveness, outreach and accountability.

Responsiveness to Complaints – This aspect examines the responsiveness of the Commission towards the complaints received. A total of 30 cases were tracked to understand factors such as speed of response, independence of investigation, duration of redressal and satisfaction of the complainant with the Commissions response. In addition, the expectations of women about the responsiveness and support from the Commission are also analysed here.

The flow chart the following page describes in detail the steps in filing of complaint, its enquiry and disposal.

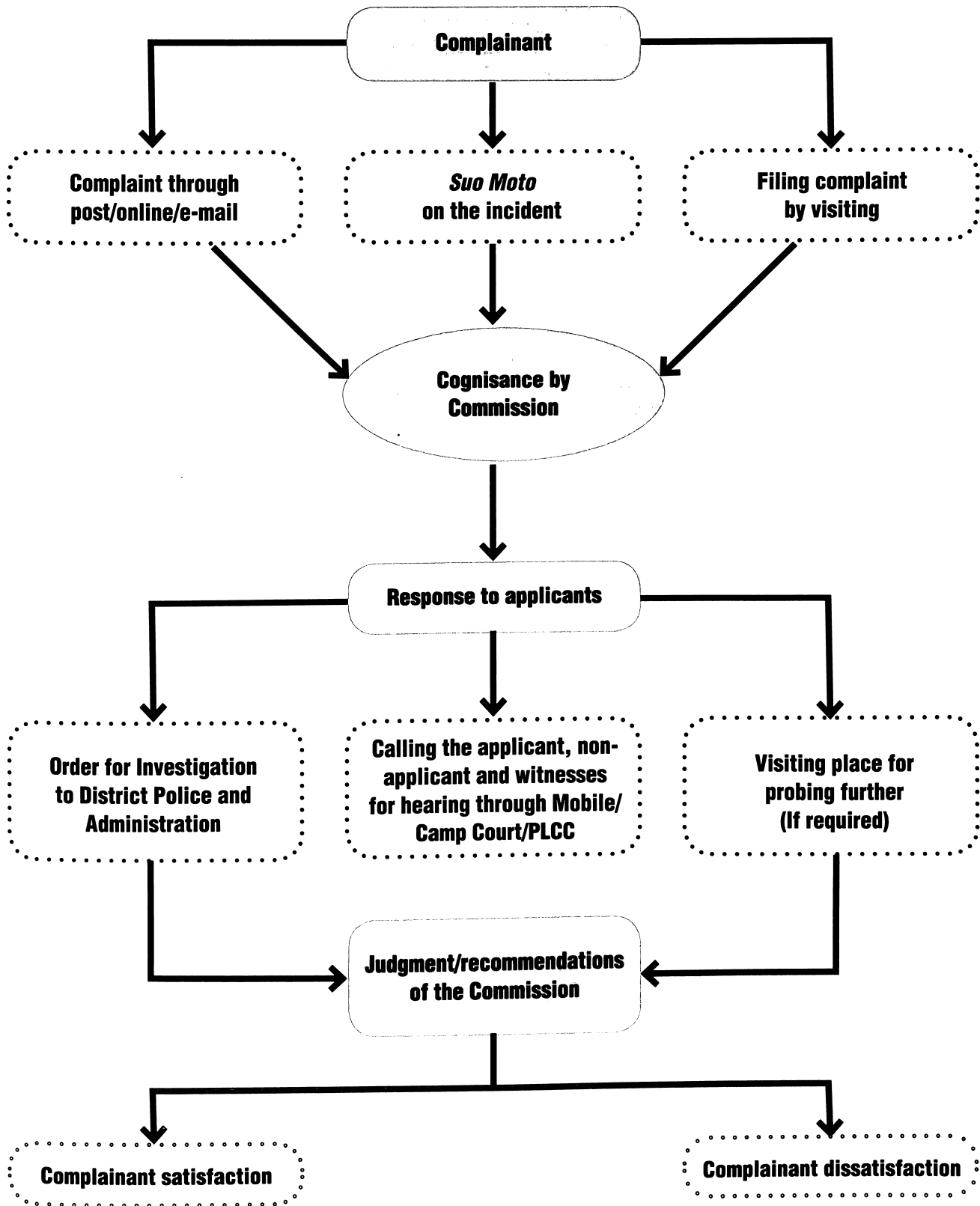
a) Filing Complaint to the Commission – This is the first step based on which the Commission begins to take action on the complaint. It involves filing of complaint by the victim with the Commission manually or by post. Only the state of Madhya Pradesh has the system of filing online complaints. Odisha SWC receives complaints through e-mail as well. In Bihar State Women Commission complaints are registered only when the petitioner appears in person before the Commission. This is as per the decision of the Commission as it was shared that earlier the Commission used to accept petition by post, but due to false petitions the decision was taken that the Commission will admit petitions only when the complainant actually files it in person. The application has to be filed in three copies and one copy is given to the petitioner after the complaint is registered. Most of the cases tracked were of the nature of domestic violence and harassment.

b) Enquiry by the Commission – After the complaints are registered, the Commission begins enquiry on the case. It was found that all the Commissions enquire on the complaints by writing letters to higher authorities (district administration, police) and asking for the departmental enquiry report. It is however to be noted here that the complainants approach the Commission only after their grievances have not been addressed by local police station or local government functionaries. Women Commission is thus seen as 'port of last call'; hence, there is a lot of expectation of redressal and justice from the Commission amongst the complainants.

In Bihar, it was found that in all the cases, the Commission took cognisance of the complaints and made a formal notice with the opponent party and local police station within 30-45 days of the filing of complaints. This method of responding to the cases has been quite encouraging. In all cases the hearing started within 45-90 days of the filing of the petition. But there was no decision on these cases for two years.

On the other hand, in case of Odisha, the Commission gives a receipt to the complainants, and issues summons to the second party very quickly (usually from one day to one month) but actual action and hearing takes place only after five to six months of filing an application. Further, the decision of the Commission comes only after one year and sometimes the Commission takes more than three years to give its verdict. But the suffering of the victims does not end here as the opposition party either does not comply with the decision of the Commission or the decision of the Commission gets challenged in the higher courts, as this is only a recommendatory body.

Flow chart: Depicting the process of response and redressal in Women Commission



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In the last few years, PLCC has been receiving more than 1500 complaints, indicating a sharp rise in the rate of atrocities against women in West Bengal and indicates the fact that increasing number of women are aware about the work of the Commission.

In case of Madhya Pradesh, registration of complaints of the victim was done within three days to one year. After registration, one case did not receive any response from the Commission, while the rest three complainants received response after three months to one year, post their complaint. But it is to be noticed that all these cases are still pending and have not been resolved to the complainant's satisfaction. They are still fighting in other courts of law.

It is further to be noted here that most of the complainants were able to approach Women Commission due to support from local NGOs but since the organisations have lost faith on the functioning and effectiveness of the Commission, many of them have stopped filing complaints. There was also very limited understanding among the civil society sector on the Commission's roles and responsibilities.

c) Disposal of Cases – It was found that majority of the Women Commissions have very low rate of disposal of cases (“disposal” as coined by the Commissions for addressal of cases). As was understood, the disposal of cases in majority of the cases was limited to issuing letters to the district administration/authority to take appropriate action, provide legal aid to the victims and if not satisfied, organise hearing of the case with both the parties. However, it was noticed that powers of the Commission are not adequately deployed since many members and staff lack judicial/legal competence. In its absence, the Commission is not able to conduct enquiry in a free, fair and timely manner so as to ensure justice. Only West Bengal Commission has trained counsellors and lawyers to counsel the victim and an appropriate mechanism of addressal of cases through Pre-Litigation Counselling and Complaint Cell (PLCC). In the last few years, PLCC has been receiving more than 1500 complaints, indicating a sharp rise in the rate of atrocities against women in West Bengal and indicates the fact that increasing number of women are aware about the work of the Commission.

Swadhar is an organisation in Odisha that runs a shelter home for destitute and oppressed women. The organisation provides shelter to oppressed women and also imparts training skill to the women so that they can earn and live with dignity.

During the discussion it was shared by the residents of the shelter home that they have filed written petition before the Commission but they have not been able to get any response from the said, very confidently, that they will teach their children to live in the society by sharing their own experiences.

In case of Madhya Pradesh and Odisha, mobile/camp courts are organised at the district level by two members to hear the case. But as was stated by one of the victims, these visits of the Commission members become a political agenda. Any meaningful enquiry can only be conducted by an independent mechanism not dependent on local socio-political web of relationships.

d) Pronouncement of Judgment by the Commission – It is important that the judgment by the Commission is valued by the complainants for it to reach a successful end, but the present system has many gaps. In majority of cases, decisions were never taken by the Commission as per the complainant's satisfaction. The final decision in most of the cases is still pending. Complainants also stated that they did not receive any support from the Commission in its resolution. All the complainants shared that the response of the Commission towards their case was indifferent or rude and never supportive. The incidence of case hearing of all the complainants together in one common hall, in case of Odisha is another example of insensitivities towards the complainants.

There is also no system of follow-up after disposal of the cases to assess whether the complainant is satisfied with the judgment of the Commission. In absence of such supportive mechanism, the cycle of violence and harassment continues unabated.

“Kismat Ara”

The story of Kismat Ara (name changed) is a very common one – one of tremendous suffering as a result of torture on grounds of non-receipt of dowry by the in-laws’ family. Yet it is quite a bit different from the long list of similar cases, innumerable at times, from the district of Murshidabad; Kismat has been lucky enough to get the support of her own family and especially her elder brother, who went beyond the closed circles and reached the doors of the Faujdari Adalat in Murshidabad block headquarters as well as the office of the Women Commission in Kolkata to seek justice for her.

Kismat, born and brought up in Malipara, village Katlaman I, block Raninagar II, belongs to a small family consisting of her ‘ammu’ - ‘abba’, an elder brother and two younger sisters. The family though small has survived on basic minimum with just a single piece of agricultural land as the sole source of income. As Kismat grew up, finished school and joined college as a B.A. first year student, her parents started searching for a suitable matrimonial match for her. Soon after, they came to know of Sikandar Mondal of nearby locality (Kaliganj P.S., Jalangi block of Murshidabad district); after discussion between both the families, the marriage of Kismat and Sikandar was fixed in early 2012. Kismat’s parents met all the demands put forth by Sikandar’s family for dowry. They even did not hesitate to sell out their only land to get cash in order to accumulate fund for the dowry and the marriage. In spite of that just within two weeks of the marriage, a further two lakhs was demanded as dowry. Kismat’s parents were certainly not in a position any more to meet this new and unprecedented demand. They had already sold their sole possession to meet their initial demands. In addition to that they had two more daughters younger to Kismat. They had concerns about their marriage as well. When Kismat’s parents could not pay up the money, Sikandar and his family started inflicting tremendous domestic violence upon Kismat.

However, she conceived within a few months, but the concurrent incessant physical torture – she was strangled twice, starved, given poison on one occasion and relentless beating by in-laws, resulted in a miscarriage. Despite the humiliation, she still continued staying there despite the miscarriage, enduring all the peril. She consequently conceived for the second time; this time also torture continued reaching its apex when she was thrown out of the household after the first trimester of pregnancy. The brutalised pregnant girl at the age of 19 had no place to go except her parents.

After returning back to Malipara, Kismat with the support of her family especially her elder brother filed an FIR in the local police station. After repeated back and forth, the family was advised to go for a mutual settlement with Sikandar's family. It is important to note here that Articles 498A, 313, 307 and 34 of IPC were filed against Sikandar and his family, yet no one was arrested. With no concrete response on the part of the police, they went to the Behrampur Faujdari court to file a case against the in-laws' family on 23rd December 2012. However, even after almost three months, the case did not proceed at all. Dejected, they approached the SDO which also did not yield them with the desired result.

Under such circumstances, Kismat's elder brother, a graduate and a small-scale entrepreneur after much internet based research came to know about the Women's Commission. He registered the case at the Commission, on 6th March 2013. The office staff was very supportive and guided him well with all the required forms and formats as well as the procedures to file a complaint. In between, in the month of April 2013, Kismat gave birth to a baby girl and continued staying with her parents after child-birth.

A letter came from the Women Commission after two months of registering the complaint. On 4th June, a letter was given from Commission to the Chairman, Sub-division legal services, Murshidabad to redress the case and dispute of Kismat Ara as per suitable law. They went to the sub-division legal services at Lalbagh, Kolkata, where they were ignored and sent back saying that this should be dealt at the district level in Berhampur. On 14th July, they again received copy of a letter from the Women Commission addressed to the Superintendent of Police, Murshidabad informing them about the problem and demanding arrest of the brother-in-law Samsud. Atreyee Sen, Inspector of Police, Murshidabad has submitted an enquiry report to the Commission. Kismat and her family had plans to meet the SP, Murshidabad on 15th July.

This has been the situation as on 15th July, 2013 when the interviews of Kismat Ara and her family members have been taken. Kismat still wants to go back to Sikandar as her parents are financially not sound enough to look after her and the baby. How far the Women Commission of West Bengal, just being a recommendatory body, is capable of providing her with justice is something yet to be seen and eagerly awaited!

It is important to note here that Articles 498A, 313, 307 and 34 of IPC were filed against Sikandar and his family, yet no one was arrested



Emerging Issues

This study was conducted to examine and understand the legislative mandate, structure and composition, modes of functioning and delivery of State Women Commissions in the four states of Bihar, MP, Odisha and WB. In this context, the overall role of the National Commission for women was taken into account to provide a wider perspective to the role these State Commissions could play and also to highlight certain learnings and exemplars that could be followed by the State Commissions.

The State Commissions are statutory bodies that have been set up with the express objective of ensuring that the constitutional and legal safeguards that protect and promote the interests of women are being followed. Further, these Commissions are also mandated to set up grievance redressal mechanisms and processes to provide speedy justice to women, especially the poor and the marginalised in securing their rights as equals citizens in the Indian democracy.

This study throws lights on several issues and factors that indicate ways and measures to be adopted, wherein the efficacy of these institutions can be increased in order to help them fulfill their mandates and objectives of empowering women through economic enhancement, awareness raising on the status of women, improvement of the same and the prevention and redressal of all cases of discrimination and violence against women.

Identity and Autonomy

The State Commissions seem to be struggling with the challenges related to their identity and autonomy. The lack of awareness about the existence of the Commission at all levels, seems one of the major obstacles to be addressed, if the identity and the image of the Commission is to be established as an organisation that is committed to dealing with issues of women's discrimination and the promotion of their empowerment.

The study has revealed that there are no standards for receiving budgets and there is a discrepancy in the manner in which resources are allocated.

As the Commissions do not perform the roles that they have been mandated to, their relevance is seen as being ambiguous. Moreover, the nodal departments give the Commissions scant respect or take them seriously. As the nodal departments in the State Government substantially influence the functioning of the Commission, a disregard for their significance has adverse impacts on their identity.

However, the issue is not only about the Commissions following their mandates. This aspect is also linked to resource and financial allocation. Financial resources are one of the major factors that affect the functioning of the Commissions and these resources should be allocated on the basis of planning of activities and tasks linked to the mandates of these bodies. The study has revealed that there are no standards for receiving budgets and there is a discrepancy in the manner in which resources are allocated. These randomly assigned budgetary allocations, which fluctuate annually, is one of the major challenges that is faced by all the Commissions. In the absence of clearly defined budgetary guidelines, the Commissions cannot prepare well-defined annual plans, detailing out concrete outcomes, which are necessary to reflect the mandate they hope to fulfill. As a result, limited planning is undertaken, without any demarcation of budgetary support to the activities that are suggested. It is ironic that budgets of the NCW and MP State Commissions are almost equivalent, though the outreach of the former is far greater than that of the state.

However, budgets and resources are linked to a vision and a dream of what the Commissions hope to achieve. Lack of such a vision, a long term perspective, inadequate planning of annual activities that move towards achieving that vision, results in the majority expenditure going towards staff salaries and running costs with only a fraction of the same on activities that are the mandate of these Commissions.

Lack of autonomy in the selection of Chairpersons has resulted in appointments to these critical posts made on the basis of political affiliation without concern about the history, competence and the commitment to the empowerment of women. Applicants to this specific Commission must have demonstrated an awareness of women's rights, a gender sensitivity and empathy towards the status and plight of women, especially the poor and the marginalised. Such awareness is crucial if the Commission is expected to speak out on issues, violations and the indifference and apathy of the state government with respect to the safeguards for women.

Absence of standard norms regarding a minimum membership in the Commission has an impact on its identity and functioning. West

Bengal appears to be favoured in this area and has a total of nine members with one Chairperson and Vice Chairperson each; this is in contrast to the National Women's Commission which has only five members and one Chair.

Activities of the Commission are linked to their identity and their credibility thereof, within the state and especially its women population. However, tardiness on the part of the Commissions in the notification of the rules has had an adverse impact on their functioning and has curtailed the potential activities of the Commissions.

In conclusion it may be said that to clearly establish the identity of the Commissions and realise their autonomy, all of the above factors will need to be taken into consideration and addressed simultaneously.

Transparency and Accountability

The issue of transparency and accountability of the Commissions needs to be addressed at several levels:

- **Selection and Criterion of Commission Members:** If members are selected on the basis of political affiliations and favours to be given, without concern to competence and commitment, of the members, the hopes of ensuring the realisation of women's rights and their empowerment remains a distant dream. This is true for both the national, as well as the state commissions.
- **Access to Information:** In general there is limited or no access to annual reports, status reports and other information related to budgets and expenditure patterns, rate of resolution of cases, visits made etc. During visits to the four Commissions, staff and some executive members were reluctant to share information, even though the same was not available in the public domain. Lack of transparency in such aspects, besides being in violation of the law, fails to inspire confidence or establish credibility in the eyes of the common person. It only reinforces the perception of the lack of efficacy of the Commission.
- **Visits to the Constituency:** There appears to be a high level of secrecy in terms of the visits made by the executive members of the Commission to the area under their jurisdiction. Further, these visits become politically motivated even when they are made in the connection with a complaint. Instead of meeting with people and giving their concerns and expectations a patient hearing, they are limited to closed doors meeting within the official premises.

Activities of the Commission are linked to their identity and their credibility thereof, within the state and especially its women population.

In the event that a Commission is dissatisfied with the decision of the police and administration, it then organises mobile benches/camp courts wherein hearing is given to both sides and efforts are made to resolve the case.

Mechanism for Redressal of Cases

There appears to be an inadequate mechanism for the effective redressal and disposal of cases. While the NCW and West Bengal Women Commission provide some clarity over the process of counselling and have mechanisms in place for the redressal of complaints, the same cannot be said of the other Commissions that were studied. For these Commissions, most cases are registered manually and are investigated through the local police or administration.

In the event that a Commission is dissatisfied with the decision of the police and administration, it then organises mobile benches/camp courts wherein hearing is given to both sides and efforts are made to resolve the case.

However, the study team was witness to one of the "camp courts" organised in district Keonjhar in the Collectorate (Darbar Hall) on 13th June, 2013. It was evident from this single case and discussions hereafter, that the Commission had not standardised, formalised or institutionalised procedures for resolving cases.

In fact the procedures flaunted all norms of sensitivity and confidentiality, regarding the complainant. The complainant, perpetrators, witnesses, family members are all present at the same time and provide the evidence and statements in one common hall. The severity of the crime, the frame of mind of the complainant, the fear and pressure of family members and other witnesses when face-to-face with the perpetrator and his family and friends, did not seem to feature into the procedures of handling cases. Complaints of domestic violence, sexual harassment, rape and other heinous crimes were all being handled in the same room as those of a less severe nature such as gender based discrimination in terms of low wages etc.

Institutional Capacity Building

There is an urgent need to build the capacities of all the staff, even the professional staff on issues related to gender awareness and sensitivity. Further, reiterating the vision of the Commission in the context of the empowerment of women; detailing out the hurdles and the obstacles that women face in securing their rights; as well as the challenges that the Commission will have to overcome in achieving their goals, are major themes of capacity building interventions. It may be noted that such capacity building interventions target both women and men staff of the Commission.

Clear norms and guidelines on how cases are to be received and handled must be developed so that there is uniformity of how

complainants are dealt with. Process documentation of cases must be clearly outlined, as these documents will prove useful for assessing procedures, as well as glean learning from cases.

Effective Monitoring of Activities

The lack of competent and sufficient human resources is a challenge in the effective monitoring of the activities carried out by the Commission. This flaw in the system is a clear reflection on the number of staff and their capabilities. The majority of staff are either administrative or personal assistants; and there is a lack of technical and professional staff, trained to understand and address women's issues. Given these limitations of staff, it is near impossible to plan out relevant activities that address the generic needs of women in the state, much less develop strategies that tackle their specific needs. The complexity and urgency of these lacunae are exacerbated when the Chairperson of the Commission does not have the vision, perspective or the strategy to address women's issues.

Further, in the absence of legal competence amongst their staff, the Commissions are unable to provide any guidance and legal support to complainants. This is a major reason that these bodies are unable to conduct fair and speedy inquiries and hearings to deal with offences.

Lack of competent and sufficient technical staff, while having an impact on the formulation of relevant programmes, adversely affects the monitoring of activities that are being carried out in the field. However, this paucity of staff critically affects the solid evidence of the ground reality and the emerging recommendations that the Commission makes to the state government in terms of policy advocacy and the pressure to address specific challenges faced by women in the state.

Linkages and Networking

A statutory body with an important mandate to ensure that women secure their rights, are treated with respect and decency and provided with support to achieve their full potential as equal members of society; can only function effectively if it builds up a comprehensive and elaborate system of linkages with other critical offices and functionaries to support fulfillment of their objectives.

The study highlighted that State Commissions have rather sketchy and limited relationships and linkages with other institutions such as panchayats, municipalities, NGOs and the academia. It cannot be overemphasised that such institutions are important for several reasons

The lack of competent and sufficient human resources is a challenge in the effective monitoring of the activities carried out by the Commission.

They are:

- a medium to create awareness of the Commission, its roles, its location and focal points within the offices of the Commission
- an entry point into the community
- aware of the issues, challenges and problems that women face as a whole in a community, as well the reality of individual cases.
- in a position to bring about change and awareness at a local level
- of immediate support in resolution of complaints, or in accessing the services of the Commission
- able to provide shelter to those in immediate need of such support
- able to conduct follow up on cases and giving feedback to the Commission
- conduct research and studies that feed into the work of the Commission
- in a position to complement the work of the Commission
- a help in establishing credibility of the Commission
- able to convene meetings between the Commission and the community
- monitor activities of the Commission and support the recommendations to the state government.

It may be noted that each of these institutions are also mandated to work on women issues, though they all stand in isolation of each other. The Commission can play a significant role in convening these institutions and streamlining their efforts into a collaborative and collective process, to improve the lives of women. The competencies and capabilities of all these institutions can be pooled in a common resource and can be made use of by each other. Together these institutions can comprise a formidable body with powers that can change the lives of both men and women towards a progressive future.

Recommendations and the Way Forward

Women Commissions are one of the most important statutory bodies and the hopes, aspirations, growth and development of women and indeed the entire society rests on the proper functioning of these bodies. Their functioning is critical to the overall improvement of the socio-economic and political well-being of women across the country.

There are several recommendations that can improve on the functioning of these Commissions, establish their credibility, meet the needs of their constituency and finally help them in fulfilling their mandate of empowering women and helping them secure their rights and exercise their agency.

Identity and Autonomy

- The appointment of the Chairperson of each Women's Commission must be made by the Governor of the state, based on clearly established criteria, in order that the appropriate individual is selected who will do justice to the tasks ahead. Such a step is in tandem with the constitutional provisions of the country, where it is expected that the highest office bearers such as the President of India, governors of the state and heads of such statutory bodies are duty-bound to protect the rights and the interests of women.
- A clear and transparent set of criteria for appointment of members of the Commission should be established. Membership should be from across various sectors, including individuals with professional experience, commitment to social change, knowledge and experience of having worked on issues related to women's empowerment and elimination of discrimination against women.

It may be further ensured that there is at least one-third representation of men in the membership of the executive

The inclusion of men also ensures that planning of activities takes into account the male perspective, especially with a view to influencing the male population of the constituency that is being reached through the Commission.

body of the Commission, in order to ensure that an unbiased perspective exists in the vision, planning, as well as implementation of activities. The inclusion of men also ensures that planning of activities takes into account the male perspective, especially with a view to influencing the male population of the constituency that is being reached through the Commission. A balance in the membership also reinforces that women's empowerment and gender discrimination are not issues that are concerns for women alone but are of importance to the entire society.

- While it is not possible to appoint a wide range of professionals on the Commission, it may be relevant to build up a body of individuals such as lawyers, trade union leaders, activists, IT professionals, academia, bankers, accountants and financiers, theatre personalities, medical professionals, counsellors and others who can support the activities of the Commission. This support may be garnered for formulating a strategy, providing support to individual cases, capacity building initiatives of members and other stakeholders involved in the varied activities of the Commission. This pool of resource persons and consultants should have a judicious blend of men and women to ensure that there is a balanced and fair representation of views and perspectives.
- The Commissions should be mandated to prepare a detailed and extensive five year plan with deliverables and budgets, based on the vision and mission of the specific state, rooted in the national perspective. While these plans should detail out the holistic development, growth and empowerment of women in the state, it must also include and address how it intends to deal with the specific issues. These could include girl child education, foeticide, trafficking, etc. which may be peculiar to the states or districts within them.

Further, these plans should form the basis and the rationale for the projection of the annual budgets. Budgets must also be prepared using standardised norms (developed at the national level) in order that there is uniformity in the allocation of resources, based on the size of the population of the constituency, as well as specific issues to be addressed.

Transparency and Accountability

Ensuring transparency and accountability of the activities of the Commission and of the executive body is critical to the success of the Commission. Mechanisms and measures that provide information on the procedures in the handling of cases, *suo moto* steps taken by the Commission in ensuring that women's rights

are safeguarded and access to data and other information on the activities of the Commission must be made available to the general public.

As discussed in the earlier section, appointment of the Chairperson and other members must be done in a transparent manner, whilst following the guidelines and procedures. The rationale behind each appointment must be the value addition of the individual in furthering the objectives of the work of the Commission.

Websites of the Commissions must be reworked and redesigned extensively in order that all information is easily available, including annual reports, budgets and expenditures as well as status of complaints and cases.

Mechanism for Redressal of Cases

Following in the footsteps of the National Commission for Women, State Commissions must have various ways and means whereby complaints can be filed. These include e-mails, online options, letters sent by post or courier, personal hand delivery, as well as face-to-face complaints. Complainants who are unable to prepare a written complaint must be supported to do so, in order that there is a formal and written copy of the complaint.

The Commission must ensure that there are adequate and effective mechanisms of registering cases and tracking their redressal.

Further, the Commission must be able to analyse the types of cases that they are dealing with in order that they make recommendations to the state on policy reforms which address systemic discrimination that often goes unnoticed.

Improved functioning and prompt response to complaints needs to be introduced based on feedback from individuals, civil society, panchayats and community leaders. Such a step will not only ensure efficiency but also ensure that complaints are addressed in a sensitive manner. It will also ensure that necessary support is provided to women so that they are able to gain confidence to deal with the matter on their own.

The motto should be to reduce time and increase efficiency in dealing with cases. Preparation of reports, sharing the same with different stakeholders, as well as presentations on successes and weaknesses in public forums such as the website and annual reports must be a regular feature of the Commissions.

A computerised system needs to be put into place for data collection, recording, analysis and dissemination of relevant

Improved functioning and prompt response to complaints needs to be introduced based on feedback from individuals, civil society, panchayats and community leaders.

information. This includes updation and tracking of cases so that complainants and the general public can access relevant information without having to write to or visit the Commission.

Institutional Capacity Building

Efforts to create gender sensitivity and mainstreaming of gender within the institution are a positive sign that these Commissions are on the right path to ensuring the empowerment of women.

Enhancing institutional capacities of Women Commissions is integral to ensure that they fulfill their mandate. Gender discrimination is so deep rooted and complex that many individuals, including staff in the Commissions might not be aware of discriminations and gender stereotyping that they perpetuate in their actions and processes even in their official capacity. Insensitivity towards gender issues in these Commissions cannot be ignored; neither can it be assumed that the individuals and the offices of the Commissions are gender sensitive because they deal with women's issues. Efforts to create gender sensitivity and mainstreaming of gender within the institution are a positive sign that these Commissions are on the right path to ensuring the empowerment of women. Statutory requirements such as setting up of Internal Complaints Committees to address sexual harassment in the workplace, maternity benefits, facilities for child care and crèches in the premises, timings and safety and security concerns must be addressed within the formal workplace as well.

Capacity building on various issues, are integral to the activities of the Commission, such as:

- Gender awareness and sensitivity
- Understanding of forms of discrimination and violence against women
- Gender budgeting
- Conducting research
- Field related activities – Focused Group Discussions, Participatory Rural Appraisals, Mapping of services and facilities within a community
- Awareness raising campaigns
- Basic counselling skills
- Investigation into complaints and cases
- Process documentation
- Project planning, implementation and monitoring skills

As has been observed, there are more personal assistants to the Commission members, than professional staff on the team. A careful and critical review of the staffing is necessary, as is the downsizing of administrative staff in order to recruit professional staff that will add value to the functioning of the Commission. The above listed skills should be looked for in professionals hired and where not available, capable and committed individuals should undergo relevant training to acquire some of these essential skills.

Meticulous systems of planning and reporting needs to be introduced that are aligned to the available budgets, in order to ensure success in the activities of the Commission.

Regular staff meetings in which activities are shared, challenges faced put to the team for their suggestions and feedback must be an intrinsic part of the functioning of the Commission.

Further, the staff of the Commission, including new members, need to get regular inputs on gender issues, information about new laws, discuss controversial issues (e.g. Section 377), so that there is a deeper understanding on the realities that women face in their lives, especially those from poor, marginalised and excluded communities.

Effective Monitoring of Activities

Detailed systems of monitoring of the activities of individuals in the Commissions as well as tracking of activities needs to be put in place, to ensure that things are moving in the right direction. Periodic assessment of activities to gauge whether they are fulfilling their objectives, review whether change of course is required, are key features of monitoring the implementation of a programme. Evaluations may be conducted by an external team so as to receive critical feedback, on improvement of the activities of the Commission.

Detailed systems of monitoring of the activities of individuals in the Commissions as well as tracking of activities needs to be put in place, to ensure that things are moving in the right direction.

Linkages and Networking

The findings seem to suggest that they work in isolation of other mechanisms, institutions and agencies, which are dealing with issues of women's empowerment at various levels and fronts. Further, all institutions and agencies not directly working on women's issues also need to be included in the network of the Commissions, so as to influence their work with a gender lens and perspective. By creating and maintaining linkages with all such agencies, the Women Commissions can draw on substantial human, institutional and financial resources to achieve their own mandates, with a wider group of stakeholders.

The foremost linkage has to be with the district and state level judicial process, especially in the context of securing rights of women. By establishing such linkages, the legal functions expected to be carried out by the Commissions can be done in collaboration with the judiciary, which not only have greater competence and legitimacy to do so, but gender justice is an integral part of their own mandate.

Strong linkages with panchayats and municipalities are critical to support the role of the Commission in reaching out to thousands of elected representatives in each village and ward, who are in need of the support of the Commission.

State and district legal aid cells can provide formal and professional legal assistance to complainants. These bodies are more accessible to the community especially in rural areas and small towns and municipalities. Further, if adequately trained to address and dispose of cases at local levels, the efficiency of redressal will increase. Awareness raising programmes at the local level can be undertaken by these bodies for community members as well as other local organisations and individuals.

Strong linkages with panchayats and municipalities are critical to support the role of the Commission in reaching out to thousands of elected representatives in each village and ward, who are in need of the support of the Commission. Women elected representatives can also play a role in reaching out to women within their communities, seeking redressal of their complaints and putting them in touch with the Commissions.

The academia, staff and faculty of high schools, researchers, student volunteers, NSS students, and interns can be called upon to play a role in raising awareness, conducting research, collecting other data from communities or even giving information on schemes and programmes that support young girls and women. By engaging such academic institutions, the Commission can get to initiate appropriate studies and research projects, hold seminars and conferences, garner the support of the youth, as well as get assistance in proper documentation of some of its field activities. Feedback from the community on an ongoing basis will be critical to the efficiency of the activities of the Commission.

In each state, there are a host of such Commissions, some with somewhat overlapping mandates. For example Women Commission can work with Scheduled Castes Commission on issues related to scheduled caste women. They can also work with the State Finance Commission to suggest ways in which local government bodies can implement and monitor various schemes meant for the empowerment of women, such as livelihoods schemes and self-help/finance groups. Periodic meetings of all Commissions within the state may enhance achievements of mandates of all Commissions.

Regular sharing of information, activities planned is essential to garner support and integrate activities, enhance peer learning and collective reflections on the improvement of the poor and the marginalised, that are integral to the mandate of these various Commissions. The NCW can play a lead role in initiating such processes.

Finally, the Commission must establish closer linkages with district, state and national level civil society organisations working to improve the status of women in the state. These can play a vital role in creating awareness regarding the Commission and the roles it plays; act as a via media between the Commissions and its constituency of women; carry out follow up of cases, as well as, undertaking field studies and investigations, by providing support to the Commission in its capacity development programmes, and by undertaking campaigns to focus policy-makers on the issues on issues related to women. Such partnerships and collaborations can substantially augment the capacity of the Commission in fulfilling its mandates.

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About the Study of Statutory Institutions

Conducted by PACS in Association with PRIA

This study was initiated by Poorest Areas Civil Society (PACS) programme through Participatory Research in Asia (PRIA) to look some critical areas and aspects of selected institutions in Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and West Bengal.

Objectives of the study

- To understand the legislative mandate, structure, composition, modes of functioning and delivery of institutions mandated to safeguard constitutional rights of Scheduled Castes, Scheduled Tribes, Women, Minorities and Persons with Disabilities.
- To assess the awareness levels and practical experiences of members of socially excluded communities towards two selected institutions, from the five mentioned, in each of the seven states.
- To arrive at a set of recommendations for advocacy and dissemination efforts to make these institutions vibrant, responsive and accountable.

Methodology

Field visits and desk review were conducted during the first phase of the study. The mandates and remit of each of the above mentioned commissions were studied through secondary sources gathered from websites, existing literature and reports of the commissions.

Meetings and interviews with the office bearers of the commission were also held.

In the second phase, 14 commissions were shortlisted from the first 35 for a deeper study. This was done after taking into account various aspects, the population of a particular social group and functioning of the respective institutions in a particular state. In this phase two distinct processes were involved, two districts were selected; two blocks each, to conduct interviews of persons from socially excluded communities. This was to assess awareness

levels, experience of engagement with commissions in cases of violations. Eight focus group discussions were also organised. To ensure participation by women in the study and allow them to voice their perspectives separate focused group discussions were held. Ten cases were taken for study to get an on-ground of the cases those were taken up these commissions.

This study is conducted by using participatory tools and it has been able to generate information through interviews (with all possible stakeholders), Focus Group Discussions with community members, and multi-stakeholder state level workshops in each state.



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Poorest Areas Civil Society (PACS) Programme is an initiative of the UK Government's Department for International Development (DFID) aimed at assisting the socially excluded groups to claim their rights and entitlements while addressing issues of differential access.

www.pacsindia.org

Participatory Research in Asia (PRIA) is an international centre for learning and promotion of citizen participation and democratic governance. PRIA's professional expertise and practical insights are utilised by other civil society groups, NGOs, governments, donors, trade unions, private business and academic institutions around the world.

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