

TAMILNADU STATE COMMISSION FOR WOMEN - A STUDY

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Dr. S. CHANDRAVATHANAM

Head and Associate Professor of History

PG and Research Department of History

Kunthavai Nacchiyar Government

Arts College for women (A), Thanjavur, Tamil Nadu, India

Abstract

The most significant effort taken by the Government of India in the direction of protecting and promoting the equal rights of women was the setting up of "National Commission for Women" as statutory body in January 1992 under the National Commission for Women Act, 1990¹ to review the constitutional and Legal safeguards for women, to recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women. It was followed by various states like Maharashtra, Karnataka, Kerala etc. which set up the State Commission for women.

Keywords: *National Commission for Women, Legal safeguards for women, educational research, women institutions, to trafficking in women, AIDWA*

Having understood that the index of a nation's social development is the status of its women, 'Tamil Nadu State Commission for Women' was constituted during the year 1993² for protecting the rights and safeguarding the welfare of women. The SCW undertakes promotional and educational research for suggesting the ways of ensuring due representation of women in all spheres and to inspect jails, remand homes, women institutions or other places of custody where women are kept as prisoners or otherwise.³

When the commission was constituted in 1993, Selvi M.S.Ramesh, a retired I.A.S. Officer acted as the care taker⁴ and was followed by a retired High Court Justice, Justice R.Senguttuvelan who was actually considered to be the first Chairperson of the Commission and he took his charge on 24th December 1993.⁵ Justice Padmini Jesudurai, a retired High Court Justice who was appointed as the Chairperson in 1997⁶ popularized the programmes of the commission such as Legal Literacy Training Programme to the Women Lectures and also the Cradle Baby Scheme of the Government. The State Commission for women, co-ordinating with other NGO's and the women activists has undertaken the schemes such as the Gender Sensitization Training Programmers to the Police Officers in the Cadre of Inspectors and Sub-Inspectors both men and women. Every year 90 police officers are trained. The commission is conducting the Legal Literacy Awareness Training Programme for Women Lecturers who in turn act as the resource persons and train their students who carry the message to the rural women and educate them about their rights and also the legal provisions available to protect their rights and safeguard their welfare. Now, this programme is extended to the Panchayat levels and to the Panchayat Officers.

Having understood the serious consequences of the dowry problem, the commission in order to eradicate it, gives one day training to Revenue Divisional Officers and Sub-collectors on the inquest on Dowry Death in Co-ordination with the Police Department, All the District Social Welfare Officers are appointed as Dowry Prohibition Officers and 5 members Non-Official Committee has been appointed as Dowry Prohibition Advisory Committee in all the districts.⁷ This committee meets once a month and helps the needy women to eradicate dowry. The commission has made recommendations to the Government to introduce changes into the Chapter IX of the Criminal Procedure Code, the Hindu Minority and Guardianship Act, recommends the compulsory regulation of Hindu Marriages, enacting law to make eve-teasing as an offence and laws to curb domestic violence. Also to amend the existing laws relating to trafficking in women

The State Commission organized a Public Hearing on Female Infanticide and Feticide on the 10th of July 2002 in Chennai in which 45 NGOs from Tamil Nadu including those in Chennai participated.⁸ The members of SCW were the jury members. This was aimed to put an end to

female infanticide and feticide which are responsible for the decline in the girl child sex ratio. SCW tried to help the State Government formulating policies and legislative measures to eradicate these two horrendous human rights crimes.

About 40 cases under the categories of persons who had committed or been charged with having committed female infanticide, those who had undergone Prematurely Diagnostic Tests and have committed female Foeticide, who had given their female babies to the Tamil Nadu Cradle Baby Scheme. Out of these 40 cases, 30 fell under the category of female infanticide, among these 30 cases 15 were from Usilampatti Taluk, Madurai District, 5 feticide and 5 babies were given to the Cradle Baby Scheme.⁹ Though feticide is, in fact, more prevalent than infanticide in practice, evidence of foeticide is more difficult to obtain. Though, generally mothers are blamed for female infanticide and foeticide, the SCW recommended that a milder punishment should be given to the mothers because violence against the next-born takes place against her conscious will. Ms. Pavalam, convener, Campaign Against Sex Selective Abortion, a forum which fights against female foeticide says that provision of the Probation of Offenders Act, 1958 be invoked is far from satisfactory. She added that pregnant women should be monitored is far from satisfactory. She added that pregnant women should be monitored and village health nurse must be made accountable for an unnatural infant death.¹⁰ The commission unanimously resolved the government to enhance the maximum awardable maintenance from Rs.500 to Rs.2000.¹² It also raises its voice for 33 per cent reservation to women in Parliament and State Legislatures.

Although the SCW is committed to safeguard the welfare of women to protect and promote their rights, the efforts taken by it to retrieve the women's grievances could not yield 100 per cent success due to its limited powers. Unlike the National Commission for Women which is a Statutory Body with judicial powers, the SCW has made only an Advisory Body to Government and they do not have any magisterial powers or have right to summon. The commission feels that it should be made as full-time commission with the powers of enquiry under the Civil Procedure Code of 1908. If it is given, the commission in its own can enquire into the cases and appraise the government, the real facts. With no such powers, the commission at present just forwards the petitions received to the concerned authorities like the District Collectors and Police Officers for appropriate action and advice them to speed up investigation. However, it is not mandatory.

Mrs. Mythili Sivaraman, the Vice President of All India Democratic Women's Association (AIDWA) Tamil Nadu urged the State Government to give more powers to the SCW.¹³ Ms. U. Vasuki, the State General Secretary, AIDWA, Tamil Nadu accepted the views of Mrs. Mythili Sivaraman and said that like the NCW, the SCW should also be made as the Statutory Body and confer on it powers vested with the Civil Courts. Accordingly the Tamil Nadu State Commission for women Act 2008 was passed. It was a law enacted by Tamil Nadu State Legislative Assembly as Act 31 of 2008 after receiving assent from Governor on 26 May 2008. The Tamil Nadu State Commission for women consists of a chairperson and seven members Committee. The Government nominates an eminent woman as chairperson and she must be committed to the cause of women. The Government nominates seven members among them five members are nominated from those who have served for the cause of women and who have sufficient knowledge and experience of Law and education, administration of matters concerning advancement of women or voluntary organization for women, or who have sufficient experience in working in the field of economic development, health or education of women. Amongst the nominated members of the common three of them must be women. And one member from Scheduled Caste and one member belonging to Scheduled Tribes must be nominated and two of the members from the Members of Tamil Nadu Legislative Assembly are nominated. The Secretary to the Government in-charge of Social Welfare Nutritious Meal Programme Department is appointed as an Ex-officio member of this commission.

Functions of the Commission

- The commission investigates and examines all matters relating to the safeguards provided for women under the constitution and other laws.
- The commission presents to the Government annually and at such other times as it may deem fit reports upon the working of those safeguards.

- The commission makes reports, recommendations for effective implementation of those safeguards.
- It reviews from time to time, the existing provisions of laws affecting women and provides remedial legislative measures to meet any lacunas, inadequacies or shortcomings in such legislations.
- It takes up the cases of violations of the provisions of the constitution and other laws relating to women with the concerned authorities.
- The Commission looks into the complaints and takes suo-motu notice of matters relating to: (i) Non-implementation of any laws to provide protection of women's right and to achieve equality and development. (ii) Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women and take up such matters with concerned authorities.
- It calls for special studies or investigations into specific problems of situations arising out of discrimination and atrocities against women and recommend strategies for their removal.
- It undertakes promotional and educational research to ensure representation of women in all spheres and for their advancement, to reduce the occupational health hazards and to increase their productivity.
- The commission participates and advises on planning process of socio-economic development of women.
- It evaluates the progress of the development of women.
- The commission inspects, jail, remand home, women's institution or other place of custody where women are kept as prisoners and takes up the matter with concerned authorities for remedial action.
- It implicates and funds litigation involving issues affecting women.
- The commission makes reports to the Government on any matter pertaining to women and particularly difficulties under which women toil from time to time.
- The commission has all powers of a civil court such as summary and enforcing the attendance of any person and examining him on oath and receiving evidence on affidavits and examination of witness and documents.

To conclude this we hope the commission will protect the rights of womenfolk. The Government of Tamilnadu and various agencies have made consistent effort to promote women in almost all walks of life with the help of Law and Judiciary. Until unless there is a definite improvement in status of women and their equal participation in the society, the progress and development of the nation would be jeopardized

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11. The Hindu, Chennai, dt.23.1.2003.
12. Report from SCW op.cit.
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End Notes

1. Hereafter it will be referred to as SCW.
2. Non-Governmental Organisation