NCW’s Concerns over Sexual Assault

For Prelims: NCW’s Concerns over Sexual Assault, NCW, Sexual Harassment of Women at Workplace (Prevention, Protection and Redressal) Bill, 2012 (amended Bill) was passed by Parliament in 2013.

For Mains: Background & Mandate of National Commission for Women (NCW).

Why in News?

The **National Commission for Women (NCW)** has asked all States to ensure strict implementation of the sexual harassment at workplace law.

What are the Concerns of NCW?

- The NCW has expressing concern over incidents of sexual harassment at coaching centres and educational institutes and asked to ensure strict implementation of the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** and guidelines established thereunder.
- In recent years, sexual harassment at workplace is **becoming one of the most pressing issues affecting women across the globe.**
- Nearly 31,000 complaints of crimes committed against women were received by the NCW in 2022, the highest since 2014.
    - About 54.5 % of the complaints **were received from Uttar Pradesh.** Delhi recorded 3,004 complaints, followed by Maharashtra (1,381), Bihar (1,368) and Haryana (1,362).
- Crimes that women were **subjected to:** Domestic violence**,** Harassment of married women **or dowry harassment,** Sexual harasment at workplace**,** Rape and attempt to rape**,** Cyber crimes.

What is Protection of Women Against Sexual Harassment Act, 2013

- **Background:** The Supreme Court in a landmark judgement in the ***Vishakha and others v State of Rajasthan 1997*** case gave ‘Vishakha guidelines.
    - These guidelines formed the basis for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Sexual Harassment Act").
- **Mechanism:** The Act defines sexual harassment at the workplace and creates a mechanism for redressal of complaints.
    - Every employer is required **to constitute an Internal Complaints Committee at each office** or branch with 10 or more employees.
    - The Complaints Committees have the powers of civil courts for gathering evidence.
    - The Complaints Committees are required to provide for conciliation before initiating an inquiry if requested by the complainant.
- **Penal Provisions:** Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine.
    - Repeated violations may lead to **higher penalties and cancellation of license or registration to conduct business.**
- **Responsibility of Administration:** The State Government will notify the District Officer in every

district, who will constitute a Local Complaints Committee (LCC) so as to enable women in the unorganised sector or small establishments to work in an environment free of sexual harassment.

What is the Background & Mandate of NCW?

- **About:**
  - Under the National Commission for Women Act, 1990, the NCW was set up as a **statutory body in January 1992.**
  - The First Commission was **constituted on 31st January 1992 with Mrs. Jayanti Patnaik as the Chairperson.**
    - The commission consists of a chairperson, a member secretary and five other members. The chairperson of the NCW is nominated by the Central Government.
- **Mandate and Functions:**
  - Its mission is to **strive towards enabling women to achieve equality and equal participation in all spheres of life** by securing her due rights and entitlements through suitable policy formulation, legislative measures, etc.
  - Its functions are to:
    - Review the **constitutional and legal safeguards for women.**
    - Recommend remedial legislative measures.
    - Facilitate redressal of grievances.
    - Advise the Government on all policy matters affecting women.
  - It has received **a large number of complaints and acted suo-moto in several cases to provide speedy justice.**
  - It took up the issue of **child marriage**, sponsored legal awareness programmes, Parivarik Mahila Lok Adalats and reviewed laws such as:
    - **Dowry Prohibition Act, 1961,**
    - **Pre-Conception and Pre-Natal Diagnostic Techniques Act 1994,**
    - Indian Penal Code 1860.

What are the major Legal Frameworks for Welfare of Women?

- **Constitutional Safeguards:**
  - **Fundamental Rights:**
    - It guarantees all Indians the right to equality (Article 14), no discrimination by the State on the basis of gender (Article 15(1)) and special provisions to be made by the State in favour of women (Article 15(3)).
  - **Fundamental Duties:**
    - It ensures that practices derogatory to the dignity of women are prohibited under Article 51 (A).
- **Legislative Framework:**
  - **Protection of Women from Domestic Violence Act, 2005**
  - **The Dowry Prohibition Act, 1961**
  - **The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013**
  - **The Protection of Children from Sexual Offences (POCSO), 2012**
- **Women Empowerment Schemes:**
  - **Beti Bachao Beti Padhao Scheme**
  - **One Stop Centre Scheme**
  - UJJAWALA: A Comprehensive Scheme for Prevention of trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation
  - **SWADHAR Greh**
  - **NARI SHAKTI PURASKAR**
  - **Mahila police Volunteers**
  - **Mahila Shakti Kendras (MSK)**
  - **NIRBHAYA Fund.**

Way Forward

- There is a need to implement **JS Verma Committee recommendations** on Sexual Harassment at the Workplace Act:
    - **Employment Tribunal:** Setting up of an employment tribunal instead of an internal complaints committee (ICC) in the Sexual Harassment at the Workplace Act.
    - **Power to Form Own Procedure:** To ensure speedy disposal of complaints, the committee proposed that the tribunal should not function as a civil court but may choose its own procedure to deal with each complaint.
    - **Expanding Scope of Act:** Domestic workers should be included within the purview of the Act.
        - The Committee said any "unwelcome behavior" should be seen from the subjective perception of the complainant, thus broadening the scope of the definition of sexual harassment.
- Women's role is continuously expanding in today's India and the expansion of the role of **the NCW is the need of the hour.**
    - Further, the State Commissions must also widen their ambit.
- Violence against women continues to be an obstacle to achieving equality, development, peace as well as to the fulfillment of women and girls' human rights.
    - All in all, the promise of the **Sustainable Development Goals (SDGs)** - to leave no one behind - cannot be fulfilled without putting an end to violence against women and girls.
- Crime against women cannot be resolved in the court of law alone. A **holistic approach & changing the entire ecosystem is what is required.**
    - All the stakeholders need to get their act together, including Law makers, police officers, forensic dept, prosecutors, judiciary, medical & health dept, NGOs, rehabilitation centres.

UPSC Civil Services Exam Previous Year Questions (PYQ)

Q. We are witnessing increasing instances of sexual violence against women in the country. Despite existing legal provisions against it, the number of such incidences is on the rise. Suggest some innovative measures to tackle this menace. **(2014)**

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