

Arunachal Pradesh State Commission for Women: Detail Analysis of its power and Working

Ms. Yapi Maling

PhD scholar

*Department of political science
Rajiv Gandhi University, Rono hills
Doimukh, Itanagar 791110
Arunachal Pradesh*

Abstract

Since its independence, India put continuous effort to combat various socio-cultural, political and other crises through many reforms and protective tools. And one of such steps took for the Indian women to improve their social status by established National Commission for Women at national level, which act as watch dog to every policy making for women by Government. And afterwards it allows all the other state of the country to form own commission for women. Therefore, in India each state has own Commission for women and tribal State like Arunachal Pradesh also enjoys such privileged of Commission for women as one of the policy of State Government in the name of Arunachal Pradesh State Commission for Women.

The Commission is vested with wide powers to ensure justice and reduce gender discrimination. Although the Commission is trying its best to work for the betterment of womenfolk, it has its own limitations. The attitude of the society is generally complacent and the government of the day is not providing sufficient attention to the Commission. It is not able to provide sufficient fund and staff. The Commission has no permanent office of its own, and the chairman and members seem to have been appointed mostly on political considerations. Some of the prescribed norms for appointment of the chairman and members have been overlooked.

The successful operation of women's Commission in the midst of male-dominated societal norms and values would be a big challenge. The Commission has to constantly negotiate with its statutory power and customary code of conduct.

With this background, the present study made an attempt to study the historical background of the formation of the Arunachal Pradesh State Commission for Women, analyse the statutory powers of the Commission and examine its workings.

Keywords: Arunachal Pradesh State Commission for Women; Statutory; powers; and workings.

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I. Introduction

Issues concerning women have gained prominence all over, and a concerted effort is being made to enhance women's power, prestige, representation and participation. Traditionally, women remained suppressed and oppressed in different forms of social, economic and political spheres. There have been women's movements, initiated to influence state's policy, society's orthodoxy and peoples' mentality towards women's rights. Such activism has compelled national government and international organizations to take necessary steps to bring gender-neutral laws; incorporate policy directives on women; and initiate women specific programmes and projects.

An attempt has been made in the Constitution of India to neutralize the collective socio-economic, education and political disadvantages faced by the women. It not only grants equality to women (Article 14) but also empowers the State to adopt measures of positive discrimination in favour of them (Article 15 (3)). In order to ensure greater participation and representation in political institutions and decision-making process, reservations have been provided in the local self-government. Besides constitutional guarantee, women have been protected against cruelties, discriminations, atrocities and violence through parliamentary Acts. Some prominent of them include the Dowry Prohibition Act 1961, the Indecent Representation of Women (Prohibition) Act 1986, the Commission of Sati (Prevention) Act 1987, the Protection of Women from Domestic Violence Act 2005, Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013, etc.

In globally, the establishment of the UN is a major land mark in recognizing equal rights and status of women with that of men. The UN established CSW (*Committee on the Status of Women*) adopted *Convention on the Elimination of All Forms of Discrimination against Women*(CEDAW) etc. to ensure the equality and the endorsement of the rights of women both in public and private spheres.

Being important member of the UN and as member signatories of CEDAW, India formed the Committee on the Status of Women in 1974 in order to upliftment of the status of women in the sphere of employment, health, education and to ensure proper implementation of rights guaranteed by the constitution to women. On the basis of recommendation of the committee the Government of India adopted the National Commission for Women Act, 1990, and which came into being on 31st January 1992. Even after the constitution of the National Commission, the state of Arunachal Pradesh did not take any tangible steps for constituting State Commission for Women.

Each of the tribal indigenous community of Arunachal Pradesh has distinctive culture, customs, language and traditions of their own, which they have manifested through different socio-cultural, religious and political events. And because of which these tribal communities are at different stages of development; as such the status of women differs from community to community. However, in general the status of women in Arunachal Pradesh can be considered to respectable but not very high.

Social life, and economic and political life to some extent, is regulated through customary laws or code of conduct. Their societies did not have written laws but were bound by numerous unwritten usages that prescribe rules of conduct to individuals and regulate human behavior and day to day life. Customary laws can be defined as a set of rules that attain the force of law in a society because they are observed continuously and uniformly for a long time. The customary laws are recognized by the Assam Frontier (Administration of Justice) Regulation (Regulation I), 1945. It was enacted so that the vast majority of disputes and cases (excluding the heinous ones), both civil and criminal, could be adjudicated by them in accordance with the prevailing codes of the tribal communities. As we are aware, most of the customary laws are biased against women, and as such practices and norms such as, prohibition of women to participate in village council, prohibition of property rights, practices of child marriages, polygamy, bride- price, etc are all derived from the customary laws itself. Although in a society, where rule of law is in practice, all these practices are not permissible, customary laws, as recognized in the 1945 Regulation, recognize these practices as socially accepted norms. Apart from customary laws, other factors like poor literacy rate among the girl's children are responsible for their deprivations.

In the present days, the position of Arunachalee women, particularly in urban side, has undergone considerable improvement. There has been increasing realization that they are being exploited by their male counterparts because of social compulsions. The educated women are coming forward to shoulder the equal responsibility with the men for socio-economic development of Arunachal Pradesh.

However, even before the institutional intervention was initiated by the government, feeling of change had already evolved during the 1970's with the spread of education and other related developments. Necessity was felt for an organized voice against ill- practices in the name of customs, and the demand for codification of customary laws. This has resulted to formation pan-Arunachal and an all-women organization, *Arunachal Pradesh Women Welfare Society*. It is an organization that worked towards the welfare and upliftment of women in the state, spearheaded a movement that demanded for statutory body to look after the women issues. It started by submitting a memorandum to the Government of Arunachal Pradesh in 1992. After a long struggle, the Arunachal Pradesh State Commission for Women was finally created by an Act of the state Assembly in the year 2002. However, the Commission was actually constituted in 2005 with Smti Jarjum Ete as the first Chairperson.

II. Methodology

To find out the background of the Arunachal Pradesh State Commission for Women, the steps taken by the Arunachal Pradesh Women Welfare Society and the Government of Arunachal Pradesh have been understood in historical perspective. The study has also examined the debates in the Legislative Assembly and position taken by various political parties or representatives.

The statutory powers of the Commission have been understood by examining the Arunachal Pradesh State Commission Act, 2002 and other related legal provisions.

The workings of the Commission have been examined by perusing the cases settled by the Commission, by studying the report of the press release note from the APSCW office and by conducting select interviews to the present and past chairpersons/members and women activists.

Objectives

The main objectives of the study are studied

- (i) analyse the statutory powers of the Commission;
- (ii) And discuss the various workings of the commission.

Formation of the APSCW

Before the creation of Arunachal Pradesh State Commission for Women, it was the Arunachal Pradesh Women Welfare Society, an NGO formed in 1979, which looked after the welfare of the women in the state. It used to take cases for adjudication in spite of the fact that it was legally not confident to deal with such cases. Since the Society faced legal hurdles in helping women in distress, a necessity was felt for the creation of a statutory body for women¹. Members of the Society realized that they could only pressurize the government to do something for the upliftment of status of the women but have no authority to take part directly in any policy making of regarding the women issues².

So, on the question of legality, under the guidance of Smti Jarjum Ete, then the secretary general of APWWS, started to demand for statutory body in the line of National Commission for Women. To make their demand effective, many memorandums were submitted by Arunachal Pradesh Women Welfare Society. In 1992, for the first time, memorandum was submitted by the Arunachal Pradesh Women Welfare Society to the Government of the Arunachal Pradesh demanding statutory body for women. And during the first Legislative Assembly (10th session) of Arunachal Pradesh, on 7th March 1994, a Resolution for the constitution of a Commission for the Welfare of Women in Arunachal Pradesh was moved by the then MLA Rima Taipodia, which was supported by Shri Khapriso Krong and Shri Tahung Tatak but however Shri Dera Natung opposed the Resolution and advised for the micro study must done in each tribes before the creation of Commission and at the same time he emphasised on lack of fund for the such commission. And finally, the mover of Private Resolution Shri Taipodia withdraws the resolution for further examination, after hearing from Komli Mossang, the then lone woman MLA, who was also requested that the resolution must not be moved this time and she also supported for the micro study of commission before its establishment.

Although the State Legislature had agreed to constitute the Commission after a long drawn-out deliberation on the 8th March, 1994, the Commission for Women in Arunachal Pradesh took long year to come in present form. When the members of APWWS felt neglected from the state government in this regard, the APWWS hold a state-level Conference of the women on 10th October 1994. It started with a silent procession by the women from the Indira Gandhi Park to the Siddhartha Vihar, Itanagar and submitted the memorandum for the early establishment of State Commission for women to the then Chief Minister, Gegong Apang³.

After waiting for two years, the demand for the establishment of Commission for Women grew louder. The APWWS submitted a Memorandum to the then Prime Minister of India on 20th July, 1996. It explained that in Arunachal Pradesh due to absence of any constitutional provisions and legal safeguards of the Indian Constitution or any state directives for the protection of the basic human rights of the women and children of the tribal state of Arunachal Pradesh, many atrocities go unreported here. Therefore, women needed such commission for the better dealing of such cases by the women themselves⁴.

Even on the occasion of International Women's Day, 8th March 1999, the Arunachal Pradesh Women Welfare Society submitted Memorandum to newly inducted state government headed by Mukut Mithi, and requested for the creation of Commission. They highlighted in the memorandum that apart from having High Court Bench in Naharlagun, and bifurcation of the executive and judiciary in the state, there is also high need of State Commission for Women in the lines of Act of National Commission for Women.⁵

Finally, after long analysis of provision of National Commission for Women, Assam State Commission for Women and Tripura State Commission for Women, in 2002, Arunachal Pradesh State Commission for Women (APSCW) Bill was prepared by a five women drafting committee comprising of D.M Mallo, the then Director, SW and WCD as chairperson, Yari Dulom, the then president of Arunachal Pradesh Mahila Congress, Tadar Yadir, the then chairperson of Arunachal Pradesh State Social Welfare Board, Mamang Dai, Senior Journalist and Jarjum Ete as the then president of Arunachal Pradesh Women's Welfare Society. It was passed in the Legislative Assembly under the chief minister ship of Mukut Mithi.

¹Gumri Ringu, former chairperson of APSCW and present president of APWWS. (Interviewed on 7/02/2015).

²Tadar Yadir, former member of APSCW, (Interviewed on (22/11/2015).

³ Memorandum submitted by APWWS to then State Government. (10/10/1994).

⁴ Memorandum submitted by APWWS to the then Prime Minister of India, (20/07/1996).

⁵Memorandum submitted by APWWS to the then chief Minister Shri Mukut Mithi (08/03/1999).

The Act got assent of Governor of Arunachal Pradesh on 21st June, 2002 and then it came into force on 19/08/2002, vide Notification No.SW.0144/93 dated 16/08/2002⁶. The first Commission was constituted on 4th January 2005, under the government of Shri Gegong Apang and commenced its works on 17/01/2005 with Smti Jarjum Ete as the then first chairperson of APSCW, Lomte Riba, Gumri Ringu and Jaya Joram as members. D.M.Mallo, the then Director of SW and WCD of Arunachal Pradesh, acted as the Member Secretary of Commission.

Therefore, this Act is an expedient to provide for constitution of a Commission for furthering the fundamental rights and directive principles of state policy enshrined in the constitution of India. It is a statutory body in order to improve the status and dignity of women in the state of Arunachal Pradesh, also to investigate and enquire into unfair practices affecting self respect of women⁷. Thus, the women of Arunachal Pradesh got its statutory body to convey their problems after 11 years of fighting from 1994 till 2005 by the APWWS.

Structures and Power of the APSCW

Structure and Composition: The Bylaw of the Commission contained five chapters and among these, the second and third chapters provide the structures, powers and functions of the APSCW office.

The chapter II of the Arunachal Pradesh State Commission for Women's constitution of section 5 deals with the structures of Commission. According to section 5(1) the Commission shall consist of a Chairperson, Vice-Chairperson, a Member Secretary and not more than seven other members to be appointed by the Government of whom all the other seven members shall be APST women. (As amended vide Government Notification No. Law/LEGN-70/2005, dated 14th March, 2005).

Section 5(2) specifies that the Chairperson shall be an eminent woman committed to the cause of women with sufficient knowledge and experience in dealing with women's problem. Under Section 5(3), the Members of the Commission shall be persons of ability, integrity, intelligence and standing, and adequate knowledge or experience or have shown ability in dealing with problems relating to safeguard and promote the interests of women and protecting their rights. According to Section 5(4), the Government shall appoint the Member Secretary, whose responsibilities are stated in Section 12 and whose qualification, terms of appointment and other conditions of service, shall be such as prescribed.

When the Commission assumed office on 17/01/2005, the chairperson of the APSCW, Jarjum Ete and the following members were appointed under the G.O NO.SWCD-99/2002(WC) dtd 4/01/2005 and moved to office space allotted at C-sector, Itanagar on 1st September 2005.

At present the Arunachal Pradesh State Commission for Women has one chairperson, one Vice-Chairperson, three Members and one Member Secretary with twenty one staff to discharge the functions laid down in the APSCW Act, 2002

Infrastructure:

Since its establishment in 2005, till present year the APSCW is located in C-Sector of Itanagar. The office building is SPT (Semi-permanent type) and quiet old. Within this building, there are eight (8) rooms and included one court room. One room for the Chair-person, One room for Personal Assistant of Chairperson with attached of Xerox room, one room share by Vice- Chair-person with one member of commission, one room again share by Legal Advisor with Computer operator, one room for establishment and account sections, Legal Cell, issues dispatched and to file a complaint, One room for another Member one room allotted to the Member Secretary and one room allotted for court to dispose the cases and also for counselling. The APSCW equipped with computers with internet facilities, fax, and Xerox machine and telephone etc basic requirements⁸

Member Secretary and Other Staff

Section 12 of the constitution deals with the appointment of Member Secretary and other staff of the commission;

1. The member secretary shall be appointed by the Government or may make investigations for the purposes of this Act and to carry out such directions given to him/ her by the commission besides the functions conferred on his /her by this Act,

⁶ Bylaw of the APSCW Act, 2002(Act No.4 of 2002).

⁷ Annual Report of APSCW by first body of commission (2005-2006 and 2006-2007), p1.

⁸ Source: Office of Arunachal Pradesh State Commission for Women at Itanagar.

2. The commission may appoint such other staff as may be necessary to assist the commission by deputation or by direct recruitment and prescribed their condition of service. The qualifications/ terms of appointment and other condition of service of the other staff shall be such as may be prescribed.

While the appointment made under this clause shall be made by the state Government on the recommendation of the commission to assist the commission in its day-to-day work and perform such other functions as are provided under this rule or assigned to him/ her by the commission.

3. In the discharge of their functions under this Act, the member secretary and other staff, referred to in sub-section (1) and (2), of section 12, shall be subject to the administrative control of the chairperson.

4. The commission may appoint/ engage a Legal Advisor to counsel and offer legal aid to assist the work of the Commission.

Salaries and Allowances

Section 13 deals with the provision for Salaries, Allowances, etc: The salaries and allowances payable to the members and the administrative expenses, and including the Member Secretary and the other staff of the Commission, shall be met out of the Grants-in-Aid received by the commission from the Government. And even the Commission shall maintain proper accounts and other relevant records and prepare an annual statements account in such form may be prescribed by the State Government in consultation with the Directorate of Accounts, Government of Arunachal Pradesh, Naharlagun and the accounts of the commission audited by the Directors of the Accounts.

Powers of the Commission

The Powers of the Arunachal Pradesh State Commission for Women discussed under the chapter 2 of section 14 within sub-section (1) and (2) of the Bye-laws of APSCW are;

As per the section 14 of sub-section (1) The Commission shall, for the purpose of any inquiry under this Act, have the same powers as are vested in a Civil Court while trying a suit under the code Civil Procedure, 1908, (Central Act 5) in respect of the following matters namely;

- a. Summoning and enforcing the attendance of any witness and examining him/her on oath;
- b. Requiring the discovery and production of any document;
- c. Receiving evidence on affidavits;
- d. Requisitioning any public records or copy thereof from any public office;
- e. Issuing commission's summons for the examination of witnesses;

And sub-section (2) contains any proceedings before the commission shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code (Central Act 45 of 1960) and the commission shall be deemed to be court for the purposes of section 195, of the code of criminal procedure, 1973(Central Act 2 of 1974).

Functions of the Commission

In the Chapter 3 of the constitution of the Commission deals with the different functions of the APSCW under the section (15) as;

1. The Commission shall perform all or any of the following functions, are as:
 - a) Inquire in to any unfair practice, take decision thereon, and to recommend to the Government the actions to be taken in that matter;
 - b) Cause investigations to be made by the Member Secretary on issue of importance concerning women or issues concerning unfair practice and to report thereon to the Government in the corrective measures to be taken (women related issues);
 - c) Submit Annual Report to the Government-
- i. On the lacunae, inadequacies, or shortcomings in the laws in force which affect the constitutional right to equality and fair treatment of women and also on the remedial legislative measures to be taken to meet the situations;
- ii. Of the monitoring of the working of laws, in force, concerning women with a view to identifying the areas where the enforcement of law is not adequately effective or has not been streamlined and recommending executive or legislative measures to be taken in amelioration thereof;
 - d) i. inspects or cause to be inspected, by the Member Secretary or any officer of the Commission duty authorized by the Commission, in that behalf, prisons, police stations, lockups, sub-jails, rescue homes or other places of custody where women are kept as prisoners or otherwise, or shelters for women or, other similar places run by the Government, or any of its agencies including agencies receiving aid from the Government for the purpose of offering rescue or shelter to women;
 - e) recommended to Government, the welfare measures to be adopted and implemented by the Government with a view to ameliorating the conditions of women;

- f) empower the Member Secretary to recommend to the appropriate authority to take prosecution proceedings in respect of offences committed against women under any statute providing for penalty for violation of the provisions of such statute;
- g) maintain a comprehensive Date Bank relating to the social economic and political conditions of the women including comparative study, updating the same from time to time, making available such data for use in actions for vindication of the rights of women;
- h) recommended to Government to initiate legislation for removal of discrimination in the case of inheritance, guardianship, adoption and divorce or for matters relating to the safeguarding of the dignity of women and the honour of motherhood;
- i) 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;
- j) participate and advise on the planning process of social, political and economic development of women;
- k) make periodically reports to the Government on any matter pertaining to women, and in particular, various difficulties under which women toil;
- l) undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres, including monitoring of the academic curricula in the State so as to check gender-bias, sex stereotyping, envisaged in the core curricular area of National Policy of Education, 1986 (Revised 1992).
- m) Identify factors responsible for impeding the advancement of women, such as lack of access to housing and basic services, particularly for single woman and female- headed households, and inadequate support services and technologies for reducing drudgery and, occupational health hazards and, for increasing their productivity;
- n) Hold family court to dispose of cases related to unfair practices against women;

2. The Government shall lay the recommendations of the Commission under sub-section (i) of section 15, before the Legislative Assembly during its next session and cause action to be taken thereon by the Authority concerned within 60 days from the date of laying such recommendations.

16. Inquiry into Unfair practices: (1) The Commission shall inquire into any unfair practices: -

- a) In receiving a written complaint from any woman alleging that she has been subjected to any unfair practice or on a similar complaint from any registered/ reputed women's organization of individuals;
- b) On its own knowledge or information;
- c) Request from the Government;

(2) Where the complaint has been made under clause (a) of sub-section (i) of section 16, the commission may, before the issue of any process to the person complained against, cause a preliminary investigation to be made by the Member Secretary, in such manner as it may deem fit, for the purpose of satisfying itself that the complaint requires to be enquires into.

(3) Where the person against whom the complaint has been made, appears and show cause or fails to appear on the day appointed for that purpose, the commission may proceed to inquire into the matter in the complaint and take a decision thereon and if the Commission find that there is unfair practice, it shall recommend to the Government the action to be taken thereon or initiate prosecution.

(4) The Government shall, within two months (60) days, from the date of receipt of the recommendations of the Commission under sub-section (3) of section 16. Take a decision thereon and, intimate the same to the commission. Etc.

Apart from all this function, the Arunachal Pradesh State Commission for Women also given an additional charge of Arunachal Pradesh State Commission for protection of Child Rights (APSCPCR) under the section 17(1) read with the section 18 of the Commissions for the protection of Child Rights without any additional remuneration and extra staff for this by the Department of Women and Child Development, Naharlagun, on 8th Nov, 2013⁹.

Some of important workings of the APSCW

The Arunachal Pradesh State Commission for Women was established with the objective of protecting women from violence, atrocities or inhuman or cruel treatment in the name of customs or traditional practices. The Commission, being the statutory body, has been endowed with the powers to protect and promote women's rights throughout the State. Hence, the study examines the selective cases undertaken by the Commission, and some activities taken by Commission such as, recommendations, awareness programme, conducting and

⁹ Notification letter from the DWCD to the APSCW, 08/10/ 2013.

participating in seminars and workshops regarding the issues of women rights and protection instruments against any violence against women, raise voice against discrimination etc.

Recommendatory Functions

The functions of the Commission are mentioned under the Chapter III of the Section 15 to 21 of APSCW Act, 2002. In Chapter III, Section 15 (e), the Commission is empowered to recommend to the Government, the welfare measures to be adopted and implemented by the Government with a view to ameliorating the conditions of women. Section 15(i) empowers to the Commission to recommend to the Government to initiate legislation for removal of discrimination in the case of inheritance, guardianship, adoption and divorce or for matters relating to the safeguarding of the dignity of women and the honour of motherhood.

Keeping in view the mandated functions, the Commission had prepared 42 recommendations which were tabled before the Legislative Assembly during July 2007, August 2010, 2011 and 2012. However, only a few recommendations of APSCW were accepted by the State Government, including appointment of protection Officer under the Protection of Women against the Domestic Violence Act 2005; framing rules for appointment of Child Marriage Prohibition Act 2006 and subsequent appointment of child marriage Officer in 2010; Setting up of Women Study Centre under the aegis of the UGC, Rajiv Gandhi University at Rono Hills; Notification of Child Welfare Committee and Juvenile Justice Board in the Districts of Arunachal Pradesh; MOU with the Central Government on the integrated Child Protection Scheme (ICPS) in 2011; First Gender Budget 2011-2012 that was tabled in the State Assembly on March 2011; constitution of Arunachal Pradesh State Commission for Protection of Childs Rights (APSCPCR); Establishment of First Women police station at Itanagar; implementation of Municipal Corporation and 74th amendment in the Urban Areas; Appointment of Service Provider etc¹⁰.

Promotional and Educational Activities

As per Section 15(n), the Commission could undertake promotional and educational research so as to suggest ways of ensuring dues representation of women in all spheres, including monitoring of the academic curricula in the State so as to check gender-bias, sex stereotyping, envisaged in the core curricula area of National Policy of Education, 1986. The table 3.1 shows the activities conducted by the Commission in connection with this mandate

Table no. 3.1
Seminars, and Workshops conducted by APSCW

Sl. No	Title of Seminar/ Workshop /Awareness programme	Date	Collaborators/ Venue/ Place (Name)
1	“On Trafficking and prostitution”	12/05/2005	With APWWS at Itanagar.
2	“On Prevention of Domestic Violence Act and Sexual Harassment at Work Place Bill”	27/05/2006	Supported by NCW, Itanagar.
3	“A two day state level orientation workshop on Self Help Groups”	04/08/2006	With Rashtriya Mahila Khosh, GOI, at Itanagar
4	“Two days Regional Seminar on Land Resource Rights of Indigenous Women”	7 th & 8 th June 2007	With Consult for Women and Land Rights under aegis of NCW.
5	“Gandhi Samitri Darshan girl child friendly programme”	01/08/2007	Organized at various sub-divisions of the Districts.
6	“Men & Women to end violence”	08/03/2009	At Banquet hall, Itanagar.
7	“Disaster Management with regard to Gender Perspectives”	02/12/2008	Deptt.of Relief and Rehabilitation and Disaster Management, organized at district level at remotest subdivisions of the state. subdivisions of the state
8	Workshop on “Domestic Violence Act & Various Govt. Provisions for Women”	23/01/2012	With Department of Personnel and Training, held at Naharlagun.
9.	“Legal Awareness camps”	27/04/2012	District Legal Services Authority, Ziro, Lower Subansiri District,
10	“Legal Awareness Camps on Domestic	22/09/2012	With Mecha Welfare Society,

¹⁰ Annual report (2012- 2013 & 2013- 2014) of APSCW.

Violence Act-2005	Yachuli, Lower Subansiri dist.
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Source: from the annual report of APSCW, from 2005 till 2014.

Conduct of Public Hearing

The Commission, with a view for quick disposal of cases, conducts public hearings from time to time. It enables the victims, who otherwise would not be able to come to the Commission's office, to directly approach with grievances. The first public hearing was conducted at Seppa in January 2006. During the two-day public hearing, the Commission heard eight cases and forwarded three of them for official disposal by the District magistrate. At Menchuka, it heard the depositions made by all concerned persons- appellants, respondents, witnesses and interventionists in a case of forced marriage of a young girl, and directed the local administration to set the girl free. At Koloriang, five cases were heard and forwarded to the District Administration for disposal in favour of the victims. Such hearings were also conducted at Tezuas well as in Pasighat. It has been revealed by the Members, who were part of the hearings, that such hearings are very transparent and fast, apart from being cheap and just¹¹.

Suo-Moto Cognizance of Certain Cases

As per the Section 16 of Sub-section (i), under *Inquiry into Unfair Practices*, the Commission is mandated to inquire into any unfair practice "(b) on its own knowledge or information". In exercise of this power conferred upon the Commission, numerous cases have been initiated *suo-moto* by the Commission. Some of the cases are narrated below:

On 9/01/2011, there was a report of alleged rape of an indigenous student by her relative at a town in Assam. This was reported in a newspaper in Readers' Forum. The Commission took cognizance of the case even before a formal complaint was lodged by the victim on 14th January 2011. The Commission contacted Assam police of Tinsukia to have first hand information of the case and for immediate arrest of the accused. The then Chairperson of APSCW KomliMossang personally spoke to chairperson of Assam State Commission for Women for necessary support and follow-up. On 23rd May 2011, the APSCW had sent written request to the SP Tinsukia for an update of the case. The APSCW also contacted the Chief Engineer (PHED, Government of Arunachal Pradesh, the accused being its employee. The Commission was informed that the accused was under suspension.

In another case of rape of a minor girl, aged 6, in Kanubari on 25th April 2011 allegedly by one JehwangWanglen of Wanu village, the Commission took suo-motto cognizance of case by seeking update of the case from the District Administration. The Commission was informed that the criminal case has been registered against the accused and was put under police custody since 5th May 2011¹².

In *Daporijo MMS case*, where minors were forced to indulge in sexual activities inside the police station and was released as MMS clip by some police personnel, APSCW had constituted four-member Adhoc-Enquiry Committee headed by MepungTadar the then Vice Chairperson APSCW, and BamangTago ACR, GumriRingu APWS and MamtaRiba the then Member Secretary APSCW as members. The detailed findings and the recommendations of the Adhoc Enquiry was submitted to the State Government through the chairperson of the then APSCW¹³.

The Arunachal Pradesh State Commission for Women took another suo- motto cognizance of the alleged rape of minor girl of 13 years at Gumto-2, Doimukh Circle on 21st July 2012 by police personnel. On receipt of the information, a team of APSCW visited the victim to get the first hand Information, and provided counselling and further pressed upon the O.C/PS Doimukh and I.O to speed up the investigation so that the alleged accused may not go scot free. The Commission also urged the concerned Magistrates not to grant bail in such heinous crime done by the culprit¹⁴.

The Arunachal Pradesh State Commission for Women (APSCW), Itanagar while taking suo-motto cognizance of the reported molestation and rape of minor girls of Green Valley School, Likabali, visited the place on 29th August 2013 to take stock of the situation. A team was formed to find the reality behind such heinous crime. While having detail interaction with the SDO in- charge, the victims, their parents, police

¹¹ Annual Report of APSCW (2005-2007).

¹² Report Ibid.

¹³ Report Opcit.

¹⁴ Report on Press Release note of APSCW Office.

officials and women representatives from NGOs, the APSCW team found out the victims exceeded beyond 14 minor girls and many rules were flaunted by the concerned authorities. The team presented the recommendations to the State Government.

As per Section 15 (d) (i) of APSCW Act 2002, the commission shall have power to inspect or cause to be inspected, especially in the place like prisons, police stations, lockups, sub-jails, rescue homes or other places of custody where women are kept as prisoners or otherwise, or shelters for women or, other similar places run by the government, etc. While by using this power, a team comprising of members from APSCW, headed by its Chairperson, GumriRingu, paid a visit to Mother's Home located at Lekhi Village, near Nirjuli, on 7th August '2012. The Home being managed by Achu Kuru Welfare Society, a Ziro based NGO, which is dedicated for economically deprived and socially despised women. After visit to the Mothers' home, the team went to District Jail, Jolly, to take stock of the women prisoners. The team had interactions with the jail authorities and the inmates. The Members including the Chairperson and the Member Secretary, APSCW, made an elaborate counselling to them. The team also visited the jail hospital and found it to be well maintained in terms of hygiene. The doctor and his staff were complimented and advised to keep it up. Thereafter, the team visited the kitchen and the canteen and also found that they are well looked after¹⁵.

Voice against discriminations

The Arunachal Pradesh State Commission for women (APSCW), Itanagar has vehemently condemned the directive issued by the Municipal Returning Officer, Itanagar, that woman candidates have to submit a medical certificate which certify that the candidate is a woman along with her nomination paper for the Municipal Election, as per Section 25 (3) Chapter-IV of the Arunachal Pradesh Municipal (Election) Rules, 2011. The directive issued by the concerned Returning Officer was totally discriminatory in nature since there is no such provision in "The Arunachal Pradesh Municipal (Election) Rules, 2011". In the light of this issue, the APSCW was deeply concerned that the laws that have strong bearing on the woman have been framed without consultation of the APSCW, which is statutory body to safeguard the rights of the women. Hence, the APSCW appealed the law making authorities to involve the APSCW in framing allpolicy matters affecting the women in the state from time to time as and when sought for by the commission as per section 22 of the APSCW ACT, 2002.

However, the Commission's primary task is to examine the cases of the violations of women's rights and to inquire into any unfair practices by receiving a written complaint from any woman.

Major findings

1. The Apex body like Arunachal Pradesh Women Welfare Society formed in 1979 played a very important role behind the establishment of the Arunachal Pradesh State Commission for Women.
2. In the rigid patriarchal society as in Arunachal Pradesh, the customary practices are seemed to be dominated only by the men and women have to just follow them. And, practices like child marriages, polygamy, bride-price, prohibition of women to participate in decision making process at village level etc are regarded as tribal ethnic characteristics, but in the eye of modern law these all practices are crime and total violation of fundamental as well as human rights of women. Therefore, the establishment of APSCW in 2005 is considered as significant steps towards protecting the rights of the Arunachalee women. The Act is also seen as guiding tools towards every policy of the Government for the upliftment of the status of women.
3. The study finds that the inadequate and lack of suitable Staff to carry out the functions assigned to the commission have been constant complain right from the inception of the Commission and has been consistently raised in the Annual Report of the Commission. Although at present there are 21 staffs and among these still only three Staffs are in regular basis. So now it has been 11 years of inception of commission but the number of regular staffs of Arunachal Pradesh State Commission for Women are only three i.e., one driver, one UDC, and one Peon.
4. The study also found that since its inception and till date the Commission did not has permanent building. The office building is SPT (semi-permanent type) and quiet old. There are only 8(eight) rooms included one small court room where only four to five persons are able to admit in one time. And remaining rooms are shared by each staffs and members, except the room of Chair-person, Member-Secretary, one Member and court room.
5. Under the Chapter II of section 12 (2) of the APSCW ACT 2002, given two statement at first it stated that the commission may appoint such other staff as necessary to assist the commission and at the same time it is stated that the such appointment made under this clause shall be made by the State Government on the

¹⁵ Field Visit Report of APSCW Members on dated 10/09/2012.

recommendation of Commission. So, it shows that Commission has no power to dictate its number of staff although it has status of statutory power.

6. Till date the Arunachal Pradesh State Commission for Women did not have their own Member Secretary. From the first body till present Body all Member Secretary is appointed by State Government from the APCSC Gazette officer, which is always Adhoc arrangement.

7. It is also found that the Commission is made accountable to the Legislative Assembly of the State. The Commission has to submit annual report before the completion of their tenure regarding their activities like organizing and participating in seminars, workshops, awareness programmes, and the total number of cases registered and disposes off, the detail expenditure of money given by State Government as Grant-in-aid and recommendations to the State Government by APSCW. And every body of APSCW regularly submitted its annual report before the legislative Assembly, till date three annual reports are presented before the Assembly. However, there are no proper follow-up initiatives by the government on the recommendations and reports of the Commission.

8. The Chapter II of section 5 APSCW ACT 2002 states the Chairperson and Members of the Commission are appointed by the State Government for a period of three (3) years. The Act also lays down the qualifications of the Members and Chairperson as these must be persons with ability, integrity and standing and those who have experience in law or legislation, committed to increasing the employment potential of women etc. However, the Act is silent on the well-defined qualification of Chairperson and Members and even not proper mentioning of the procedure for making such appointments. Therefore, the non-institutionalization of procedures for the appointment of the Chairperson and members of the Commission has increased the possibilities that competent and committed persons are less likely to get appointed as Chairperson and Members of the Commission. It may also lead to interference of political head during the appointment of Members of APSCW.

9. The study also reveals that since from its establishment, the power of the Commission has circulated among the women from political connected families or higher social strata.

In the end, it can be said that in effective functioning of Commission is only because of the too much control of the state Government and the status of APSCW as statutory body has no practical significance. It is because Commission has no power to determine the number of Staff and appoint them according to the demand of works. Inadequate and lack of suitable Staff to carry out the functions assigned to the commission have been major hurdles for Commission for complete its task. Therefore, for the proper functioning of Commission, some areas of weakness need to be addressed, and these are highlighted below:

III. Suggestions

Firstly, the appointment of Chairperson, Vice Chairperson, Member Secretary and other members should be made from a panel prepared after the consultation with the representatives of the Women's group and former Chairperson and Vice Chairperson of APSCW. It is because the total control of selection procedure of Chairperson and other Members of the Commission by the State Government may increase the possibilities that competent and committed persons are less likely to appointed and it may lead to involvement of political appointee and nepotism. Such complete control over the appointment system of APSCW by State Government directly effecting the working and functioning of the Commission in many ways, whether it is in dealing with the government and departments or its manner of response to various issues, both in its monitoring and recommendatory role. Therefore, in order to ensure autonomy and independence functioning of Commission, it is imperative that the appointment of members be free from political interference.

Secondly, being a statutory as well as quasi- judicial body the Commission should be given power to appoint their own staff according to their own requirements and the financial independent is very important for proper functioning of such statutory department. Too much dependent on grant-in- aid from the state Government and lack of staffs are main problems which Commission facing since it has been started to function from 2005. Therefore, need of separate resource allocation department for Commission is important specially to justify its true sense of statutory as well as Quasi-Judicial status.

Thirdly, the chapter II of section 5(2) of APSCW ACT 2002 deals with the qualifications of Chairperson and other members of the Commission but there is nowhere in the Act mentioned about any specific qualifications for the Members. Therefore, for the betterment and to justify the quasi-judicial body of Commission, the Chairperson, Vice-Chairperson, Member Secretary and other Members of APSCW are one who must be at least a graduate from a recognized institution, with sound knowledge of the constitutional provisions and other human rights instruments ratified by the country and basic knowledge of the law of land.

Fourthly, from the above findings it is important to suggest that the Commission need to increase the number of regular staff because since its establishment and till date there are only three regular staffs and most of the staffs are in contractual basis. And in such situation no institution can be expected to work properly by facing lack of man power.

Fifthly, for the proper functioning of the APSCW, the Member Secretary of Commission should be appointed only for Commission because from the above study it is found that since from the 2005 till date, the Commission does not have its own member secretary.

Sixthly, the Legal Advisor should be appointed on a regular basis, to maintain stability in the workings of the Commission office.

Seventhly, being a lone Statutory Body, which is fighting for the protection of women's right in Arunachal Pradesh, it must be provided with proper infrastructure, especially permanent building needs to be established with separate building for the Family courts and for each and every member and staff.

Finally, it can be said that the establishment of the APSCW is a moral and significant step taken by the State Government especially for the protection of rights of Arunachalee women and to uplift their status. But at the same time, it is important to point out with one quote "By giving a gun to warrior without bullets is meaningless, like that by giving a protection mechanism to Arunachalee women for their rights without providing tools and resources is meaningless".

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