

The National Commission for Women: the Indian experience

SHIRIN M. RAI

Introduction

In this chapter I will examine the brief history of the National Commission for Women in India that was set up in 1990. First, I will provide a background to the political system within which the Commission functions. I will then examine the structure and functions of the Commission itself. I will point to the strengths and weaknesses of the Commission in the context of the politics of the country, as well as the parameters within which it functions. This analysis is based primarily on interviews with Commission members that I undertook in 1994 and 1997. I will conclude by raising some issues for the long-term functioning and efficacy of the Commission.

The political context

Women's issues are the lowest priority for any government.
National Commission for Women Chairperson, Dr Mohini Giri
(*The Economic Times of India*, New Delhi, 12 July 1998).

The political system in India

India is a bicameral parliamentary democracy. The lower house is called the Lok Sabha (Peoples' Assembly) and has 545 members. The upper house is called the Rajya Sabha (States' Assembly) with 250 members. Representatives are chosen on the basis of first past the post by single-member constituencies for the lower house and proportional

representation by state assemblies for the upper. In 1991 women formed 5.2 per cent of the membership of the Lok Sabha and 9.8 per cent of the membership of the Rajya Sabha (Swarup et al., 1994:362). This was lower than the preceding Parliament of 1989. Further, 'it can be safely presumed that membership of women in [political] parties does not exceed 10 to 12 per cent of their total membership' (Department of Women and Child Development, 1988:157).

India has had a strong multi-party political system since its inception in 1947. There was a short period (1975–77) during the national Emergency declared by Mrs Gandhi when civil and political rights were suspended. Other than this, political parties have continued to play an important role in mobilizing and articulating interests and representing these in the political sphere. While providing political stability and a degree of accountability through elections, such strong party systems tend to marginalize issue-based politics or to expropriate movements that are based on singular issues. The women's movement in India has had to confront this issue (Centre for Women's Development Studies (CWDS), 1994, 1995). In particular, women's groups face this issue because many mass organizations of women are affiliated to particular political parties, providing them with assured funding and membership, but also creating political competition and constraints in forming alliances with other women's organizations.¹

Another feature of this multi-party system in India is that while the parties have dominated politics, they have themselves largely remained organizationally weak and dependent on local elites (Bjorkman, 1987).² The parties have therefore suffered both in terms of their transparency in mediating interests within the organizations and in their capacity to deliver policies as a result of this dependence. Local elites have had important inputs into policy formulations, and have also been in a position to subvert the implementation of policies adverse to their interests. Weak party organizations have also led to the emergence of dominant party leaders who have been able to impose their vision of politics on the party. In particular, the Nehru/Gandhi family was able to provide the leadership of the Congress Party — the largest national political party — until the early 1990s. Individual leaders have therefore had

an important role in policy making and in changing established policy. All these factors have played a role in the state addressing women's issues in particular ways.

In the 1990s there was a significant fracturing of the party system.³ Now there are many political parties based on ascriptive identities. There are others that have primarily a regional political entity. These small political parties have, however, become important players in the national political system because of the erosion of the dominant party system that had provided India with political stability under the Congress Party. Coalition politics is now accepted as the dominant form of politics. Further, the 1990s also saw the political rise of the *Bhartiya Janata Party* (BJP) within the democratic system. The Party, which has close links with the *Rashtriya Swayam Sewak Sangh*, a militia-type organization mobilizing through a Hindu fundamentalist discourse, often directed against minority groups such as Muslims and more recently Christians, is now in government as the dominant partner of a coalition. This has implications for the setting up and functioning of organizations such as the National Commission for Women.

In India, the relative stability of the political system has allowed for a significant political space to emerge where women have been able to organize in their various interests. However, the current coalition politics is posing new challenges to women's groups and organizations. So, I would argue, the changing parameters of particular political systems are important to the functioning of public organizations; as are the discourses of legitimacy that the state institutions employ. The first is important to spaces available for the mobilization of women and to the contesting of dominant discourses of gendered power. The second is critical to the nature of negotiations that may or may not accrue between state institutions and women's struggles within a given political context.

Women's movements

Women have always been active in Indian political life though their visibility and autonomy have varied from one historical phase to another.⁴ Women have participated at all levels of public life, from local to national level, and engaged in both non-violent and violent struggles. They

have been accepted in public life once they have entered it, both because of the iconography of motherhood — *Bharat Mata* (Mother India) — and because participation in all forms of public life from social service for the disabled or underprivileged, to more conventional political activism, has been described as ‘women’s role in public life’ and somehow in tune with their maternal character. Historically, women have been mobilized in political movements and by political parties in India. While women have provided legitimacy to these movements and organizations, their own gains have been less obvious. The number of women, for example, that have actually been able to participate in public life has been extremely limited. Gender has not been the only variable affecting women’s participation in politics; their access to the public sphere has depended on many factors, class, religion and caste being the most important. These categories of difference have, however, not affected their exclusion from public political life. In no social category have women been more able to participate in political life than men.

Women’s movements⁵ in independent India made significant gains through the 1970s and 1980s. We can chart the growth of women’s movements through two periods in Indian politics. The 1970s saw the rise and growth of the civil liberties movement in India in the aftermath of the crisis of the state that led to the imposition of national Emergency in 1975 by Prime Minister Indira Gandhi. The 1980s and 1990s witnessed the mushrooming of women’s organizations and movements, as well as the rise of fundamentalism in Indian politics, which have framed the advance of women’s causes. The Indian women’s movements have pressed for the expanding rights of women as citizens. However, the tension between citizenship as an individual right and the universal appeal of the rights discourse has been carried into the women’s movement — women have fought for full citizenship rights but this has made them invisible as women with particular interests, leading to a more ambivalent positioning of women on the political terrain than they had expected (Agnihotri and Mazumdar, 1995:1869). The women’s movement has also been able to draw upon the strength of women’s movements in other parts of the world, through exchange of ideas, participation

in debates and the successful lobbying of international social institutions such as the United Nations (UN). In particular, the activities encouraged by the Women's Conferences sponsored by the UN have helped women's groups successfully to place women's issues on the national political agenda.

Structures and agents in organizations

As in most countries, political institutions in India have shown a clear male bias in their accessibility and functioning, as well as in the values upon which they rest. The sexual division of labour that exists in society forms the structural basis upon which the exclusion of women is legitimized, or at least accepted. However, the strength of women's movements has elicited responses from state institutions. Most of these responses have been 'adding on' strategies whereby women and women's groups have been added on to existing institutional arrangements.

The demand for greater representation of women in political institutions in India was not taken up in a systematic way until the setting up of the Committee on the Status of Women in India (CSWI), which published its report in 1974. Before this time the focus of the growing women's movement had been on the socio-economic position of women in India, which was regarded as the primary cause of the political marginalization of women. While the women's movement engaged with the project of redefining politics by imbuing it with feminist analysis based on the dictum 'the personal is political', this project focused largely on the improvement of access to participation in this redefined politics (CWDS, 1994:19–25). Most of the groups involved in the women's movement in the 1970s were urban based, and their members were drawn from the educated middle class and from the left of the political spectrum (Kumar, 1989). The women's movement spanned a whole range of issues — civil liberties, consumer action, corruption and workplace rights. The CSWI report, while noting the linkages between the socio-economic marginalization and the political under-representation of women, also suggested that women's representation needed to be increased, especially at the grassroots level through a policy of reservation of seats for women (Government of India, 1974).

The question of political under-representation of women in political institutions did not preoccupy most women's groups during the 1970s and much of the 1980s. The women's movement focused on issues of violence and rape, dowry and sex selection of and the extension of equal opportunities, and their greater inclusion into the economic sphere through the extension of property and inheritance rights for women. In 1988, the National Perspective Plan for Women again focused on political representation of women and suggested that a 30 per cent quota for women be introduced at all levels of elective bodies. Most left-wing women's groups saw this as a strategy of co-option of the gender issue into male-stream politics (CWDS, 1994:21).

However, this view of co-optive politics has been changing. The focus now is on the ways in which institutional politics can be harnessed to expanding possibilities for women (CWDS, 1994). There is a recognition that the 'politics of presence' (Phillips, 1995) matters — that the very presence of women in male-biased institutions disturbs the settled legitimacy of these institutions. There is also the recognition of the difference that individual women committed to changing gender relations can make in the policy-making bodies; that the structural constraints though important are not immutable. Individual agents in organizations may or may not share organizational beliefs; may or may not challenge existing hegemonic practices and ideologies. The question of agency in this context remains more open, and that of structure more contested.

The National Commission for Women

The momentum of the women's movements and the various Commissions set up to assess the role of women in Indian public life led to the establishment of the National Commission for Women in 1990. The Commission is the result of pressure put upon government by feminist and women's movements for such an organization, which would press for women's interests to be represented in government policy. It is not a ministry of government. It is also not a think-tank in the conventional sense: 'Think-tanks

are an organizational expression of the blending of ideas, politics and policy *outside* formal political arenas' (Stone, 1996:2). Yet its members are appointed by the Prime Minister and it was set up to fulfil one of the purposes of think-tanks: to move ideas into politics.

Setting up the Commission

The setting up of the Commission was a governmental response to the National Perspective Plan for Women. This was done after wide consultation with women's non-governmental organizations (NGOs) and movements, women political representatives, feminist lobbyists and women party members. Most women's groups were in favour of such a Commission, which provided legitimacy for the Commission. There were several reasons for this support. The Indian women's movements had grown considerably in the 1970s and 1980s, bringing a new sense of confidence in making demands upon the political establishment. Second, after twenty years of mobilization, the need for an institutional presence of women in political organizations had become clear; policy formulation and implementation needed to be made gender sensitive. Feminist academics and activists felt able to provide the necessary training on gender issues. The marginalization of women's issues in political parties became a priority. Finally, though the Indian women's groups had largely functioned at the level of social mobilization, there had been a significant group of activists who had argued that an engagement with the state was inevitable in a country such as India where many civil society groups were deeply conservative. Policy change at the top of the political system seemed important to challenge these groups.⁶

At the level of government, support for the move to set up such an organization came from the Prime Minister, Rajiv Gandhi. I have commented above about the importance of individual leaders in addressing women's issues in India. While Mrs Gandhi had felt unable to take up women's issues because she was a woman, Rajiv Gandhi saw himself as a modern, young leader bringing India in line with other countries on this issue (Rai, 1995). Individual leaders can thus become important in the successful start of institutional initiatives.

At the level of political parties, gender issues were also difficult to ignore. This was for two reasons. First, the women's movements had been successful in politicizing gender. Second, as the political parties multiplied, and coalition politics emerged, new constituencies were needed to be mobilized. Women were the obvious targets for political parties. They were numerous and under-represented in the political system. Because of their limited participation in the political processes, most women were not already committed to voting for or supporting a particular party. Speaking for them, then, made political sense in political party terms.

The structure of the Commission

The Commission is a statutory body, which was created through parliamentary legislation in January 1992 under the National Commission for Women Act, 1990 (Act No. 20 of 1990 of Government of India) (www.nationalcommissionforwomen.org/about_ncw/about_ncw.html).

The National Commission for Women in India is a cross-party consultative body on women's interests. It includes women from different backgrounds — those who have been active in the women's movements, party women and bureaucrats. It is a permanent Commission with a Chair and a working committee of five members. It has a staff of thirty-six. The Committee is representative of different regions and operates the caste/tribe-based quotas (22.4 per cent) mandatory in government institutions, and therefore it must include at least one member from among persons belonging to the 'Scheduled Castes and Scheduled Tribes respectively'.⁷ The Commission has a 'Member-Secretary' nominated by central government who is the administrator of the Commission. The committee has an operational life of three years.⁸ The 'parent ministry' of the Commission is the Ministry for Women and Child Development but the Commission liaises closely with other ministries too, depending upon the intervention in policy that it decides to make. The Chair of the committee does not have a Cabinet post, but can be asked by the Cabinet to present the Commission's views on particular issues.

The resources at the disposal of the Commission are meagre. Its starting-up budget was only Rs 1.25 million.⁹

The Commission can bid for individual projects, but it has to compete with other organizations for this. Given its remit as a national advisory organization, this level of resourcing is a significant hindrance to its functioning.

The Commission's functions

The Commission's mandate is 'to review the Constitutional and legal safeguards for women, recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women' (www.nationalcommissionforwomen.org/about_ncw/about_ncw.html). In the words of its founding Chair, Jayanthi Patnaik, its functions include: 'to review, investigate, examine and recommend'.¹⁰ The Commission investigates matters pertaining to legal safeguards provided for women and recommends amendments; it takes up with the appropriate authorities/ministries cases involving violation of the legal provisions relating to women; and participates in the planning process of socio-economic development of women and evaluates the progress made. The Commission carries out its function at different levels. It sets up committees to investigate particular issues that are urgent or policy related. So, for example, it set up a committee to investigate the rising numbers of female infanticides in the state (province) of Tamil Nadu in 1992. Such a committee would be chaired by the Commission member responsible for the particular area but would be staffed by the local contacts of the Commission. This means that the availability of trained local staff becomes an important issue. This might be affected by the strength of the women's movement in that region and the location of the committee — rural or urban, levels of poverty and education. The poorer the training of the local staff, the more likely it is that either the investigation would be hampered by local patriarchal interests or that there would be 'outsiders' needed to carry out such an investigation, raising its own issues of legitimacy. Commission members were agreed that local mobilization of opinion was the most effective way of furthering the gender agenda, but were also conscious of the lack of infrastructure that the Commission itself could provide.¹¹

The Commission presents its findings on particular issues to the appropriate level of government/ministry.

Lobbying individual political leaders for a change in policy is an important part of the Commission's work. Here the question of the accessibility of particular leaders and the commitment of the leader to the agenda of gender equality become important. The lines of communication that the Chair of the Commission is able to establish (or not) with influential political leaders is also important. In this context, the party system becomes relevant. If the Chair is close to the ruling party (the founding Chair was a Congress MP), it is easier for her to establish good working relations with various ministries.

The advisory role of the Commission is strengthened through the mechanism of accountability. Once the Commission recommends changes to existing or new policy, the relevant ministry has to explain to the Commission, to the Cabinet and to Parliament why it has not followed the Commission's recommendations. However, individual ministries do not *have* to consult the Commission; the Commission has to be proactive in monitoring policy making and in identifying areas in which it wants to intercede. This means that, given the poor resourcing of the Commission, its members are unable to cover all the relevant areas that need attention. However, it is possible for the Commission to involve other agencies — women's studies centres, NGOs and grassroots organizations — in its work in order to extend its reach. This is an area that needs greater consideration — how might various civil society groups be brought into the work of the Commission and on what bases? What are the linkages that need to be established and with which organizations? This is not an easy task as it involves negotiating a delicate balance between political activism and a close engagement with the state. I will return to this issue later.

One of the important functions of the Commission is dissemination of information, ideas and good practice. It is involved in publicizing key governmental decisions affecting women, promoting its views about women's status and lobbying media executives regarding the depiction of women in films, telefilms and teleplays. As there is a significant sector of state media in television and radio, the Commission has direct access to it and greater influence in that sector than in the private media sector. It has developed

short films on issues of women's social status that the national state television service (Doordarshan) uses as 'fillers'. Again, the Commission is unable to do more than try and 'persuade' the media executive of its cause; it is unable to enforce its preferences through any legislative obligation on the media.

Another way of both disseminating and examining issues relevant to women in society is organizing and participating in seminars and workshops at different levels. The Commission members do this depending on their area of interests and responsibilities. At these forums the Commission members are able to build networks, and promote an exchange of ideas with different groups and sectors. The Commission has organized successful seminars on diverse issues, such as legal and legislative initiatives, the setting up of micro-enterprises and the mobilization of women, women in the unorganized labour market, women in urban slums and violence against women. Many seminars were organized in 1994 in preparation for the Beijing Fourth World Conference on Women.

At the political level, the Commission can also be involved in new initiatives. One such initiative was taken by the Commission in the run-up to the 1997 elections. The Commission proposed fielding a 'women's candidate' from the prestigious New Delhi constituency. This was to be symbolic of the cross-party support for women's increased representation in the Parliament of the country. As such, political parties were asked not to contest the 'women's candidate' in this constituency. Though most feminist groups and political parties supported this initiative initially (the candidate was selected and her name announced at this stage) this support soon fractured. The Commission was accused of naiveté on the one hand and gimmickry on the other. The 'women's candidate' had to withdraw from the contest.

Supports and constraints

Given its remit, structure and resourcing, the Commission has had to have strategies of making do, of stretching

resources, of making networks, of focusing on particular issues. In this section I will discuss some issues arising in its functioning.

From the local to the global

International initiatives such as the UN World Conferences on women provide a great impetus to organizations such as the Commission. The fact that the Indian state is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women meant that participation in the Beijing Conference provided a considerable opportunity to women's groups in general and the Commission in particular to organize for that participation with some financial support from the government. This was a window of opportunity of making use of state resources for furthering their own interests, such as organizing seminars and workshops. In India there was a tremendous activity among the NGO sector in preparation for the Conference, and the draft of the Beijing Declaration and Platform for Action was extensively discussed at different levels of organization and activism. While the Commission was able to bring together many of the academic and governmental actors, the fact that there was an NGO forum at the Beijing Fourth World Conference on Women meant that there was a great deal of discussion and activities that took place at the civil society level, to which the Commission had only limited access.

At the national level, the Commission has had constantly to renegotiate with the government as one coalition after another has come into power. In this context, the stability of government is an issue. The urgency that political parties feel in the task of keeping the coalition together means that issues that are seen as less immediately relevant to that task take a back seat. Further, the discussion on women's social status in India has crystallized into a nationwide debate about the quotas for women in Parliament. In this debate, the Commission has been able to contribute in only a limited way. Various political parties have divergent views on this policy change, and the putting together of coalitions in government has meant that negotiations over the quotas have not gone smoothly.

In terms of the Commission's support at the level of civil society, the picture is also complex. The NGO sector

is credited by the Commission members as its strongest ally and support.¹² I have already mentioned that the Commission was set up with the support of a wide cross-section of women's groups and NGOs. These groups provide the Commission with support in different ways — through participation in its programmes, seminars, workshops and investigations; but also through the legitimacy that they provide. The Commission could not have been effective at any level if the civil society groups engaged in feminist activism had not supported its establishment. However, in India's highly politicized context women's groups are engaged in different levels of political activism. Some are closely affiliated to political parties; others are sceptical of governmental funding of women's groups; and still others are suspicious of international funding for some NGOs. So while some NGOs are willing to participate in the Commission's work, others keep away for the fear of conflict of interest with their party or of co-optation into the dominant patriarchal political system.

This multi-layered political situation means that the Commission is caught up in negotiating its position among the many different positions and pressures that it encounters. So, for example, one of the committee members of the first committee left the Commission very soon after joining it because as a member of the Communist Party she felt strongly that the Commission was letting itself be co-opted to serve the Congress government's agendas (Rai, 1997). Over a period of six years of its functioning, women's groups on the left have in large part created a distance from the Commission.¹³ It is being cast as an elitist, bureaucratic organization; a pawn in the hands of various governments. This view is supported in part by the system of appointment of the Commission members, which is highly politicized and does not necessarily have regard to the links of the members with women's and feminist groups. The rise of Hindu fundamentalism in the BJP means that the executive of the Commission has been under pressure from the government in terms of changing personnel to suit the current government. The influence of the Commission over the current government led by the BJP is also minimal, even though the BJP is attempting to mobilize women into politics on its own radical-conservative political programme

and is supporting the 33 per cent quota for women in legislative bodies.

Moving forward

The above picture of the Commission tells a complex story of a very young organization. The overall message is that of pessimism — the Commission, which started with a lot of good will, has been unable to sustain that support within the civil society organizations; it has also been marginalized within the party political system. Some of the constraints faced by the Commission have been structural — poor resourcing, for example. Others could be addressed but would require a radical rethinking of the Commission's relationship with the state. In this concluding section I examine the options before the Commission in the light of the consensus that emerged on national machineries at the Beijing Fourth World Conference on Women in 1995.

National machineries in the Beijing Platform for Action

In its recommendations on national machineries for women, the Beijing Platform for Action suggested the following:

- 1 Location at the highest possible level in government.
- 2 Institutional mechanisms or processes that facilitate, as appropriate, decentralized planning, implementation and monitoring with a view to involving NGOs and community organizations from the grassroots upwards.
- 3 Sufficient resources in terms of budget and professional capacity.
- 4 Opportunity to influence development of all government policies (PfA, H: paragraph 203).

The Platform for Action further enjoins on national machineries to:

- 1 facilitate the formulation and implementation of government policies . . . develop appropriate strategies and methodologies, and promote coordination and cooperation within the central government in order to ensure mainstreaming of a gender perspective;
- 2 promote and establish cooperative relationships with relevant branches of governments . . . and all other actors of civil society;

- 3 undertake activities focusing on legal reform;
- 4 promote the increased participation of women as both active agents and beneficiaries of the development process;
- 5 establish direct links with national, regional and international bodies dealing with the advancement of women;
- 6 provide training and advisory assistance to government agencies (PfA, H: paragraph 208).

In the following section I examine whether the Commission fulfils these criteria. I then analyse whether these criteria can be met by *any* national machinery for women. I will suggest that we need to rethink what national machineries can achieve realistically and efficiently.

The Commission through UN criteria

First, the Commission is not located at the highest political level. Its Chair is not a member of government. As the case of the National Service for Women in Chile suggests, membership of Cabinet is not, by itself, a bulwark against marginalization.

Second, the Commission does monitor women's social position in different ways; it does involve NGOs, community organizations, academics and others of its epistemic community in information gathering and dissemination. The issue here is that in a highly party-centred political system such as India's, its choice of partners becomes an issue for its legitimacy. Which NGOs? Which academics? Which leaders of which parties? All these become part of the evaluation of the Commission through deeply tinted party political lenses.

Third, the resourcing of the Commission is poor and, as the examples from different countries show, when national governments need to curtail spending, women's organizations such as the Commission are prime targets for funding cuts (see Goetz and Kwesiga, chapters 3 and 10 of this volume).

Fourth, the opportunity to influence government policy is officially there — that is the Commission's *raison d'être*. However, the Commission has been only partially successful in this for the reasons outlined above.

Fifth, the Commission has tried to review, investigate and examine government policy at different levels — national and provincial. However, it has had limited success

in its advocacy function due to the question of political will of governments and leaders, poor resourcing and its weak political position.

Sixth, the Commission has undertaken investigations into legal policy and practice in cooperation with, for example, the National Law School in Bangalore. It has lobbied for some changes in the way the issue of violence against women is dealt with in courts. Its function has, however, mainly been to try and persuade the legal establishment to change. It has had no alternative to this strategy. No major review of the legal procedures has been undertaken as a result of the Commission's advocacy.

Finally, the Commission has established links with regional and international bodies engaged in lobbying for the advancement of women. However, there has been little progress in terms of joint programmes. In the context of the political situation in the sub-continent, in particular the relations between India and Pakistan, regional cooperation is difficult to organize, even though such cooperation would, arguably, be most productive in terms of exchange of ideas and developing new strategies for furthering women's issues.

Some unresolved issues

Having reflected upon the experience of the National Commission for Women in India, I suggest that the following issues need further thought and research in order to make national machineries for women's equality more effective. First, addressing the issue of legitimacy — the national machinery should be an autonomous body. It could have core funding from the government but should be actively encouraged to look for funding from other sources, such as international social organizations, charitable trusts and even private funding.

Second, defining the remit of the machineries — a focus on mainstreaming gender in public policy would involve considerable lobbying and negotiating skills. To do this effectively, a national machinery could be outreaching to other organizations, networks and lobbying groups rather than getting involved in the process of implementing policies itself (DAW, 1998). It could then be a conduit between civil society organizations and the government.

Third, dealing with political parties — an autonomous identity would allow the Commission greater flexibility in dealing with political parties, as the direct link between the Commission Chair and the ruling political party will be weaker. Also, stronger links with civil society groups would mean that the influence of political parties might be diluted. NGOs and women's groups could be more effectively mobilized to point out the limited nature of cross-party initiatives on women and the common policy bases being camouflaged by party-based rhetoric.

Fourth, there is an obvious case for increasing the funding of such machineries. The focusing of its resources on lobbying the government could also allow for better usage of existing funding, and seeking autonomous funding to enhance it.

Fifth, the issue of location within government — close links with government can be an advantage, but also a serious disadvantage.

Finally, networking — strengthening links with regional and international organizations — can be helpful but would need to be carefully thought through, given the political context in South Asia. Identifying particular networks for particular lobbying initiatives would allow a more focused reach and avoid the charge of 'general foreign junkets' that is laid at the door of many outward-looking semi-official organizations.

The criteria through the Commission's experience

In the concluding section, I will reflect upon the criteria set out for national machineries in the Platform for Action and suggest that a second look at these may prompt some thought about the feasibility as well as legitimacy of these machineries. As one reads through the list of functions a national body such as the Commission is supposed to perform according to the Platform for Action, one is struck by how much we expect women to achieve with minimal resources. I wonder if, with the best will in the world, any organization can deliver all that is being asked for in this document. Most governments do not have the best will in the world on the issue of mainstreaming gender. It is an omission to set up expectations without taking on board this central fact. In *A Brief Critique from the All India*

Democratic Women's Association of the Platform for Action, it is noted that the draft of section H., dealing with national machineries, does not mention, but should:

1) establishment of *autonomous* bodies to monitor Government policies and make recommendations *binding* for the Government which if it does not accept, it will have to submit explanations to elected legislatures; 2) the crucial question of political will; 3) affirmative action to narrow the gender gap in all important spheres. (All India Democratic Women's Association, 1995:12)

Overloading the agenda of national machineries also leads to an enhanced sense of failure of such machineries. No organization, however well resourced, can be asked to carry such a burden of expectation and not be found wanting. The basis of this overloading can be explained in part by what precedes the section on national machineries in the Platform for Action. In the section of 'Women in Power and Decision-Making' it is explicitly stated that: 'Women's equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account' (PfA, G: paragraph 183). There is now a growing body of feminist literature which is problematizing this assumption about a direct co-relation between women's participation in politics and the representation of women's interests (see Coole, 1997; Fraser, 1997; Young, 1997; Hoskyns and Rai, 1998). This issue of representation of interests is a vexed one. Whose interests are being represented by the increased participation of women in political institutions? Who can and will represent these interests? What is the process of interest aggregation? What is gained and what is lost in this process? Can disaggregated interests be represented at all? What are the intersections between various interests and between social variables that affect any aggregation of interests? This is, perhaps, not the place to discuss such issues. However, these questions raise important issues for national machineries such as the National Commission for Women in two ways.

The first is that of legitimacy. If the Commission is to maintain its networks in civil society it needs to demonstrate its autonomy from the dominant political forces.

Without addressing the question of its autonomy through its Constitution, membership, networks and working strategies, charges of elitism and co-optation will be difficult to avoid. The second issue is that of interest aggregation — how does the Commission (or any such national machinery) reach a view on what constitutes a convergence of women's interests which the Commission can then try to mainstream? The different interests of class and, in the current political situation in India, of caste and religion, make for different interests of women such that the assumptions of women's interests become highly problematic. Also, the different social profiles of women mean that the urgency given to policy formulation in one area might not meet the needs of another group of women. Policy implementation makes these issues of difference even more prominent. Reviewing policy then becomes a highly politically sensitive task.

In conclusion, however, I would suggest that the work of the Commission provides a useful focal point not only to address specific policy issues but also to allow us to raise the broader issues of differences among women. It is through the democratization of discussion, agenda setting, monitoring and reviewing of its programme that the Commission can build a legitimate profile for itself and, its work, as well as acting as a forum for discussion of wider social issues affecting gender relations in India.

Notes

- 1 For example, the All India Women's Conference is affiliated to the Congress Party, the All India Women's Federation to the Communist Party of India, and the All India Democratic Women's Association to the Communist Party of India (Marxist).
- 2 The exceptions are the two Communist Parties, which are highly structured and disciplined and cadre based.
- 3 The first challenge to the Congress Party's domination of Indian politics came in the wake of the Emergency, when Mrs Gandhi lost the elections to a coalition of Opposition parties brought together under the umbrella of the Janata Party. The Communist Party of India (Marxist) and the BJP supported this coalition.
- 4 Women were active in the nationalist movement in both the Congress-led non-violent struggle and also in the militant armed struggles.

- 5 I use the term 'women's movements' here as a shorthand for all the various groups of women and feminists that are engaged in political and social life and have as their central concerns justice and equality for women. I do not include in this group any right-wing women's groups whose concerns are with cultural authenticity.
- 6 Interview with Dr Vina Mazumdar, CWDS, January 1998.
- 7 The Indian Constitution provides for population-based quotas for the lowest castes and tribes under its 9th Schedule — hence the 'Scheduled Castes and Tribes' category. This quota is operative at every level of educational and professional organizations run by any governmental agency. In 1993, a quota of 33 per cent was instituted for women in the village and township level government under the 73rd Amendment to the Constitution. Currently, a Bill extending this quota to women in the provincial assemblies and the national Parliament is being discussed.
- 8 The First Commission was constituted on 31 January 1992 with Mrs Jayanti Patnaik as the Chairperson. The Second Commission was constituted in July 1995 with Dr (Mrs) Mohini Giri as the Chairperson. The Third Commission has been constituted and the government has nominated Mrs Vibha Parthasarathy as the Chairperson (www.nationalcommissionforwomen.org/about_ncw/about_ncw.html).
- 9 The current exchange rate between the British Pound and Indian Rupee is 1:70.
- 10 Interview with Jayanthi Patnaik, Chair of the Commission, January 1994. Constitutionally it is mandated to: 'a. investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws; b. present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguard; c. make in such reports recommendations for the effective implementation of those safeguards for the improving the conditions of women by the Union or any state; d. review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislation; e. take up cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities; f. look into complaints and take *suo moto* notice of matters relating to: — i. deprivation of women's rights; ii. non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development; iii. non-compliance of policy decisions, guidelines or instructions . . . ; g. call for special studies or investigations into specific problems or situations . . . ; h. undertake promotional and educational research . . . i. participate and advise on the planning process . . . j. evaluate the progress of the development of women under the Union and any State; l. fund litigation involving issues affecting a large body of women; m. make periodical reports to the Government; n. any other matter which may be referred to it by Central Government' (www.nationalcommissionforwomen.org/about_ncw/about_ncw.html).
- 11 Interviews at the Commission offices in New Delhi, January 1994.
- 12 Interview with Padma Seth, committee member, January 1994.
- 13 Interviews at CWDS, New Delhi, January 1998.