

## **Uttar Pradesh State Commission For Women Act, 1997**

**7 of 1997**

### CONTENTS

#### **CHAPTER 1 :- PRELIMINARY**

1. Short Title, Extent And Commencement
2. Definitions

#### **CHAPTER 2 :- THE STATE COMMISSION FOR WOMEN**

3. Constitution Of The Commission
4. Term Of Office And Conditions Of Service
5. Officers And Other Employees Of Commission
6. Salaries And Allowances To Be Paid Out Of Grants
7. Vacancies Etc. Not To Invalidate Proceedings Of Commission
8. Procedure To Be Regulated By Commission

#### **CHAPTER 3 :- FUNCTIONS OF THE COMMISSION**

9. Functions Of The Commission
10. Powers Of The Commission

#### **CHAPTER 4 :- FINANCE, ACCOUNTS AND AUDIT**

11. Grants By The State Government
12. Accounts And Audit
13. Annual Report
14. Annual And Other Reports And Audit Report To Be Laid Before State Legislature

#### **CHAPTER 5 :- MISCELLANEOUS**

15. Chairperson, Members And Staff Of Commission To Be Public Servants
16. State Government To Consult Commission
17. Protection Of Action Taken In Good Faith
18. Power To Make Rales
19. Power To Remove Difficulty

## **Uttar Pradesh State Commission For Women Act, 1997**

**7 of 1997**

An Act to establish a State Commission for women and to provide

for matters connected therewith or incidental thereto It is hereby enacted in the Forty-eighth Year of the Republic of India, as follows :--

## **CHAPTER 1 PRELIMINARY**

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Uttar Pradesh State Commission for Women Act, 1997.
- (2) It extends to the whole of Uttar Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

### **2. Definitions :-**

In this Act,--

- (a) "Commission" means the Uttar Pradesh State Commission for Women constituted under Section 3;
- (b) "Member" means a member of the Commission;
- ( c ) "National Commission for Women" means the National Commission for Women constituted under Section 3 of the National Commission for Women Act, 1990;
- (d) "Other Backward Classes of citizens" means such classes of citizens as are defined in Clause (b) of Section 2 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;
- (e) "Women" includes female-child or adolescent girl.

## **CHAPTER 2 THE STATE COMMISSION FOR WOMEN**

### **3. Constitution Of The Commission :-**

- (1) The State Government shall, by notification, constitute a body to be known as the Uttar Pradesh State Commission for Women to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
- (2) The Commission shall consist of--
  - (a) Chairperson who shall be an eminent person committed to the cause of women to be nominated by the State Government;
  - (b) Not more than six Members preferably women, to be nominated by the State Government from amongst the persons of ability, integrity and standing who have served the cause of women or have had sufficient knowledge and experience in law or legislation,

administration of matters concerning the advancement of women or leadership of any trade union or voluntary organisation for women, for protection, upliftment and promotion of interests of women :

Provided that, at least one member each shall be from amongst persons belonging to the Scheduled Castes, the Scheduled Tribes and the other Backward Classes of citizens, respectively;

(c) A Member-Secretary, to be nominated by the State Government who shall be a women officer, not below the rank of a Special Secretary to the State Government, who is a member of a civil service of the State or of an All India Service or holds a civil post under the State with appropriate experience.

#### **4. Term Of Office And Conditions Of Service :-**

(1) The Chairperson and every Member shall hold office for a period of three years from the date he assumes office.

(2) The Chairperson or a Member other than the Member-Secretary may, by writing under his hand and addressed to the State Government, resign from the office of Chairperson or, as the case may be, of the Member at any time.

(3) The State Government shall remove a person from the office of chairperson or a Member if that person--

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the Commission, absents from three consecutive meetings of the Commission; or

(f) in the opinion of the State Government, has so abused the position of the Chairperson or Member as to render that persons continuance in office detrimental to the public interest or is otherwise unfit or unsuitable to continue as such Chairperson or Member :

Provided that, no person shall be removed under this Clause until that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under Sub-section (2) or otherwise shall be filled by fresh nomination.

(5) The salaries, and allowances payable to, and the other terms

and conditions of service of the Chairperson and Members shall be such as may be prescribed.

#### **5. Officers And Other Employees Of Commission :-**

(1) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(2) The salaries and allowances payable to, and the other terms and conditions of, the Member-Secretary, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

#### **6. Salaries And Allowances To Be Paid Out Of Grants :-**

The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Member-Secretary, the officers and other employees referred to in Section 5, shall be paid out of the grants referred to in Sub-section (1) of Section 11.

#### **7. Vacancies Etc. Not To Invalidate Proceedings Of Commission :-**

No act or proceeding of the Commission shall be questioned or shall be invalid on the ground of the existence of any vacancy or defect in the constitution of the Commission.

#### **8. Procedure To Be Regulated By Commission :-**

(1) The Commission shall meet as and when necessary and at such time and place, as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

### **CHAPTER 3 FUNCTIONS OF THE COMMISSION**

#### **9. Functions Of The Commission :-**

(1) The Commission shall perform all or any of the following functions, namely :--

(a) investigate and examine all matters relating to the safeguards

provided for women under the Constitution and other laws;

(b) present to the State Government, annually and at such other times, as the Commission may deem fit, reports upon the working of those safeguards;

(c) make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the 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 legislations;

(e) take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;

(f) look into specific complaints and take suo motu notice of matters relating to,--

(i) deprivation of womens 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 aimed at mitigating hardships and ensuring welfare and providing relief to women, and to take up the issues arising out of such matters with the appropriate authorities;

(g) cause special studies or investigations to be undertaken 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;

(h) undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;

(i) participate and advise on the planning process of socio-economic development of women;

(j) evaluate the progress of the development of women under the State;

(k) inspect or cause to be inspected a jail, remand home, womens institution or other places of custody where women are kept as

prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;

(l) fund litigation involving issues affecting a large body of women or the interpretation of any provision of the Constitution or any other laws affecting women;

(m) make periodical or special reports to the State Government on any matter pertaining to women and, in particular, various difficulties under which women toil;

(n) any other matter which may be referred to it by the State Government.

(2) The State Government shall cause the reports of the Commission to be Laid before each House of the State Legislature along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for the non-acceptance, if any, of any of such recommendations.

#### **10. Powers Of The Commission :-**

The Commission shall, while investigating any matter referred to in Clause (a) or Sub-Clauses (i) and (ii) of Clause (f) of Sub-section (1) of Section 9, have all the powers of a civil court trying a suit, and in particular, in respect of the following matters, namely :--

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents; and (f) any other matter which may be prescribed.

### **CHAPTER 4 FINANCE, ACCOUNTS AND AUDIT**

#### **11. Grants By The State Government :-**

(1) The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums of money shall be treated as expenditure payable out of the grants referred to in Sub-section (1).

## **12. Accounts And Audit :-**

(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed.

(2) A copy of the annual statement of accounts shall be submitted to the State Government which shall cause the same to be audited.

## **13. Annual Report :-**

The commission shall prepare annual report for each financial year, in such form and at such time, as may be prescribed, giving a full account of its activities during that financial year and forward a copy thereof to the State Government.

## **14. Annual And Other Reports And Audit Report To Be Laid Before State Legislature :-**

The State Government shall cause the annual report, together with a memorandum of action taken on the recommendations contained therein, and the reason for the non-acceptance, if any, of any of such recommendations, and the audit report to be Laid as soon as possible after the reports are received, before each House of the State Legislature.

## **CHAPTER 5 MISCELLANEOUS**

### **15. Chairperson, Members And Staff Of Commission To Be Public Servants :-**

The Chairperson, the Members, the Member-Secretary, officers and other employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860.

### **16. State Government To Consult Commission :-**

The State Government shall consult the Commission on all major policy matters affecting women.

### **17. Protection Of Action Taken In Good Faith :-**

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done, in pursuance of the provisions of this Act or the rules made

thereunder.

### **18. Power To Make Rules :-**

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act. Such rules may provide for charging of fees for any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :--

(a) Salaries, and allowances payable to, and the other terms and conditions of service of the Chairperson and Members under Sub-section (5) of Section 4 and the Member-Secretary, the officers and other employees under Sub-section (2) of Section 5;

(b) any other matter under Clause (f) of Section 10;

(c) the form in which the annual statement of accounts shall be prepared under Subsection (1) of Section 12;

(d) the form in, and the time at, which the annual report shall be prepared under Section 13;

(e) any other matter which is required to be, or may prescribed.

### **19. Power To Remove Difficulty :-**

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notified order, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

(2) No order under Sub-section (1) shall be made after the expiration of a period of two years from the commencement of this Act.

(3) Every order made under Sub-section (1) shall be Laid, as soon as may be, before both the Houses of State Legislature and the provisions of Sub-section (1) of Section 23-A of the Uttar Pradesh General clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.