



The Uttar Pradesh State Commission for Women Act, 2004

Act 7 of 2004

Keyword(s):

Commission, Member, Other Backward Classes of Citizen, Women

Amendment appended: 19 of 2005

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No. 387(2)/VII-V-1-1 (KA)-6-2004

Dated Lucknow, February 27, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajya Mahila Ayog Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 7 of 2004) a passed by the Uttar Pradesh Legislature and assented to by the Governor on February 26, 2004.

THE UTTAR PRADESH STATE COMMISSION FOR WOMEN ACT, 2004

(U.P. ACT NO. 7 OF 2004)

[As passed by the Uttar Pradesh Legislature]

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 Fifty-fifth Year of the Republic of India as follows :—

CHAPTER—I

PRELIMINARY

Short title, extent
and commence-
ment

1. (1) This Act may be called the Uttar Pradesh State Commission for Women Act, 2004.

(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.

Definitions

2. 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) "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 ;

(d) "Women" includes female child or adolescent girl.

CHAPTER—II

THE STATE COMMISSION FOR WOMEN

Constitution of the
Commission

3. (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 a Woman possessing a Degree of a University established by law in India or a qualification recognised as equivalent thereto and committed to the cause of women, nominated by the State Government ;

(b) Seven members nominated by the State Government from amongst the women possessing a Degree of a University established by law in India or a qualification recognised as equivalent thereto and who have worked for the upliftment and welfare of women :

Provided that, atleast one Member each shall be from amongst—

(i) Scheduled Castes or Scheduled Tribes ;

(ii) Other backward classes of citizens ;

(iii) Minorities

~~(iv) Advocates (with minimum ten years of experience)~~

Omitted by 19/2005

(c) A Member-Secretary, to be nominated by the State Government who shall be a women officer, not below the rank of 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. (1) The Chairperson or every Member shall hold office for a term of three years from the date he assumes office or at the pleasure of the State Government.

Term of office
and conditions
of service

(2) The Chairperson shall not hold office below the age of 35 years and after the age of 60 years and no other member shall hold office before attaining the age of 25 years and after completing the age of 60 years.

(3) The Chairperson and a Member shall be having the Status of Minister of the State and Deputy Minister of the State respectively.

(4) 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 the Chairperson or, as the case may be, of the Member at any time.

(5) 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 person 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.

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

(7) 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. (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.

Officers and other
Employees of
Commission

(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. 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 employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 11.

Salaries and
allowances to be
paid out of grants

Vacancies, etc.,
not to invalidate
proceedings of
Commission

Procedure to be
regulated by
Commission

Functions of the
Commission

7. No act or proceedings 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. (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—III

FUNCTIONS OF THE COMMISSION

9. (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 effecting 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 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 policies 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, women's institutions 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 effecting 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) examine the conditions in which women work in factories, establishments, construction site or other places and make recommendations to the State Government for improving their working conditions ;

(o) compile information regarding offences against women including offences relating to marriage, dowry, rape, kidnapping, abduction, eve-teasing and immoral trafficking in women and cases of medical negligence in causing delivery or sterilisation or medical intervention in regard to child bearing or child birth, in the State as a whole or in any particular area in the State ;

(p) coordinate with the State police cell and divisional police cells created for dealing with the cases relating to atrocities against women and mobilise public opinion in the State as a whole or in any particular area in the State so as to help speedy reporting or detection or offences of such atrocities and to make atmosphere against the offender ;

(q) seek assistance of any voluntary organisation registered under section 17, in discharge of its functions ;

(r) 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 alongwith 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. The Commission shall, while investigating any matter referred to in clause (a) or sub-clause (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 :—

Powers of the Commission

(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—IV

FINANCE, ACCOUNTS AND AUDIT

Grants by the State
such Government

11. (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 utilized 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 grants referred to in sub-section (1).

Accounts and
Audit

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

(2) The accounts of the commission shall be annually audited by the Director Local Fund, Uttar Pradesh.

Annual Report

13. 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.

Annual and other
reports and audit
report to be laid
before State
Legislature

14. 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—V

MISCELLANEOUS

Chairperson
Members and
Staff of
Commission to be
public servants

15. 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.

State Government
to consult
Commission

16. The State Government may consult the Commission on major policy matters affecting women.

Registration of
Voluntary
Organisation

17. (1) Any voluntary organisation engaged in the welfare of women, who desires to assist the Commission in performance of its functions, may apply to the Commission in the prescribed manner for registration.

(2) The Commission, may, after satisfying itself regarding value, role and utility of such organisation in the society, register such organisation in such form and in such manner as may be prescribed.

(3) The Commission shall make available to a court, authority or person a list of organisations registered under this section if so required by such court, authority or person.

(4) The Commission may, for reason to be recorded in writing, cancel registration of any such organisation after giving the organisation a reasonable opportunity of hearing.

(5) A decision of the Commission under sub-section (4) shall be final.

Protection of
action taken in
good faith

18. 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.

Power to make
rules

19. (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 sub-section (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 be prescribed.

20. (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 in consistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

Power to remove 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.

STATEMENT OF OBJECTS AND REASONS

The State Government is committed to safeguard the constitutional rights of the women and their proper development and welfare. To achieve the said objective the Uttar Pradesh State Commission for Women Act, 2001, (U.P. Act no. 34 of 2001) was enacted to provide for the establishment a State Commission for Women. Since the said Commission was not serving the purpose consequent upon which it had lost its utility. The said Act was, therefore, repealed by the Uttar Pradesh State Commission for Women (Repeal) Ordinance, 2004 (U.P. Ordinance no. 2 of 2004). In order to achieve the said objective it has been decided to bring an enactment to provide for the establishment of an effective State Commission for women which will serve the said purpose.

The Uttar Pradesh State Commission for Women Bill, 2004 is introduced accordingly.

By order,

R. B. RAO,

Pramukh Sachiv.

No. 1030/VII-V-1—1(Ka)-20-2005

Dated Lucknow, August 11, 2005

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajya Mahila Ayog (Sanshodhan) Adhiniyam, 2005 (Uttar Pradesh Adhiniyam Sankhya 19 of 2005) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 10, 2005.

THE UTTAR PRADESH STATE COMMISSION FOR WOMEN (AMENDMENT)

ACT, 2005

(U.P. Act no. 19 of 2005)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to amend the Uttar Pradesh State Commission for Women Act, 2004.

IT IS HEREBY enacted in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh State Commission for Women (Amendment) Act, 2005 Short title and commencement

(2) It shall be deemed to have come into force on May 4, 2005

2. In section 3 of the Uttar Pradesh State Commission for Women Act, 2004 hereinafter referred to as the principal Act in sub-section (2), in the proviso to clause (b) item (iv) shall be omitted. Amendment of section 3 of U.P. Act no. 7 of 2004

U.P. Ordinance no. 6 of 2005 3. (1) The Uttar Pradesh State Commission for Women (Amendment) Ordinance, 2005 is hereby repealed. Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act in force at all material times.

STATEMENT OF OBJECTS AND REASONS

Section 3 of the Uttar Pradesh State Commission for Women Act, 2004 (U.P. Act no. 7 of 2004) provides for the constitution of the Uttar Pradesh State Commission for Women. Clause (b) of sub-section (2) of the said section provides that the said Commission shall *inter alia* consist of seven members nominated by the State Government from amongst the Women possessing a Degree of a University established by law in India or a qualification recognized as equivalent thereto and who have worked for the upliftment and welfare of women. The proviso to the said clause (b) provided that of the said seven members one member each shall be from amongst—

- (1) Scheduled Castes or Scheduled Tribes;
- (2) Other backward classes of citizen;
- (3) Minorities;

(4) Advocates(with minimum ten years experience).

It was decided to amend the said Act to *omit* the provisions of Advocate member mentioned at serial no. 4 above.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh State Commission for Women (Amendment) Ordinance, 2005 (U.P. Ordinance no. 6 of 2005) was promulgated by the Governor on May 4, 2005.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
D.V. SHARMA,
Pramukh Sachiv.