

THE UTTARAKHAND STATE COMMISSION FOR WOMEN ACT, 2005

**[Uttarakhand Act No. 28 of 2005]
(as amended by Amendment Act No. 09 of 2016)**

to constitute Uttarakhand State commission for Women to provide for the matters connected therewith or incident thereto

**AN
ACT**

Be it enacted by the State Assembly in the Fifty-sixth year of the Republic of India, as follows:-

**CHAPTER-I
Preliminary**

Short title, extent and commencement	1-	(1) This Act may be called the Uttarakhand State Commission for Women Act, 2005. (2) It extends to the whole State of the Uttarakhand. (3) It shall come into force on such date, as the State Government may, by the notification in the Official Gazette, appoint.
Definitions	2-	In this Act, unless the context otherwise requires- .. (a) "Commission" means the Uttarakhand State Commission for Women constituted under section 3; (b) "Member" means a Member of the Commission and include the Member-Secretary; (c) "Other Backward Classes of Citizens" means such classes of citizens as defined in the Uttarakhand State Public Services (Reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes) Rules, 2002; (d) "Women" includes a girl or a juvenile.
		Chapter-2 The State Commission for Women
Constitution of the Commission for Women	3-	(1) The State Government shall constitute a State body to be known as the Uttarakhand 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) a Chairperson committed to the cause for women, to be nominated by the State Government having a degree of any in any discipline University established by law in India, or any equivalent recognized qualifications; (b) two Vice-Chairpersons one each from every Division to be nominated by the State Government who have sufficient experience in the field of up liftmen of women and their welfare activities, and possessing a degree in any discipline of any University established by law in India or any equivalent recognized qualifications;

		<p>¹{Provided that the State Government in Public interest as per requirement in addition of two vice president shall be appoint in one vice president who shall be general category and for specific ground there is a relaxation in regard of educational qualification only given by the State Government. }</p> <p>(c) eighteens members, at least one from each district, who have worked for upliftment and welfare of women and possessing a degree in any discipline any University established by law in India, or equivalent recognized qualifications:</p> <p style="padding-left: 40px;">Provided that at least one member each shall be from amongst persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes of citizens and minorities respectively;</p> <p>(d) a member-secretary to be nominated by the State Government, who is an lady officer not below the rank of Special Secretary and 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 sufficient experience.</p>
<p>Term of office and conditions of service of Chairperson, Vice-Chairpersons and Members</p>	<p>4-</p>	<p>(1) The Chairperson, Vice-Chairpersons and every Members shall hold office for a period of three years from the date in enter upon her office.</p> <p>(2) The Chairperson and Vice-Chairpersons should be of at least 35 years of age and the Member should be of at least 25 years of age at the time of holding her office.</p> <p>(3) The Chairperson or the Vice-Chairpersons or a Member (other than Member- Secretary) may, by writing and addressed to the State Government, resigns from the office of Chairpersons or the Vice Chairpersons or, as the case may be, of the Member at any time.</p> <p>(4) The State Government shall remove a person from the office of Chairperson or Vice-Chairpersons or a Member, if that person-</p> <p>(a) becomes undischarged insolvent;</p> <p>(b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude:</p> <p>(c) becomes of unsound mind and extends so declared by a competent court;</p> <p>(d) refuses to act or becomes incapable of acting;</p> <p>(e) is, without obtaining leave for absence from the Commission, absent from three consecutive meetings of the Commission: or</p> <p>(f) in the opinion of the State Government has so abused the position of Chairperson or Vice-Chairpersons or Member as to render that persons continuance in office detrimental to the public interests or the continuance of such persons Chairperson, Vice-Chairpersons or Member is otherwise improper or irrelevant:</p>

¹ Subs. by section 2 of Utrakhand Act no 09 of 2016, vide Not. No. 133/XXXVI(3)/2016/25(1)/2016

		<p>Provided that If persons shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.</p> <p>(5) A vacancy caused under sub-section or otherwise shall be filled by fresh nomination and the person so nominated Shall hold office for remaining period of the post of that person against whose vacancy such person has been nominated.</p> <p>(6) The salary and. allowances payable to, and other terms and conditions of service of the Chairperson, the Vice-Chairpersons and other Members shall be such as may be-prescribed.</p>
Officers and other Employees of the Commission	5-	<p>(1) The State Government shall provide the Commission with a law expert and two advisers, such officers and employees as may be necessary for the efficient performance of the functions of the commission under this Act.</p> <p>(2) The salaries and allowances payable to, and other terms and conditions of services of the Member-Secretary, the officers and the employees appointed for the purpose of the Commission, shall be such as may be prescribed.</p>
Salaries and Allowances be paid out of the Grants	6-	<p>The salaries and allowances payable to the Chairperson, Vice-chairpersons and Members and the administrative expenses, including salaries, allowances and pensions payable to 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 10.</p>
Vacancies etc. not to invalidate proceedings of the Commission	7-	<p>No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.</p>
Meetings of the Commission	8-	<p>(1) The Commission shall meet at such time and places, as and when necessary, as the Chairperson may think fit.</p> <p>(2) The Commission shall regulate its own procedure and the procedure of the committees thereof,</p> <p>(3) All proceedings of the Commission shall be authicanted by the joint signature of the Chairperson and the Member-Secretary.</p> <p>(4) The Commission may constitute committees from time to time for execution of special cases as per requirement, The Commission shall be empowered to associate such persons as members of these committees who are not the members of Commission, in such number has it may deem fit and the</p>

		<p>persons so associated will have the right to be present in the meetings of the committee and to take parts in its proceedings, but they will not have right to vote.</p> <p>(5) The person's so associated shall be entitled to receive such allowances for attending the meeting of the committee, as may be prescribed.</p>
		<p>Chapter-3 Functions of the Commission</p>
<p>Functions of the Commission</p>	<p>9-</p>	<p>(1) The Commission shall perform all or any other functions, namely--</p> <ul style="list-style-type: none"> (a) investigate and examine all matters relating to safeguards provided for women under the constitution and other laws; (b) present to the State Government annually and at such time as the Com-mission may deem fit, reports upon the working of those safeguards; (c) make in such reports, recommendation for effective implementation of those safeguards for improving the conditions of women; (d) review, from time to time, existing provisions of the constitution and other laws affecting women and recommend amendments there to so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations; (e) take up cases of violation of the provisions of the constitution and other laws relating to women with the appropriate authorities; (f) look into subjects and take sumoto notice of the matters relating to- <ul style="list-style-type: none"> (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 aimed at mitigating hardships and ensuring welfare and providing relief to women, and to take up the issues arising out of such matters with appropriate authorities; (g) call for special studies or investigations into specific problems of situations arising out of discrimination and atrocities against women and identify the constrains so as to recommend strategies for their removal; (h) undertake promotional and educational research so as to suggest ways of ensuring due representation of

	<p>women in all spares and identify factors responsible for impeding their advancement, such as, take of access to housing and basic services inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their producing;</p> <ul style="list-style-type: none"> (i) participate and advice on the planning process of socio-economic development of women; (j) evaluate the progress of the development of the women under the State; (k) inspect or cause to be inspected a jail, remand home, women institution or other place of custody where women are kept as prisoner or otherwise and take up with the concerned authorities for remedial action, if found necessary;
	<ul style="list-style-type: none"> (l) fund litigation involving issues affecting a large body of women; (m) collect information relating to offences against women, including offences pertaining to child marriage, dowry, rape, abduction, eve teasing and immoral traffic of women and the cases of medical negligence in confinement or westernization or child birth in entire State or in any particular area of the State; (n) coordinate with State police cell or regional police cell for dealing with cases relating to atrocities against women and to mobilize public opinion in the entire State or any particular area of the State so as to assist for promptly informing offences of such atrocities and to investigate them and in creating atmosphere against the offender; (o) seek assistant of any voluntary organization registered under section 16 in performance of its functions; (p) any other matter which may be referred to it by the State Government. <p>(2) The State Government shall cause the report of the Commission to be laid before the State Assembly along with a memorandum explaining the action taken or proposed to be taken and the reasons for the non-acceptance, if any of, any of such recommendations.</p> <p>(3) The Commission shall, while investigating any matter referred to in clause (a) and sub-clause (i) of clause (f) of section 9, have all the powers of a Civil Court trying a suit and in particular, in respect of following matters, namely--</p>

		<p>(a) summoning and enforcing the attendance of any person of the State and examining him own auth;</p> <p>(b) requiring the discovery and production of any document;</p> <p>(c) receiving evidence on auth;</p> <p>(d) requisitioning any public document or copy their of from any court or office;</p> <p>(e) issuing commissions for the examination of witnesses and documents;</p> <p>(f) any other matter which may be prescribed.</p>
		<p>Chapter-4 Finance, Accountant and Audit</p>
Grants by State Government	10-	<p>(1) The State Government shall after due appropriation made by the State Assembly 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.</p> <p>(2) The Commission may spend such sums as it think fit for performing the functions under this Act and such sums shall be treated as expenditure out of the grants referred to in sub-section (1).</p>
Accounts and Audit	11-	<p>(1) The Commission shall maintain proper accounts and other relevant records and prepare Annual Statement of accounts in such form as may be prescribed.</p> <p>(2) The accounts of the Commission shall be audited annually by the Director, Local Funds Account, Uttaranchal.</p>
Annual Report	12-	The Commission shall prepare in such form and at such time, for each financial power, as may be prescribed, giving a full account of its activities during previous financial year and forward a copy thereof to the State Government.
Annual Report and Audit Report laid before the State Assembly	13-	The State Government shall cause the annual to be report Audit together with a memorandum of action taken on the recommendation contained therein, and the reasons for the non-acceptance, if any, of any of such recommendation and the Audit Report to be laid as soon as may be after the reports are received, before the State Assembly.

Chapter-5 Miscellaneous		
Chairperson, Vice Chairperson, Members, Members-Secretary Officer and Employees of Commission shall deemed to be public servants	14-	Chairperson, Vice-Chairperson, Members, Member-Secretary, Officers and Employees of the Commission shall deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.
State Government to consult Commission	15-	The State Government shall consult the Commission on all major policy matter affecting women.
Registration of Voluntary Organization	16-	<p>(1) Any voluntary organization engaged in welfare activities of women, desirous to assist the Commission in performance of its functions may apply for registration to the Commission in the prescribed manner.</p> <p>(2) The Commission may, after satisfying itself regarding importance, role and utility of such organization in the society, registered such organization in such form and in such manner as may be prescribed.</p> <p>(3) The Commission shall make available the list of the organizations register under this section to any court, authority or person if required so by such court, authority or person.</p>
		<p>(4) The Commission may cancel the registration of any organization for the reasons to be recorded in writing after giving reasonable opportunity hearing to such organization.</p> <p>(5) The decision of the Commission under sub-section (4) shall be final.</p>
Protection of action shall taken in good faith	17-	No suit, prosecution or other legal proceeding lie against any person for any act done or intended to be done intended in good faith in pursuance of the provisions of this Act or the Rules made thereunder.
Power to make Rule	18-	<p>(1) The State Government may, by notification, make rules for carrying out the provisions of this Act.</p> <p>(2) In particular and without prejudice to the; generally of foregoing powers, such rules may provide for all any of the following matters, namely ;--</p> <p>(a) Salary and allowances payable to, and the other terms and</p>

		<p>conditions, of the Chairperson, the Vice-Chairperson, and Members under sub-section (6) of section 4 and of Member-Secretary, the officers and other employees under sub-section (2) of section 5;</p> <p>(b) Any matter under clause (f) of section 9;</p> <p>(c) The form, in which Annual Report is to be prepared under section 12;</p> <p>(d) The fees to be prescribed for any purpose of the Act;</p> <p>(e) Any other matter which is required to be or may be prescribed.</p> <p>(3) Every rule made under this Act shall be laid, as soon as may be after it is made before the State Assembly. if the State Assembly agree to make any amendment in that rule, then the rule shall thereafter be effective in such amended form but such amendment shall be without prejudice to the validity or anything previously done under that rule.</p>
Power to remove difficulties	19-	<p>(1) If there arises any difficulty in giving effect to the provisions of this Act, the State Government may by such order, not in consistent with the provision of this Act, remove that difficulty;</p> <p style="padding-left: 40px;">Provided that no such order shall be made after the expiry of two years from the commencement of this Act.</p> <p>(2) Every order made under sub-section (1) shall be laid after being issued, before the State Assembly.</p>
Repeal and Saving	20-	<p>(1) The Uttar Pradesh State Commission for Women Act, 1997 is hereby repealed in the context of Uttarakhand.</p> <p>(2) Notwithstanding such repeal anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.</p>
