



## The Uttar Pradesh State Commission for Women Act, 2001

Act 34 of 2001

**Keyword(s):**

**Commission, Member, Other Backward Classes of Citizen, Women**

**Amendment appended: 6 of 2002**

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*Dated Lucknow, October 6, 2001*

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, 2001 (Uttar Pradesh Adhiniyam Sankhya 34 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 2001.

**THE UTTAR PRADESH STATE COMMISSION FOR WOMEN ACT, 2001**

(U.P. Act No. 34 of 2001)

*(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 second Year of the Republic of India as follows :—

**CHAPTER—I**  
**PRELIMINARY**

1. (1) This Act may be called the Uttar Pradesh State Commission for Women Act, 2001.

Short title, extent and commencement

(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. In this Act,—

Definitions

(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 ; and

( v ) Police officers not below the rank of Superintendent of police ;

(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.

Term of office and  
conditions of  
service

4. (1) The Chairperson or every Member shall hold office for a term of three years from the date he assumes office :

Provided that the Member Secretary or the Member, who is the police officer, shall hold office during the pleasure of the State Government :

Provided further that no Chairperson or other Member shall hold office as such after he has attained the age of sixty-five years.

(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 the 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 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.

(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. (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

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.

Vacancies, etc.,  
not to invalidate  
proceedings of  
Commission

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

Procedure to be  
regulated by  
Commission

(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 :—

Functions of the  
Commission

(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 of 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

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.

Grants by the State such Government

(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).

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.

Accounts and Audit

(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. 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 Report

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.

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

#### CHAPTER—V

##### MISCELLANEOUS

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.

Chairperson Members and Staff of Commission to be public servants

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

State Government to consult Commission

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.

Power to remove  
difficulty

20. (1) If any difficulty arises in giving effect to the provisions of this 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.

(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.

Repeal and  
savings

21. (1) The Uttar Pradesh State Commission for Women Ordinance, 2001 is hereby repealed.

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

U.P.  
Ordinance  
no. 17 of  
2001

By order,  
Y.R. TRIPATHI,  
Pramukh Sachiv.

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STATEMENT OF OBJECTS AND REASONS

The unequal status and unfair treatment of women who constitute nearly half of the population, is a matter of great concern. The State Government attaches much significance to their welfare, safety, protection and advancement in all walks of life and to ensure upliftment of their status in the society, it was decided to establish an independent commission to monitor matters relating to constitutional and legal safe guards provided to women and report and suggest to the State Government effective remedial measures.

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 Ordinance, 2001 (U.P. Ordinance no. 17 of 2001) was promulgated by the Governor on August 16, 2001.

This Bill is introduced to replace the aforesaid Ordinance.



दृष्टि से परीक्षणोपरान्त यह विनिश्चय किया गया है उक्त अधिनियम में संशोधन करके आयोग के अध्यक्ष एवं सदस्यों के पदों पर नाम-निर्देशन के लिए न्यूनतम अर्हता के रूप में किसी विश्वविद्यालय से स्नातक की उपाधि के संबंध में उपबन्ध का विलोप कर दिया जाय और सभी वर्गों को सम्यक् प्रतिनिधित्व देने की दृष्टि से तीन सदस्य सामान्य श्रेणी से, दो सदस्य अनुसूचित जातियों में से, एक सदस्य नागरिकों के अन्य पिछड़े वर्गों से और एक सदस्य अनुसूचित जातियों या उक्त श्रेणियों में किसी श्रेणी से नाम-निर्दिष्ट करने के लिए राज्य सरकार को सशक्त किया जाय।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और उपर्युक्त विनिश्चय को कार्यान्वित करने के लिए तुरन्त विधायी कार्यवाही करना आवश्यक था, अतः राज्यपाल द्वारा दिनांक 21 जून, 2002 को उत्तर प्रदेश राज्य महिला आयोग (संशोधन) अध्यादेश, 2002 (उत्तर प्रदेश अध्यादेश संख्या 6 सन् 2002) प्रख्यापित किया गया।

तत्पश्चात् यह विनिश्चय किया गया उपर्युक्त आयोग में तीन सदस्य सामान्य श्रेणी में से और एक सदस्य नागरिकों के अन्य पिछड़े वर्गों में से के बजाय दो सदस्य सामान्य श्रेणी में से और दो सदस्य नागरिकों के अन्य पिछड़े वर्गों में से नाम-निर्दिष्ट किये जाने की व्यवस्था की जाय।

यह विधेयक उपर्युक्त संशोधनों के साथ उपर्युक्त अध्यादेश को प्रतिस्थापित करने के लिये पुरःस्थापित किया जाता है।

No. 1659(2)/XVII-V-1-1(KA)-15-2002

Dated Lucknow, September 6, 2002

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, 2002 (Uttar Pradesh Adhiniyam Sankhya 6 of 2002) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 5, 2002:-

**THE UTTAR PRADESH STATE COMMISSION FOR WOMEN  
(AMENDMENT) ACT, 2002**

( U. P. ACT NO. 6 OF 2002 )

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to amend the Uttar Pradesh State Commission for Women Act, 2001.

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

1. (1) This Act may be called the Uttar Pradesh State Commission for Women (Amendment) Act, 2002.

Short title and commencement

(2) It shall be deemed to have come into force on June 21, 2002.

2. In section 3 of the Uttar Pradesh State Commission for Women Act, 2001, hereinafter referred to as the principal Act, for sub-section (2) the following sub-sections shall be substituted, namely:-

Amendment of section 3 of U.P. Act no. 34 of 2001

“(2) The Commission shall consist of the following women members nominated by the State Government-

(a) Chairperson who shall be a woman having made special contribution in the field of social service or women welfare;

(b) Seven members, out of which,-

(i) two from amongst the general category;

(ii) two from amongst the Scheduled Castes;

(iii) two from amongst other backward classes of citizens;

(iv) one from amongst the Scheduled Tribes and if no suitable woman is available in this class then from any of the classes referred to in sub-clause (i) sub-clause (ii) or sub-clause (iii); and

(c) a Member-Secretary, who shall be a woman 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.

(3) The chairperson and members nominated shall be women of ability, integrity and standing having a record of selfless service for the cause of justice to women."

Repeal and saving

3.(1) The Uttar Pradesh State Commission for Women (Amendment) Ordinance, 2002 is hereby repealed.

U. P.  
Ordinance  
no. 6 of  
2002

(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 principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

By order,  
A. B. SHUKLA,  
Pramukh Sachiv.

### STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh State Commission for Women Act, 2001 has been enacted to establish a State Commission for Women and to provide for matters connected therewith or incidental thereto Section 3 of the said Act provides for the constitution of the said Commission. This section provided for the nomination of such women to the office of the Chairperson and members of the said Commission as were possessing a Degree of a University established by law in India or a qualification recognised as equivalent thereto. It was also provided in the said section that atleast one member each should be nominated from amongst the Scheduled Castes or Scheduled Tribes, other backward classes of citizens, minorities, Advocates and Police officers not below the rank of Superintendent of Police and that the Member-Secretary of the said Commission should be a woman officer not below the rank of Special Secretary to the State Government. After examining the practical aspect it was decided to amend the said Act to provide for the omission of the provision regarding the degree of a University as the minimum qualification for nomination to the offices of the Chairperson as the members of the said Commission and empowering the State Government to nominate three members from amongst the general category, two members from amongst Scheduled Castes, one member from amongst backward classes of citizens and one member from amongst the Scheduled Tribes or any of the said categories so as to give due representation to all classes.

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, 2002 (U.P. Ordinance no. 6 of 2002) was promulgated by the Governor on June 21, 2002.

Thereafter it was decided to provide for the nomination of two members from amongst the general category and two from amongst the backward classes of citizen instead of three members from amongst general category and one member from amongst the backward classes of citizen in the aforesaid Commission.

This Bill is introduced to replace the aforesaid Ordinance, with the aforesaid amendment.