

DELHI COMMISSION FOR WOMEN ACT, 1994

3TfÄR-q•q-1994 THE DELHI COMMISSION FOR WOMEN ACT-1994 (As passed by Legislative Assembly of the N.C.T. of Delhi) füäzr Ri<l-110002 C-Block, IInd Floor, Vikas Bhawan, Indraprastha Estate, New Delhi-110002 Scanned by CamScanner THE DELHI COMMISSION FOR WOMEN ACT, 1994 (Delhi Act No. 8 of 1994) (05005.1994) (As passed by the Legislative Assembly of the National Capital Territory of Delhi) AN ACT to constitute a Delhi Commission for Women to provide for matters connected therewith or incidental thereto. Be it enacted by the Legislative Assembly Of the National Capital Territory of Delhi in the Forty-Fifth Year of tip Republic of India as follows :- (13) Scanned by CamScanner CHAPTER-I PRELIMINARY Short title, extent and commencement I. 2. (ii) (iii) This Act may be called the Delhi Commission for WomenAct, 1994. It extends to the whole of the National Capital Territory of Delhi. It shall come into force on such date as the Government of National Capital Territory of Delhi may, by notification in the official Gazette, appoint. In this Act, unless the context otherwise Definitions requires : (a) (b) (c) (d) (f) 'Capital' means the National Capital Territory of Delhi; 'Commission' means .the Delhi Commission for Women constituted under section 3; 'Government' means the Government of the National Capital Territory of Delhi; 'Member means a Member of the Commission and includes the Member, Secretary; 'National Commission' means the National Commission for Women constituted under section 3 ofthe National Commission for WomenAct, 1990; Central Act, 20 of 1990 'Prescribed' means prescribed by rules made under this Act; (14) Scanned by CamScanner CHAPTER - 11 CONSTITUTION OF THE DELHI COMMISSION FOR WOMEN 3. Constitution ofthe Delhi Commission for Women:- I (ii) (b) (c) (ii) The Government shall by notification in the official Gazette, constitute a body to be known as the Delhi Commission for Women to exercise the powers conferred on, and to perform the functions assigned to it, underthisAct. The Commission shall consist of:- a Chairperson, committed to the cause of women, to be nominated by the Government. five members to be nominated by the Government from and amongst the persons having not less than 10 years experience in the field of women welfare, administration, economic development, health education or social welfare; Provided that at least one Member shall be from amongst persons belonging to the Scheduled Castes or Scheduled Tribes: a Member Secretary to be nominated by the Government, who shall be:- an expert in the field of management, organizational structure or sociological movement, or an officer who is a member of a civil services of the Union or of an All India Service or holds a civil post underthe Union with appropriate experience. (15) Scanned by CamScanner

4. Term of office and conditions of service of Chairperson and Members: (iii) The Chairperson and every member shall hold office for such period, not exceeding three years, as may be specified by the Government in this behalf.The Chairperson or a member other than the Member Secretary who is a member of a civil service of the Union or All India Civil Service or holds a civil post under the union may, in writing and addressed to the Government, resign from the office of Chairperson or, as the case may be, ofthe member at any time. The Government shall remove a person from the office of Chairperson or a Member referred to in sub- section (2) ifthat person:- (a) becomes an undischarged insolvent; (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude: (b)' gets convicted and sentenced to imprisonment for an offence which in the opinion of the 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 ofthe Commission; or (0 •n the opinion of the Government has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest; (16) Scanned by CamScanner Provided that no person shall be removed under this sub- section until that person has been given a reasonable opportunity of being heard in the matter. (iv) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination. (v) 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. Officers and other employees ofthe Commission 5. 6. (i) (ii) The Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions ofthe Commission under this Act. The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other

employees appointed for the purpose of the Commission shall be such as may be prescribed. The salaries and allowances payable to the Chairperson 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 11. Salaries and allowances to be paid out of grants. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission. Vacancies, etc. not to invalidate proceedings of the Commission. (17) Scanned by CamScanner (3 8

9. Committees of the Commission: - (ii). The Commission may appoint such committees as may be necessary for dealing with such special issues as may be taken up by the Commission from time to time. The Commission shall have the power to co-opt as members of any Committees appointed under sub-section (1) such number of persons, who are not Members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the Committee and take part in its proceeding but shall not have right to vote. The person so co-opted shall be entitled to receive such allowances for attending the meetings of the. Committee as may be prescribed. Procedure to be regulated by the commission:- (iii). The Commission or a committee thereof shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit. The Commission shall regulate its own procedure and the procedure of the Committees thereof. All orders and decisions of the Commission shall be authenticated by the Member Secretary or any other officer of the Commission duly authorized by the Member Secretary in this behalf. (18) Scanned by CamScanner

CHAPTER - III FUNCTIONS OF THE COMMISSION

10. Function of the Commission:- (a) (b) (c) (d) (0 The Commission shall perform all or any of the following functions, namely: investigate and examine all matters relating to the safeguards provided for women under the constitution and other laws; present to the Government annually and at such other time as the Commission may deem fit, reports upon the working of these safeguards; make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women in the Capital; 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; take up the cases of violation. of the provision of the Constitution and of other laws relating to women with appropriate authorities; look into complaints and take suo moto notice of matters relating to: (i). deprivation of women's rights; (19) Scanned by CamScanner (ii). non-implementation of laws enacted to provide protection to women and also 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 take up the issues arising out of such matters with appropriate authorities. (g) call for special studies or investigations 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 socioeconomic development of women; (j) evaluate the progress of the development of women in the Capital; (k) inspect or cause to be inspected a jail, remand home, women's institution or other place 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; (20) Scanned by CamScanner (m) (n) make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil; . any other matter which may be referred to it by the Government. (ii). The Government shall cause all the reports referred to in clause (b) of sub-section (1) and those received from the National Commission to be laid before the Legislative Assembly of the Capital along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Capital and the reasons for the non-acceptance, if any, of any such recommendations. (iii). The Commission shall while investigating any matter referred to in clause (a) or sub-clause (i) of clause (f) of sub-section (j), have all the powers of a Civil Court trying suit and in particular, in respect of the following matters, namely: - (a). (b). (c). (d). (f). summoning and enforcing the attendance of any person from any part of India and examine him on oath;

requiring the discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; issuing Commissions for the examination of witnesses and documents; and any other matter which may be prescribed. (21) Scanned by CamScanner

CHAPTER IV FINANCE, ACCOUNTS AND AUDIT

11. Grants by the government:- (i). The Government shall after due appropriation made by the Legislative Assembly of the Capital in this behalf, pay to the Commission by way of grants such sums of money as the Government may think fit for being utilized for the purposes of this Act. (ii). The Commission may spend such sums as it thinks fit for performing the functions under this Act and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1). 12. Accounts and audit: (iii). The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be specified by the Government in consultation with the Finance Department of the Government. The accounts of the Commission shall be audited by the Auditor of the Government at such intervals as may be specified by it. The Finance Department of the Government or person appointed by it in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as it generally have in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, other documents, papers and to inspect any of the offices of the Commission and to physically verify securities, cash and stores. (22) Scanned by CamScanner (iv). The accounts of the Commission, as certified by the Auditor together with the audit report thereon shall be forwarded annually to the Government by the Commission

13. Annual Report:-The Commission shall prepare, in such form and at such time for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Government

14. Annual report and audit report to be laid before the Legislative Assembly: - The Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein so far as they relate to the Government and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received before the Legislative Assembly of the Capital. Scanned by CamScanner