

# **NATIONAL COMMISSION OF WOMEN**

**THE NATIONAL COMMISSION FOR WOMEN ACT, 1990**

**[Act, No. 20 of 1990]**

**[30th August, 1990]**

**PREAMBLE**

*An Act, to constitute a National Commission for Women and to provide for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Forty- first Year of the Republic of India as follows:--

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**Section 1 - Short title, extent and commencement**

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(1) This Act may be called the National Commission for Women Act, 1990.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date<sup>1</sup> the Central Government may, by notification in the Official Gazette, appoint.

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1. Came into force on 31st January, 1992, vide S.O. 99 (E), dated 31st January, 1992, published in the Gazette of India, Extra.Pt. II, Sec. 3(ii), dated 31st January, 1992.

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**Section 2 - Definitions**

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In this Act, unless the context otherwise requires,--

(a) "Commission" means the National Commission for Women constituted under section 3;

(b) "Member" means a Member of the Commission and includes the Member-Secretary;

(c) "prescribed" means prescribed by rules made under this Act.

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### **Section 3 - Constitution of the National Commission for Women**

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(1) The Central Government shall constitute a body to be known as the National 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 of women, to be nominated by the Central Government;

(b) five Members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry or organisation committed to increasing the employment potential of women, women's voluntary organisations (including women activists), administration, economic development, health, education or social welfare:

Provided that at least one Member each shall be from amongst persons belonging to the Scheduled Castes and Scheduled Tribes respectively;

(c) a Member-Secretary to be nominated by the Central Government, who shall be--

(i) an expert in the field of management, organisational structure or sociological movement, or

(ii) an officer who is a member of a civil service of the Union or of an all-India service or holds a civil post under the Union with appropriate experience,

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### **Section 4 - Term of office and conditions of service of Chairperson and Members**

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(1) The Chairperson and every Member shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.

(2) The Chairperson or a Member (other than the Member-Secretary who is a member of a civil service of the Union or of an all-India service or holds a civil post under the Union) may, by writing and addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of the Member at any time.



(3) The Central Government shall remove a person from the office of Chairperson or a Member referred to in sub-section (2) if that person--

- (a) becomes an undischarged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central 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, absent from three consecutive meetings of the Commission; or
- (f) in the opinion of the Central Government has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest:

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.

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## **Section 5 - Officers and other employees of the Commission**

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(1) The Central 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 service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

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#### **Section 6 - Salaries and allowances to be paid out of grants**

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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.

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#### **Section 7 - Vacancies, etc., not to invalidate proceedings of the Commission**

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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.

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#### **Section 8 - Committees of the Commission**

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(1) 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.

(2) The Commission shall have the power to co-opt as members of any committee 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 proceedings but shall not have the right to vote.

(3) The persons so co-opted shall be entitled to receive such allowances for attending the meetings of the committee as may be prescribed.

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#### **Section 9 - Procedure to be regulated by the Commission**

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(1) 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.

(2) The Commission shall regulate its own procedure and the procedure of the committees thereof.



(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 Union and any State;

(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;

(m) make periodical reports to the 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 Central Government.

(2) The Central Government shall cause all the reports referred to in clause (b) of subsection (1) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) Where any such reporter any part thereof relate to any matter with which any State Government is concerned, the Commission shall forward a copy of such report or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(4) The Commission shall, while investigating any matter referred to in clause (a) or sub-clause (f) of sub-section (1), 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 from any part of India 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.

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#### **Section 11 - Grants by the Central Government**

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- (1) The Central Government shall after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central 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 shall be treated as expenditure payable out of the grants referred to in sub-section (1).

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#### **Section 12 - Accounts and audit**

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- (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 by the Central Government in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.
- (3) The Comptroller and Auditor-General and any person appointed by him 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 the Comptroller and Auditor-General generally has in connection with the audit of Government accounts



- (a) summoning and enforcing the attendance of any person from any part of India 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.

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### **Section 11 - Grants by the Central Government**

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- (1) The Central Government shall after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central 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 shall be treated as expenditure payable out of the grants referred to in sub-section (1).

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### **Section 12 - Accounts and audit**

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- (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 by the Central Government in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.
- (3) The Comptroller and Auditor-General and any person appointed by him 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 the Comptroller and Auditor-General generally has in connection with the audit of Government accounts



and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission.

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### **Section 13 - Annual report**

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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 Central Government.

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### **Section 14 - Annual report and audit report to be laid before Parliament**

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The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central 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 each House of Parliament,

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### **Section 15 - Chairperson, Members and Staff of the Commission to be public servants**

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Chairperson, the Members, 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 (45 of 1860).

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### **Section 16 - Central Government to consult Commission**

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

**Section 17 - Power to make rules**

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, 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 of officers and other employees under sub-section(2) of section 5;

(b) allowances for attending the meetings of the committee by the co-opted persons under sub-section (3)of section 8;

(c) other matters under clause (f) of sub-section (4) of section 10;

(d) the form in which the annual statement of accounts shall be maintained under subsection (1) of section 21;

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

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

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



## **THE NATIONAL COMMISSION FOR WOMEN RULES**

### **The National Commission for Women (Salaries and allowances and Conditions of Service of Chairperson and Members) Rules, 1992**

G.S.R. 74(E), dated New Delhi, the 31st January, 1992.-In exercise of the powers conferred by section 17 read with sub-section (5) of section 4 of the National Commission for Women Act, 1990 (20 of 1990), the Central Government hereby makes the following rules regulating the salaries and allowances payable to and other terms and conditions of service of the Chairperson and Members of the National Commission for Women, namely:-

**1. Short title and commencement.**- (1) These rules may be called the National Commission for Women (Salaries and Allowances and Conditions of Service of Chairperson and Members) Rules, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**-In these rules, unless the context otherwise requires,-

(a)- "Act"; means the National Commission for Women Act, 1990 (20 of 1990);

(b) "Chairperson" means the Chairperson of the Commission.

**3. Salaries and allowances.**- (1) Save as otherwise provided in sub rule (2), the Chairperson shall be paid a salary of rupees eight thousand per month and every Member shall be paid a salary of rupees seven thousand and six hundred per month:

Provided that where the Chairperson or a Member is a retired Government Officer or official from Union Territory Administration, Semi-Government bodies, public sector undertaking, recognized research institution, the salary payable together with the pension or pensionary value of the terminal benefits, or both, received by him shall not exceed in the case of Chairperson rupees eight thousand per month and in the case of a Member rupees seven thousand and six hundred per month.

(2) If the Chairperson or a Member is in service of the Central or a State Government, his salary shall be regulated in accordance with the rules applicable to him.

**4. Dearness allowance.**-The Chairperson and every Member shall receive dearness allowance appropriate to their pay at the rates admissible to officers of the appropriate level of the Central Government.



**5. City compensatory allowance.**-The Chairperson and every Member shall receive city compensatory allowance appropriate to their pay at the rates admissible to officers of the appropriate level of the Central Government.

**6. Tenure of office.**- (1) Any person falling within the categories specified in sub- , section (2) of section 3 of the Act and who has not attained the age of sixty five years may be nominated as the Chairperson or as a Member.

(2) The Chairperson and every Member shall, unless removed from office under sub-section (3) of section 4 of the Act, hold office for a period not exceeding three years, or till the age of sixty-five years, whichever is earlier.

(3) Notwithstanding anything contained in sub-rule (1),

(a) A person who has held' the office of Chairperson shall be eligible for re-nomination,

and

(b) A person who has held the office of a Member shall be eligible for re-nomination as a Member or nomination as a Chairperson:

Provided that a person who has held office for two terms, in any capacity except the Member-Secretary, shall not be eligible for re-nomination as Chairperson or as Member.

(4) If the Chairperson is unable to discharge his functions owing to illness or other incapacity, the Central Government shall nominate any other Member to act as Chairperson and the Member so nominated shall hold office of Chairperson until the Chairperson Resumes office.

(5) If a vacancy occurs in the office of the Chairperson by reason of his death or resignation. The Central Government shall nominate any other Member to act as Chairperson and the Member so nominated shall hold office of Chairperson until the vacancy is filled by a fresh nomination under sub-section (4) of section 4 of the Act.

**7. Leave.** The Chairperson and every Member shall be entitled to leave as follows:-

(a) Earned leave, half pay leave and commuted leave in accordance with the Central Civil Services (Leave) Rules, 1972, as amended from time to time:

(b) extraordinary leave as admissible to the temporary Government servants under the Central Civil Services (Leave) Rules, 1972, as amended from time to time.

**8. Leave sanctioning authority.** - The Chairperson shall be the authority to sanction leave to a Member and the Central Government shall be the authority competent to sanction leave to the Chairperson.

**9. Traveling allowance.**- (1.) Chairperson, and every Member shall be entitled to draw traveling allowances and daily allowance at the rates appropriate to their pay admissible to Group A officers of the, Central Government.

(2) The Chairperson and every Member shall be his own controlling officer In respect of his bills relating to traveling allowances and daily allowances.

**10. Residential accommodation.**- (1) The Chairperson and, every Member shall be entitled to the use of an official residence as may be determined by the Government of India.

(2) If the Chairperson or a, Member is not provided with or does not avail himself of the accommodation specified in sub-rule (1), he shall be paid every month house tent allowance at the rates admissible to officers of an appropriate rank in the Central Government.

**11. Facility for conveyance.** - The Chairperson and every Member shall be entitled to the facilities of staff car for journeys for official and private purpose in accordance with the Staff Car Rules of the Government of India.

**12. Facility for medical treatment.**-The Chairperson and every Member shall be entitled to medical treatment and hospital facilities as provided in the Central Government Contributory Health Scheme Rules, 1954 or as may be determined by the Central Government.

**13. Pension.**- (1) The Chairperson or a Member who, at the time of his appointment as such was in the service of the Central or State Government, shall, at his option to be exercised 'within a period of six months from the date of his appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he 'belonged with effect from the date of his appointment as Chairperson or Member, as the case may be:

Provided that, in such an event, his pay as Chairperson or Member shall be reduced by an amount equivalent to the gross pension including any portion of the pension which may have been commuted and the pension equivalent of other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately.

(2) The Chairperson or a Member, who, at the time of his appointment as such, was in the service of the Central or State Govt. if he does not exercise the option specified, in sub rule (1) shall count his service as Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

(3) No pension shall be payable to the Chairperson or a Member who, immediately before assuming office as the Chairperson or a Member, was not in any service of the Central or State Government.



**9. Traveling allowance.**- (1.) Chairperson, and every Member shall be entitled to draw traveling allowances and daily allowance at the rates appropriate to their pay admissible to Group A officers of the, Central Government.

(2) The Chairperson and every Member shall be his own controlling officer In respect of his bills relating to traveling allowances and daily allowances.

**10. Residential accommodation.**- (1) The Chairperson and, every Member shall be entitled to the use of an official residence as may be determined by the Government of India.

(2) If the Chairperson or a, Member is not provided with or does not avail himself of the accommodation specified in sub-rule (1), he shall be paid every month house tent allowance at the rates admissible to officers of an appropriate rank in the Central Government.

**11. Facility for conveyance.** - The Chairperson and every Member shall be entitled to the facilities of staff car for journeys for official and private purpose in accordance with the Staff Car Rules of the Government of India.

**12. Facility for medical treatment.**-The Chairperson and every Member shall be entitled to medical treatment and hospital facilities as provided in the Central Government Contributory Health Scheme Rules, 1954 or as may be determined by the Central Government.

**13. Pension.**- (1) The Chairperson or a Member who, at the time of his appointment as such was in the service of the Central or State Government, shall, at his option to be exercised 'within a period of six months from the date of his appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he 'belonged with effect from the date of his appointment as Chairperson or Member, as the case may be:

Provided that, in such an event, his pay as Chairperson or Member shall be reduced by an amount equivalent to the gross pension including any portion of the pension which may have been commuted and the pension equivalent of other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately.

(2) The Chairperson or a Member, who, at the time of his appointment as such, was in the service of the Central or State Govt. if he does not exercise the option specified, in sub rule (1) shall count his service as Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

(3) No pension shall be payable to the Chairperson or a Member who, immediately before assuming office as the Chairperson or a Member, was not in any service of the Central or State Government.



**9. Traveling allowance.**- (1.) Chairperson, and every Member shall be entitled to draw traveling allowances and daily allowance at the rates appropriate to their pay admissible to Group A officers of the, Central Government.

(2) The Chairperson and every Member shall be his own controlling officer In respect of his bills relating to traveling allowances and daily allowances.

**10. Residential accommodation.**- (1) The Chairperson and, every Member shall be entitled to the use of an official residence as may be determined by the Government of India.

(2) If the Chairperson or a, Member is not provided with or does not avail himself of the accommodation specified in sub-rule (1), he shall be paid every month house tent allowance at the rates admissible to officers of an appropriate rank in the Central Government.

**11. Facility for conveyance.** - The Chairperson and every Member shall be entitled to the facilities of staff car for journeys for official and private purpose in accordance with the Staff Car Rules of the Government of India.

**12. Facility for medical treatment.**-The Chairperson and every Member shall be entitled to medical treatment and hospital facilities as provided in the Central Government Contributory Health Scheme Rules, 1954 or as may be determined by the Central Government.

**13. Pension.**- (1) The Chairperson or a Member who, at the time of his appointment as such was in the service of the Central or State Government, shall, at his option to be exercised 'within a period of six months from the date of his appointment, be entitled to draw his pension and other retirement benefits under the rules applicable to the service to which he 'belonged with effect from the date of his appointment as Chairperson or Member, as the case may be:

Provided that, in such an event, his pay as Chairperson or Member shall be reduced by an amount equivalent to the gross pension including any portion of the pension which may have been commuted and the pension equivalent of other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately.

(2) The Chairperson or a Member, who, at the time of his appointment as such, was in the service of the Central or State Govt. if he does not exercise the option specified, in sub rule (1) shall count his service as Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

(3) No pension shall be payable to the Chairperson or a Member who, immediately before assuming office as the Chairperson or a Member, was not in any service of the Central or State Government.

**15. Residuary provision.**-The conditions of service of the Chairperson and the Members for which no express provision has been made in these rules shall be as determined by the Central Government.

No. F. 9-61/90- WWJ UMA PILLAI, Jt. Secy. 9

**The National Commission for Women (Allowances Payable to Co-opted Members) Rules, 1992**

GSR. 118(E) dated New Delhi, the 21st February, 1992 - In exercise of the powers conferred by section 17. read with sub-section (3) of section 8 of the National Commission for Women Act, 1990 (20 of 1990), the Central Government hereby makes the following rules regulating the allowances payable to co-opted Members for attending meetings of committees, namely:-

**1. Short title and commencement:-** (1) These rules may be called the National Commission for Women (Allowances payable to Coopted Members) Rules, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.** - In these rules, unless the context otherwise requires,-

a) "Act" Means the National Commission for Women Act, 1990 (20 of 1990);

b) "Committee" means a committee appointed under sub-section (I) of section 8 of the Act.

**3. Allowances.**-Every co-opted Member of a committee, if he is not in service of the Central or State Government or in an institution funded by the Central Government, shall be entitled to an allowance of rupees one hundred and fifty for attendance of each day of the meeting.

**4. Traveling and daily allowances.**-Every out-station co-opted Member, if he is not in service of the Central or State Government, attending a meeting of a committee shall be entitled to receive, in addition to the allowances payable under rule 3, traveling allowance and daily allowance at the higher rates admissible to Government servants of the first grade under the rules and orders made by the Central Government.