

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

West Bengal Act XII of 1992

**THE WEST BENGAL COMMISSION FOR
WOMEN ACT, 1992.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 29th July, 1992.]

[29th July, 1992.]

An Act to provide for the constitution of a State level Commission for women and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for the constitution of a State level Commission for women and for matters connected therewith or incidental thereto;

It is hereby enacted in the Forty-third Year of the Republic of India, by the Legislature of West Bengal, as follows:—

CHAPTER I

Preliminary

1. (1) This Act may be called the West Bengal Commission for Women Act, 1992.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such date as the State Government may by notification appoint.

Short title, extent and commencement.

2. In this Act, unless the context otherwise requires,—

- (a) “Commission” means the West Bengal Commission for Women constituted under section 3;
- (b) “Member” means Member of the Commission and includes the Member-Secretary;
- (c) “National Commission for Women” means the National Commission for Women constituted under section 3 of the National Commission for Women Act, 1990;
- (d) “notification” means a notification published in the *Official Gazette*;
- (e) “prescribed” means prescribed by rules made under this Act;
- (f) “Women” includes adolescent girl or female child.

Definitions.

(Chapter II.—Constitution of Commission.—Sections 3, 4.)

CHAPTER II

Constitution of Commission

Constitution
of
Commis-
sion.

3. (1) The State Government shall, within a period of three months from the date of coming into force of this Act, by notification constitute a body to be known as the West Bengal Commission for Women.

(2) The Commission shall consist of—

- (a) (i) a Chairperson, and
- (ii) a Vice-Chairperson,

to be nominated by the State Government;

- (b) nine Members to be appointed by the State Government from amongst the persons of ability and integrity who have served the cause of women or have had experience in law or administration of matters concerning the advancement of women or leadership of any trade union or voluntary organisation for women for protection and promotion of common interests of women, of whom at least—

- (i) one shall be a member of a Scheduled Caste, and
- (ii) one shall be a member of a Scheduled Tribe;

- (c) an officer of the State Government who shall be the Member-Secretary.

4. (1) The Chairperson or the Vice-Chairperson or a Member, other than the Member-Secretary, shall hold office for such period, not exceeding three years, as may be specified by the State Government in this behalf.

(2) The Chairperson or the Vice-Chairperson or a Member, other than the Member-Secretary, may at any time resign his office by writing under his hand addressed to the State Government.

(3) The State Government shall remove a person from the office of Chairperson or Vice-Chairperson or Member, other than the Member-Secretary, if that person—

- (a) becomes an undischarged insolvent; or
- (b) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
- (c) becomes of unsound mind and stands so declared by a competent court; or
- (d) refuses to act or becomes incapable of acting; or
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

Term of
office and
conditions of
service of
Chairperson,
Vice-
Chairperson
and
Member.

(Chapter II.—Constitution of Commission.—Sections 5-10.)

- (f) in the opinion of the State Government has so abused the position of Chairperson or Vice-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 sub-section 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 a fresh nomination or appointment, as the case may be.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, Vice-Chairperson and Members, other than the Member-Secretary, shall be such as may be prescribed.

5. (1) The State Government shall provide the Commission with such officers and other 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 service of, 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, Vice-Chairperson and Members, other than Member-Secretary, 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 grant made by the State Government.

Salaries and allowances to be paid out of grant made by State Government.

7. No act or proceeding of the Commission or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Commission or such committee, as the case may be.

Vacancies etc. not to invalidate proceedings of Commission.

8. The Commission may appoint such committee or committees consisting wholly of Members as it may consider necessary in the discharge of its functions under this Act.

Committees of Commission.

9. (1) The Commission or a committee thereof shall meet as and when necessary and shall meet at such time and at such place as the Chairperson may think fit.

Procedure to be regulated by Commission.

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

(3) All orders and decisions of the Commission shall be authenticated by the signature of the Chairperson or Vice-Chairperson or any officer of the Commission authorised in writing by the Chairperson or Vice-Chairperson in this behalf.

10. The Commission shall have the power to invite a representative of the National Commission for Women to its meetings as it may deem necessary.

Power to invite representative of National Commission for Women.

(Chapter III.—Functions of Commission.—Section 11.)

CHAPTER III

Functions of Commission

Functions of
Commis-
sion.

11. (1) Subject to the provisions of this Act, the Commission shall perform all or any of the following functions:—

- (a) investigate and examine all matters relating to the safeguards provided for women under the Constitution of India (hereinafter referred to as the Constitution) and other laws and recommend steps to be taken by the State Government for effective implementation of such safeguards;
- (b) review 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;
- (c) take up the cases of violation of the provisions of the Constitution and of other laws relating to women in the State with the appropriate authorities;
- (d) look into 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;
 - (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women and taken up issues arising out of such matters with appropriate authorities;
- (e) 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;
- (f) evaluate the progress of advancement of women in the State;
- (g) visit a jail, destitute girls' home, women's institution or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities such matters for remedial action as may be necessary;
- (h) any other matter which may be referred to it by the State Government.

(2) The State Government may consult the Commission on policy matters affecting women.

XII of 1992.]

(Chapter IV.—Finance, Accounts and Audit.—Sections 12, 13.)

5 of 1908. (3) The Commission shall, while investigating any matter referred to in clauses (a) and (b) of sub-section (1), have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, and, in particular, in respect of the following matters:—

- (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) any other matter which may be prescribed.
- (4) (a) The Commission shall present to the State Government every six months and at such other times as the Commission may deem fit reports of its activities together with its recommendations and the State Government shall cause them to be laid before the State Legislature as soon as possible along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for non-acceptance, if any, of any of such recommendations.
- (b) It shall be the duty of the Commission to furnish comments and recommendations on any report of the National Commission for Women on any matter with which the State Government is concerned as that Government may call for.

CHAPTER IV

Finance, Accounts and Audit

12. (1) The State Government shall, under appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grant such sums of money and in such manner as the State Government may think fit for being utilised for the purposes of this Act.

Grant by
State
Government.

(2) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums of money shall be treated as expenditure payable out of the grant referred to in sub-section (1).

13. (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 State Government in consultation with the Accountant-General, West Bengal.

Accounts
and Audit.

(2) The annual accounts of the Commission shall be audited by the Accountant-General, West Bengal.

(Chapter V.—Miscellaneous.—Sections 14, 15.)

(3) The Accountant-General, West Bengal, shall have the same rights and privileges and the authority in connection with such audit as the Accountant-General, West Bengal, 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 Accountant General, West Bengal, together with the audit report thereon shall be forwarded annually to the State Government by the Commission.

CHAPTER V

Miscellaneous

14. The Chairperson, the Vice-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.

15. (1) The State Government may by notification 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:—

- (a) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, the Vice-Chairperson and the Members under sub-section (5) of section 4 and the officers and other employees under sub-section (2) of section 5;
- (b) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13;
- (c) 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 the State Legislature, 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, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rules 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.