The National Commission for Women (Procedure) Regulations, 2005

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CHAPTER I – PRELIMINARY

1. Short title, commencement and application

(a) These Regulations may be called "The National Commission for Women (Procedure) Regulations, 2005".

(b) They shall come into force with immediate effect.

2. Definitions

In these Regulations, unless the context otherwise requires:

(a) "Act" means the National Commission for Women Act, 1990 (20 of 1990) as amended from time to time.

(b) "Cell" means and includes the Complaints Cell, Research Cell, Legal Cell, Monitoring Cell or any other Cell that may be formed for facilitating the functions of the Commission.

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

(d) "Code" means the Code of civil procedure, 1908 as amended from time to time

(e) "Complaint" means any written petition, grievance, Communication etc. received in the Commission or by the Chairperson, any Member, Member Secretary or any officer, from an aggrieved woman or on her behalf from any individual or organization

(f) "Complainant" means an aggrieved woman or a group of women who have made a complaint personally or any individual or organization who has made a complaint on behalf of an aggrieved woman or a group of women.

(g) "Committee" means a committee constituted by the Commission under Section 8 of the Act.

(h) "Member" means a Member of the Commission.

(i) "Member-Secretary" means the Member-Secretary of the Commission.

(j) "Officer" means and includes all officers of the Commission as appointed by the central government to assist the Commission.

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(k) "Prescribed" means as laid down in the Act or by the Rules and/or Regulation framed.

(l) "Regulation" means regulation's framed by the Commission under Section 9(2) of the Act.

3. Headquarters of the Commission - The headquarters of the Commission shall be located in New Delhi

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CHAPTER II
MEETINGS OF THE COMMISSION

4. Place of meeting

The Commission shall ordinarily meet at its headquarters in New Delhi. However, the commission may, hold its meeting at any other place, if in the opinion of the chairperson it is so necessary and expedient

5. Periodicity of meetings.

The meetings of the commission shall be held, as far as possible once a month. However, Chairperson may either herself or at the instance of one or more of the members , direct a special meeting of the Commission to be convened to consider any special issue of immediate nature or any urgent matter , Provided that at such special meeting only the specific agenda for which that meeting has been convened shall be considered

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6. Attendance during the meetings

The meetings of the Commission shall, be attended by the Chairperson, all the Members, Member Secretary and such other officers of the Commission as may be directed by the chairperson or by the Member Secretary

7. Agenda for the meeting / special meetings

The Member-Secretary shall in consultation with the chairperson prepare or cause to be prepared, the agenda for the meeting of the Commission. Agenda shall be circulated to all the Members so as to reach them at least three clear working days before the scheduled date of the meeting.

Provided, however, that in case any Member desires to suggest the inclusion of any matter in the agenda of any scheduled meeting, the Member shall intimate her proposals in writing to the Member secretary at least Five working days before the scheduled date of the meeting. In case an agenda item

proposed by any member cannot be included in the scheduled meeting, the Member secretary shall intimate the reasons thereof to the concerned member and the same would be taken up in the following meeting of the commission.

On receipt of request referred to in regulation 5, the Chairperson shall in consultation with the Member Secretary fix a date for the Special Meeting. Such date not being later than Seven working days from the date of notice.

As soon as the date of the special meeting is decided all Members and Officers shall be sent the necessary notice and the agenda for such meeting at least 24 hours before the scheduled date of the meeting.

8. Presiding over the meetings

All meetings of the Commission shall be presided over by the Chairperson and in absence of the Chairperson, by any Member so authorized by the Chairperson. In absence of any authorization the president of the meeting shall be co-opted by the members present

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9. Quorum

The quorum for every meeting of the Commission shall be at least three.

10. Decision of the commission

All matters required to be decided by the Commission shall be made on the basis of the majority opinion, of the members present and voting. In cases of any deadlock, where no majority opinion emerges and the decision is tied, the chairperson shall in such situations have the casting vote. All decisions shall ordinarily be taken in the meetings of the commission.

Provided that, if in the opinion of the, Member Secretary any case requires immediate approval of the commission, the Member secretary may obtain the approval of the members and the chairperson by circulation of the subject matter

11. Conduct of the meetings -

The meetings of the Commission shall be conducted in the following order:

(a) The minutes of the previous ordinary meeting and any special meeting held shall be read and affirmed

(b) Action Taken Report on the minutes of previous and earlier meetings.

(c) Business not transacted at the previous Meeting.

d) Subject included in the agenda, which interalia will include.

i) Reports submitted by the Committees

ii) Any other report which is placed by the Member Secretary before the Commission

iii) Annual and periodical reports and annual accounts of the Commission

iv) Any matter placed in the agenda

v) Amendment of the regulations

e) Any other matter with the permission of the Chair

f) Date of the next meeting shall be decided in each meeting

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12 Minutes of the Meetings

a. The Member Secretary shall cause to be recorded the minutes of each meeting of the Commission , during the meeting itself or immediately thereafter and in no case later than seven days from the date of such meeting

b. The Minutes Book shall be signed as soon as practicable by the Chairperson or the Presiding Officer of such meeting, as the case may be, and shall be kept open for inspection by any Member.

c. A copy of the minutes of each meeting shall be circulated by the Member Secretary or any other officer of the Commission not below the rank of Deputy Secretary, duly authorized by the Member Secretary to all Members of the Commission for information and also to concerned officers for taking action and for preparing 'Action Taken' note thereon.

13 Record of minutes

A copy of the minutes of every meeting of the Commission shall be sent to the relevant cell/section for appropriate action

14 Authentication of orders and decisions:

(1) All Orders, decisions and reports of the Commission shall be authenticated by the MS or any officer of the Commission (authorized by the MS) not below the rank of an Under Secretary.

(2) Authenticated minutes shall be preserved/ pasted in the minute's book and shall form part of the permanent record of the Commission.

15 Report of action taken

Report of follow-up action shall be submitted to the Commission at every subsequent sitting indicating therein the present stage of action on each item on which the Commission had taken a decision in any of its earlier meetings, excepting the items on which no further action is called for.

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CHAPTER III

16. Meetings of the Committees

1) The Committees appointed by the Commission under section 8 of the Act for dealing with any special issues shall comprise of at least one Member and the Member Secretary and where such committees comprise of more than one Member (excluding the Member Secretary), the Chairperson shall nominate one of the members as the Presiding Officer of the Committee.

2) While remitting a special issue to a committee, the Commission shall specify a time within which the committee shall present its report to the Commission.

Provided that where for some reasons it is not possible for the Committee to present its report within the time allotted to it, the Head of the Committee shall make a written request to the Chairperson for extension of time. The report and recommendations made by the committee shall be placed before the commission and then sent to the appropriate government /authority for its implementation/action Chairperson may attend any meetings of any Committee.

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3) While considering a special issue, if the head of the Committee or any other Member of the Committee feels that any other related issue requires consideration or may well be considered by the Committee, the head of the committee shall seek prior approval of the Chairperson for the same.

4) The report and recommendations made by the committee shall be placed before the commission for its approval and then sent to the appropriate Government/ authority for its consideration

CHAPTER IV

POWERS AND RESPONSIBILITIES

17. Powers and Responsibilities of the Chairperson –

The chairperson as the Head of the commission shall supervise and administer the functions of the Commission as under sec 10 of the Act and shall -

a) Preside over the meetings of the commission, or in her absence, authorize any Member to do so

b) Allocate subjects and responsibilities amongst the members

c) Sanction of leave to the members/member secretary

d) Approve tour programmes of the Members/Member Secretary

e) Provide general guidance for preparation of Annual Report of the Commission

f) Provide general guidance on any matter either suo moto or on a matter referred to her by any Member/Member Secretary;

g) Take up any matter with regard to any of the functions of the commission with appropriate government

h) The Chairperson as head of the Commission will supervise the working of the Member Secretary who will be the in-charge of the

Secretariat of the Commission

i) Chairperson may delegate any of the powers to the Member Secretary and/or any other Officer of the Secretariat;

j) Attend meetings of the Parliamentary Committees or nominate any Member and/ or the Member Secretary so to do;

k) Undertake tours/ visits and place before the next meeting of the commission report on the tours and course of action suggested in respect of any issue, brought to her notice during the tours /visits

l) May suo moto take cognizance of any issue of importance and circulate or cause to be circulated the suggested course of action to all members with regard to the issue or call for special meeting of the commission

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m) Shall be the spokesperson of the Commission. She may, however, on specific occasion authorize a Member/Member Secretary to represent the Commission in a press meet who shall then convey the official stand of the Commission on the subject.

n) Take cognizance of media reports giving any information atrocities committed against women and/or on the progress or deterioration of condition of women in any sphere in any state/UT

o) Where for any reason whatsoever, owing to absence of member(s) from the headquarters of the commission and where the quorum for any meeting cannot be completed, the chairperson may, in any situation of exigency or urgency, exercise and act in the best interest of the commission, on behalf of the commission. Provided further that any action taken or proposed to be taken shall be circulated to all the members for their information

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18. Powers and Responsibilities of the Members

In addition to participating in all the meetings of the Commission and sharing the collective responsibility of the Commission, a Member shall

a) preside over the meetings of the Committees of which she has been nominated as head of Committee and prepare, or cause to be prepared, minutes/ proceedings/reports of the meeting held by such Committees;

b) Attend to all subjects as per her functional and/or geographical allocation of work;

c) Identify problems/issues of local nature and intensify field work in the States/Union Territories allocated to her as per the geographic allocation;

d) Place before the commission for consideration any matter which according to her is of importance

e) Deal with complaints in accordance with the procedures laid down in the Regulations.

f) Prepare relevant material/brief/notes in respect of subjects dealt with by her, in time for its inclusion in the Monthly Statement and Annual Report of the Commission;

g) Undertake tours with prior approval of the Chairperson and submit a report thereon to the Chairperson within five working days upon her return.

h) Recommend any specific case requiring the commission's intervention

i) Recommend any specific issue relating to funding of litigation.

j) Request for special meeting of the commission.

19. Powers and Responsibilities of the Member-Secretary

a) The Member Secretary shall be the administrative head of the Commission and exercise administrative and financial control on the secretariat of the commission

b) Shall discharge his/her responsibilities for the smooth functioning of the Commission under the overall supervision of Chairperson. The work allocation amongst Officers/staff in the Commission shall be the responsibility of the Member Secretary. He/She will keep the Chairperson and Members

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informed about such allocations and anyof the subsequent changes in such allocations.

c) Prepare or cause to be prepared agenda for the Meetings of the Commission and circulate the same to the Chairperson and Members as herein above provided;

d) Oversee the receipt of grants from the Government under Section 11 of the Act, and allocate the grants to different heads.

e) Oversee the maintenance of accounts and records, arrange audit of such accounts, place audited accounts in time before the Commission for approval and adoption and thereafter forward the same to the Government.

f) Prepare, or cause to be prepared, Annual Report in consultation with Chairperson and place it before the Commission and after the approval of the Commission, forward the same to the Government;

g) Authenticate and communicate orders or decisions of the Commission

h) Prepare, or cause to be prepared, material in respect of all matters concerning Parliamentary work;

i) Any matter not covered under these regulations shall be dealt with by the MS in consultation with the chairperson.

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20. Procedure for tours

(a) The Chairperson, may undertake tours of any State or Union Territory, to which this Act extends

(b) The members and the MS may undertake tours of States and Union Territory, with the prior approval of the Chairperson.

(c) A copy of the approved tour programme of Members/MS will be sent by them to other Members/MS.

(d) A Member of the Secretariat Unit not below the rank of the Under Secretary shall be assigned the task of facilitating the tours of the Chairperson/Members, Member Secretary. This shall include the arrangements, maintaining the profile of the Commission in the areas being visited, and providing any specific information regarding the State/area being covered.

(e) The Chairperson may send copies of his/her tour schedules to all Members/Member-Secretary for information.

(f) Tour reports shall be submitted by the Members & MS to the Chairperson. Concerned Cell in the Commission shall take follow-up action on points emerging from the tour.

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