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Bill No. 143 of 2010

THE EMPOWERMENT OF WOMEN BILL, 2010

By

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A

BILL

to provide for empowerment of women in all fields and for matters connected therewith.

CHAPTER I

PRELIMINARY

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

1. (1) This Act may be called the Empowerment of Women Act, 2010.

Short title,
extent and com-
mencement.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

10 (b) “bank” means the Women Development Bank established under section 27;

(c) “child” means a person who has not attained the age of fourteen years;

(d) “court” means a special court established under section 45;

(e) “destitute woman” means a woman who has been separated, divorced or a widow or an unmarried woman who has no source of income;

(f) “employer” means:

(i) in relation to an establishment which is under the control of the appropriate Government, a person or an authority appointed by the appropriate Government, for the supervision and control of employees or where no person is so appointed, the head of the department; 5

(ii) in relation to an establishment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority; 10

(iii) in any other case, the person who, or the authority which, has the ultimate control over the affairs of the establishment;

(g) “establishment” includes:—

(i) a factory;

(ii) a mine; 15

(iii) a plantation;

(iv) an agricultural field;

(v) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;

(vi) a place where, manufacture, production, or such other similar activity is carried out; 20

(vii) a place where trading either wholesale or retail in any product is carried out;

(viii) a hotel, restaurant, lodge or any eating place;

(ix) a shop where sale in any product is carried out or a service is provided; 25

(x) a place where construction work is carried out;

(h) “prescribed” means prescribed by rules made under this Act;

(i) “property” means movable and immovable property and includes all rights pertaining to property by way of lease, licence and inheritance.

CHAPTER II 30

EDUCATIONAL RIGHTS

Free education
to women.

3. The appropriate Government shall,—

(a) provide free and compulsory education upto graduation level to all women;

(b) open adequate number of educational institutions exclusively for women;

(c) reserve fifty per cent. of seats in educational institutions for women till adequate number of educational institutions exclusive to them have been set up; and 35

(d) provide scholarships to women for pursuing higher education.

Explanation.—In this section, ‘free education’ means uniform, books and stationery, nutritious meals during school hours and transportation free of cost and no fees for admission or for taking any examination shall be charged. 40

Free
vocational
training to
girl students.

4. The appropriate Government shall provide vocational training free of cost to all girl students.

CHAPTER III

EMPLOYMENT RIGHTS

5. The Central Government shall reserve thirty per cent. of posts and appointments under its control for women.

Reservation of posts in Government Services.

5 **6. (1) The Central Government shall constitute a Fund to be called Working Women Welfare Fund for carrying out the following purposes:—**

Working Women Welfare Fund.

(i) to ensure the right to work for women;

(ii) to ensure equal wages to women employees;

10 (iii) to ensure steady and definite increase in the number of women employees in the total work force;

(iv) to ensure, after suitable amendments, proper application of the existing labour laws for the benefit of the women employees;

(v) to ensure child care facilities including provision of milk, tiffin, clothes, toys and trained *ayahas* to look after the children;

15 (vi) to ensure mobile child care facilities for women agricultural employees;

(vii) to ensure retiring rooms with adequate facilities like bathrooms, latrines, etc. at the work-site for the women employees;

20 (viii) to ensure residential facilities for women employees nearest to the place of their work;

(ix) to ensure recreational facilities for children of working women at the child care centres;

(x) to ensure proper and adequate security arrangement for the women employees at the work site;

25 (xi) to ensure conducive working conditions for the women employees;

(xii) to ensure reservation of beds in the hospitals for women employees;

(xiii) to ensure proper and adequate maternity facilities for the women employees;

30 (xiv) to ensure equality for married and unmarried women employees in the employment as well as in service conditions;

(xv) to ensure cheap, safe and quick transportation facilities for women employees;

35 (xvi) to ensure protection from health hazards, particularly for the women employees working in hazardous industries like cashew, mines, tobacco and construction projects.

(2) Every employer and State Government shall contribute to the Fund in such ratio as may be determined by the Central Government.

7. The appropriate Government shall ensure representation of women employees in various committees of trade unions formed for the purposes of working class.

Representation of women employees in trade unions.

40 **8. (1) The Central Government shall constitute Advisory Committees in every State and Union territory in respect of the area at the city level, district level and an apex body at State level, consisting of equal number of representatives from the appropriate Government, the employees and the trade unions, who shall be women, to advise the Central Government**

Constitution of Advisory Committees.

on such matters arising out of the administration of this Act as may be referred to it by the Central Government including matters relating to the utilisation of the Fund.

(2) The members of the committees so constituted shall from amongst themselves elect the Chairperson of the committees.

(3) The Central Government shall publish the names of the members of all Advisory Committees in the Official Gazette. 5

Central Advisory Committee. 9. The Central Government shall constitute a Central Advisory Committee which shall coordinate the functioning of all the Advisory Committees to ensure their proper functioning and for the adoption of uniform policies.

Appointment of Officers. 10. The appropriate Government may, by notification in the Official Gazette, appoint as many officers as it may deem necessary for the proper enforcement of the provisions of this Act. 10

Register of women employees. 11. The Advisory Committee at the district level shall maintain a register of women employees in its area and the information contained therein shall be checked with the information supplied by each employer regarding women employed by them and their specific needs, if any. 15

Annual Report of Advisory Committees. 12. Each Advisory Committee shall, as soon as may be, after the end of each financial year, prepare a comprehensive report of its activities of the previous year, which were financed from the Fund, together with a statement of accounts.

Employer to furnish information in respect of women employees. 13. The appropriate Government may require an employer, who employs women in his industry or establishment, to furnish for the purposes of this Act, such statistical and other information, in such form and within such period, as may be prescribed. 20

CHAPTER IV

SEXUAL HARASSMENT

Meaning of Sexual harassment. 14. For the purposes of this Act, 'sexual harassment' includes— 25

(i) harassing any employee by virtue of her being a female;

(ii) indecent representation of women with a view to annoy or irritate her and which results in mental agony to a female employee;

(iii) detaining a female employee before or after normal working hours in the absence of other employees and when there is no work to be performed by that female employee, with a view to outrage her modesty or molest her; 30

(iv) paying less wages or giving more work to a female employee than her male counterpart;

(v) refusing to grant leave of absence to a female employee or permission to her during her pregnancy/termination of pregnancy or other periods when she would not be physically or biologically fit to perform her work to her fullest capacity; 35

(vi) passing of obscene or lewd comments against a female employee ;

(vii) making a female employee attend office on holidays or come to such place where her presence is not required in connection with her employment;

(viii) compelling a female employee to attend a party/dance or any musical programme or to dine with her employer or any other person if the female employee is not willing to do so; 40

(ix) refusal to allow rest to female employee as provided under the provisions of any other law for the time being in force;

(x) making her dress in a way which would present her in an obscene manner;

(xi) making her perform such a job or duty which would denigrate her personality;

5 (xii) touching or otherwise fondling or flirting bodily of a female employee in the guise of teaching her the job or help her in her job;

(xiii) making her perform such duties which she cannot with her physical condition would be able to perform;

(xiv) gestures or actions either by word or by written material intending to insult or cause mental injury to a female employee;

10 (xv) showing pornography or other obscene literature to a female employee;

(xvi) sexual advances with a view to assault or molest or outrage modesty of a female employee;

(xvii) offering unwanted suggestions or advice about physical appearance or on other matters of a female employee with a view to hurt her; and

15 (xviii) doing of any other act or causing any act by using position as an employer with a view to exploiting a female employee.

20 **15.** The Central Government shall designate an officer, who shall be a woman, to be the Special Officer in every department, or office or an establishment under its jurisdiction to deal with complaints lodged by female employees in her department or office or establishment.

Special officer to deal with cases in the Government offices.

16. The appropriate Government shall appoint a Special Officer, who shall be a woman, for every district to deal with cases arising out of this Act within the territorial jurisdiction of that district.

Special Officer for every district.

25 **17.** No person being an employer or manager or supervisor in charge of the office/ organisation or a factory or establishment or any other work place or any other employee or any other person shall indulge or cause to be indulged in sexual harassment of women employees.

Women employees not to be harassed.

18. If any female employee has been subject to sexual harassment, she may approach the concerned Special Officer for redressal of her grievances.

Women employees to approach Special Officer in case of harassment.

30 **19.** As soon as a complaint has been lodged with the Special Officer, she shall make or cause to be made an inquiry into the facts and circumstances of the complaint.

Special Officer to make inquiries.

20. If after the inquiry, the Special Officer finds any person guilty of sexual harassment, she shall—

Special Officer to recommend action against guilty.

35 (a) in case the guilty is an employee of the Government, recommend to the appropriate authority for taking such disciplinary action as she may deem fit;

(b) in case the guilty is not employed in Government service, recommend to the employer or other person in charge of the affairs of the organisation where the accused is employed, such action as she may deem fit;

40 Provided that if it is brought to the notice of the Special Officer that no action has been taken by the employer or the person in charge of the affairs of the organisation where the accused is employed—

(i) in case it is an office or establishment under the control of the Central Government, the Central Government shall terminate the services of both the accused person and the person in charge of the office where the victim is employed;

(ii) in case the work place where the victim is employed is not under the control of the Central Government, the facilities and concessions extended to that organisation by the Central Government shall be withdrawn forthwith.

Special Officer to have powers of a Civil Court. **21.** A Special Officer while discharging her functions under the provisions of this Act shall have the powers of a Civil Court and the proceedings thereof shall be in accordance with the Code of Civil Procedure, 1908. 5
5 of 1908.

Punishment. **22.** Any person who violates the provisions of this chapter shall be punished with imprisonment for a period of not less than seven years and with fine not less than fifty thousand rupees and shall be disqualified from joining the Government service.

CHAPTER V

10

SOCIAL SECURITY RIGHTS

Provision of pension to destitute women. **23.** The appropriate Government shall provide a pension at the rate of rupees one thousand and five hundred per mensem, to be revised from time to time, to all destitute women till they are gainfully employed or facilities for self-employment have been extended to them or accommodated in women's homes . 15

Women's home. **24. (1)** The appropriate Government shall establish women's homes in every district for accomodating destitute women.

(2) In every women's home:—

(i) medical care, food and clothes shall be supplied free of cost to the inmates;

(ii) recreational facilities shall be made available; and 20

(iii) necessary facilities for self employment shall be made available.

Insurance Scheme for women. **25. (1)** The Central Government shall frame and administer an Insurance Scheme for all women.

(2) The Insurance Scheme so administered shall cater to housewives, working women and self-employed women in both organised and unorganised sectors. 25

(3) The Insurance shall cover against accidents, injuries, illness connected with pregnancy or otherwise or any loss in self-employment due to natural calamity or any mishap.

(4) The Central Government shall determine the amount of insurance and the premium payable by every woman and the period of the insurance cover thereon. 30

Welfare Fund for women other than working women. **26. (1)** The Central Government shall constitute a Fund to be called the Women Welfare Fund for carrying out welfare measures for women other than working women.

(2) Every State Government shall contribute to the Fund in such ratio as may be determined by the Central Government.

(3) The Fund shall be utilised for providing necessary facilities to women pursuing education, or self-employment and for payment of pension to destitute women. 35

CHAPTER VI

ECONOMIC RIGHTS

Establishment of Women Development Bank. **27. (1)** The Central Government shall establish a Women Development Bank with its headquarters at New Delhi. 40

(2) The Bank shall set up its regional offices in every State capital and a branch in every city having a population of more than one million and in every district:

Provided that the bank may set up more than one branch in a city or a district in accordance with its population and requirement.

Board to manage Bank. **28. (1)** The Bank shall be managed by a Board consisting of the following, namely:— 45

(a) a Chairperson, who shall be an expert in banking service to be appointed by the Central Government;

(b) members to represent the following:—

(i) Union Ministry of Women and Child Development;

(ii) Union Ministry of Finance;

20 of 1990. 5 (iii) a representative of National Commission for Women established under the National Commission for Women Act, 1990;

(iv) a representative of reputed Women's Associations in the country; and

(v) a representative of Legal profession.

(2) The terms of appointment, qualification of Chairperson and other members of the Board shall be such as may be prescribed.

10 (3) **The salaries and other allowances and conditions of service of the Chairperson shall be such as may be prescribed.**

(4) **The members of the Board shall be entitled to such allowances as may be prescribed for attending the sittings of the Board.**

15 **29.** The Board shall frame policies and determine business of the bank with a view to achieve around development of women.

Board to frame policies and determine business of Bank.

30. (1) The Board shall hold sittings as often as possible but in any case not later than three months from the date of its previous sitting.

Sitting of Bank.

20 (2) The sittings of the Board shall be presided over by the Chairperson and in his absence, by any member to be elected as acting chairperson from members amongst themselves.

31. (1) **The authorised capital of the Bank shall be rupees five hundred crore and it may be increased at any time by the Central Government by notification in the Official Gazette.**

Capital of Bank.

25 (2) Every State Government shall contribute to the bank in such ratio as may be determined by the Central Government.

32. The dealings and transactions of the bank shall be exclusively with women and with such organisations as are engaged in the welfare activities of women.

Dealings and transactions of Bank.

33. The bank shall perform the following business, namely:—

Duty of Bank.

30 (i) accept deposits, either in cash or in any banking instrument from women;

(ii) open savings and other accounts in favour of women;

(iii) extend loans to women for pursuing education including higher and technical education;

(iv) extend loans to women for self-employment;

35 (v) extend loans to women for medical treatment, expenses during pregnancy including cost of termination of pregnancy, marriages, religious ceremonies and for such other similar purposes as may be prescribed; and

(vi) extend loans to women for purchase/construction of houses, purchase of vehicles and consumer durables.

40 **34. (1)** The bank may impose such terms and conditions, as it may deem necessary, before granting loans to women.

Terms and Conditions for granting loan.

(2) The loan amount shall be determined in accordance with circumstances and merits of every case.

(3) The loan amount shall be repayable over such period as may be determined by the bank.

Application for availing loan.	35. (1) Every woman who wishes to avail of loan facility may make an application to the nearest bank.	
	(2) The bank, on receipt of an application under sub-section (1), shall take a decision with regard to grant of loan, within a period of one month from the date of receipt of such application and state reasons in case the loan amount is not granted.	5
Women registered with Employment Exchanges to get priority.	36. (1) The appropriate Government shall forward names of women registered with employment exchanges under their jurisdiction to the concerned regional office.	
	(2) Any woman who has registered herself with an employment exchange and is not gainfully employed shall have preference in getting loan for self-employment.	
Officers and staff.	37. The bank shall appoint necessary officers and staff for efficient functioning of the bank:	10
	Provided that one half of the total number of appointments or posts shall be reserved for women.	
	CHAPTER VII	
	SOCIAL RIGHTS	15
Establishment of lineage.	38. Notwithstanding anything contained in any other law for the time being in force, no Government, authority or person, shall compel any other person who is a citizen of India to fill and sign any form, statutory or non-statutory, official or non-official, which provides for establishing a person's lineage only through his father or to prohibit him to write his mother's name instead.	20
Right to refuse to fill forms in certain cases.	39. After the coming into force of this Act, it shall be lawful for any citizen of India to refuse to fill a form which does not give him or her the option to give the name of his or her mother.	
Misdemeanour under the Act.	40. It shall be a grave misdemeanour under this Act for any person to describe any citizen of India as "bastard".	25
Penalties.	41. (1) Whosoever compels any citizen of India to act in a manner contrary to the provisions of sections 38 and 39 of this Act or discriminate against any citizen on the ground of the citizen's refusal to act in a manner which is against the provisions of these sections, shall be punished with rigorous imprisonment for a term which may extend to one month and fine of five hundred rupees or one month's imprisonment in lieu thereof.	30
	(2) The misdemeanour mentioned in section 40 shall be punished with rigorous imprisonment for a term which may extend to one year and with fine of five hundred rupees or one month's imprisonment in case of non-payment of fine.	
	CHAPTER VIII	
	PROPERTY RIGHTS	35
Rights of an unmarried woman.	42. Notwithstanding anything contained in any other law for the time being in force, an unmarried woman shall have the following rights, namely:—	
	(a) she shall have the right to live in the house of her parents but shall not have the right to seek partition or disposal of such house;	
	(b) she shall have the right to claim an equal share in any property, other than the residential house or dwelling unit referred to in clause (a), as a coparcener to such property, whether such property is a joint-family property or any premises held on lease or licence or under any other arrangement by her parents:	40
	Provided that she shall have the right to claim partition of such property, if she decides to remain unmarried after she attains the age of eighteen years or such other age of marriage as may be determined under any law for the time being in force;	45
	(c) she shall have the right to claim an equal share as a coparcener, in the gains of the family business of her parents; and	
	(d) she shall have right to claim an equal share in any property, as a coparcener, which is acquired by her parents by way of exchange, sale or transfer of any existing	50

property or which is acquired by her parents by way of accreditation or succession to any ancestral property or otherwise.

43. A married woman shall have the following rights, namely:—

Rights of a married woman.

(a) she shall have the right to live in the house of her husband whether owned by him or by his joint family or owned by him, solely or jointly, as a lessee or licensee:

Provided that such right shall not be void in the event of judicial separation, divorce or death of the husband:

Provided further that she shall also have the right to live in the residential house or dwelling unit of her parents, in case she is deserted or divorced by her husband, without seeking partition or disposal of whole or any part thereof;

(b) she shall have the right to claim an equal share, as a coparcener, in the property of her husband including that of in the joint family property of her husband, from the date of marriage, and like any other coparcener she shall also have the right to claim partition or disposal of whole or part of such property:

Provided that in the event of disposal of part or whole of such property, the other coparcener shall have right to pre-emption;

(c) she shall have an option to have the custody of the children born out of the wedlock and shall have the right to claim maintenance, not inconsistent with the status of the family of her husband, both for herself and for her children which shall include the expenses to be incurred on the education, training and upbringing of her children in case of dissolution of marriage:

Provided that if in the interest of the education, training or upbringing of the children, it is considered necessary or expedient to leave the children under the custody of the husband or any one else, she shall have the right to free access to the children born out of the wedlock, irrespective of estrangement, desertion, divorce or death of the husband; and

(d) she shall have the right to claim an equal share in the gains of the business of her husband or in the family business of her husband or in any other business in which her husband is a partner.

44. A widow shall have the following rights, namely:—

Rights of a widow.

(a) she shall, subject to such eligibility, as may be prescribed, be entitled to suitable employment by the Central Government in case her deceased husband was employed in any of the establishment under the Central Government:

Provided that if she is not eligible for any such employment, she shall be entitled to such monthly pension as would have been payable to her husband at the time of his deemed superannuation:

Provided further that if the death of her husband occurs during the course of his duties, she shall be entitled to such monthly salary and allowances, as would have been payable to her husband till his deemed superannuation, besides any other compensation admissible to her under any other law for the time being in force;

(b) she shall have the first claim and absolute right to the property of her deceased husband;

(c) she shall be entitled to have such share and status as the share and status of her deceased husband would have been, in the family business; and

(d) she shall have the right to live in the residential house or dwelling unit of her parents, in the case she so desires, without seeking partition or disposal of whole or any part thereof.

CHAPTER IX

SPECIAL COURTS

Establishment of Special Courts for women.	45. (1) The appropriate Government shall set up sufficient number of Special Courts to deal exclusively with matters arising out of atrocities or offences committed against women.	5
	(2) Each Special Court shall consist of a Chief Judge and such number of other Judges as the appropriate Government may deem fit.	
	(3) Every Special Court shall be headed by the Chief Judge.	
Qualification for appointment as Chief Judge and other Judges.	46. (1) A person shall not be eligible for appointment as the Chief Judge unless he,— <p>(a) is, or has been, a District Judge; or</p> <p>(b) has, for at least two years, held the office of the Judge of the Special Court; and has, for at least five years, been associated with women's cause.</p> <p>(2) A person shall not be eligible for appointment as a judge unless he,—</p> <p>(a) is, or has been, a judicial Magistrate; or</p> <p>(b) has, for a period of not less than five years, been practising law; and has for atleast five years, been associated with women's cause.</p> <p>(3) Every Chief Judge of a special court in a Union territory shall be appointed by the President,</p> <p>(4) Every Chief Judge of a special court in a State shall be appointed by the Governor of the State concerned,</p> <p>(5) Every other Judge of a Special Court shall be appointed by the appropriate Government,</p> <p>(6) One-third of the total number of posts of Chief Judges and other Judges in every State shall be reserved for women.</p>	10 15
Senior most Judge to act as Chief Judge or to discharge his functions in certain circumstances.	47. (1) In the event of the occurrence of any vacancy in the office of the Chief Judge of a Special Court by reason of his death, resignation or otherwise, the senior most Judge of that Court shall act as the Chief Judge until the date on which a new Chief Judge, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office. <p>(2) When the Chief Judge is unable to discharge his functions owing to absence, illness or any other cause, the senior most Judge of that Special Court shall discharge the functions of the Chief Judge until the date on which Chief Judge resumes his duties.</p>	25 30
Term of office.	48. Every Chief Judge and other Judges shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains,— <p>(a) in the case of the Chief Judge, the age of 65 years, and</p> <p>(b) in the case of any other Judge, the age of 60 years,</p> <p>whichever is earlier.</p>	35
Resignation and removal.	49. Every Chief Judge or a Judge may, by notice in writing under his hand addressed to the President in case he is a Chief Judge or a Judge of a Special Court in a Union territory or to the Governor, in case he is a Chief Judge or a Judge of a Special Court in a State resign from his office: <p>Provided that the Chief Judge or any other Judge shall, unless he is permitted by the President or the Governor, as the case may be, to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.</p>	40 45

50. The salaries and allowances payable to, and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Judge or a Judge of a Special Court shall be such as may be prescribed by the Central Government:

5 Provided that neither the salary and allowances nor the other terms and conditions of service of the Chief Judge or a Judge of a Special Court shall be varied to his disadvantage after his appointment.

Salary and allowances and other terms and conditions of service of Chief Judge and other Judges.

51. Every Chief Judge shall exercise such financial and administrative powers over the Special Court as may be vested in him in such manner as may be prescribed.

Financial and administrative powers of the Chief Judge.

10 **52. The appropriate Government shall determine the nature and categories of the officers and other employees required to assist a Special Court in the discharge of its functions.**

Staff of the Special Court.

15 **53.** Save as otherwise expressly provided in this Act, every Special Court shall exercise all the judicial powers and authority exercisable immediately before that day by all courts (except High Courts and the Supreme Court) in relation to all matters of offences or atrocities committed against women under the Indian Penal Code or any other law for the time being in force.

Jurisdiction, powers and authority of Special Courts.

5 of 1908.
2 of 1974. **54.** Every Special Court constituted under this Act shall have powers of any other court for the purpose of holding any inquiry as are vested in a civil court under the Code of Civil Procedure, 1908 and in a criminal court under the Code of Criminal Procedure, 1973.

Power of Special Courts.

20 **55.** On the date of coming into force of this Act, the jurisdiction, powers and authority in relation to any offences or crimes or atrocities committed against women, shall be exercisable by a Special Court and no other court (except High Courts and the Supreme Court) shall have, or be entitled to exercise any jurisdiction, powers or authority in relation to such offences or crimes or atrocities committed against women.

Exclusion of Jurisdiction of courts except the concerned High Court and the Supreme Court.

25 **56.** Every suit or other proceeding pending before any other court or any authority immediately before the date of coming into force of this Act being a suit or proceeding the cause of action wherein it is based is such that it would have been if it had arisen after such constitution, within the jurisdiction of a special such court, shall stand transferred on that date to such Special Court:

Transfer of pending cases.

30 Provided that nothing contained in this section shall apply to a suit or other proceeding pending in a High Court or the Supreme Court.

57. The appropriate Government shall make necessary arrangements and provisions for free legal aid to women for meeting the cost of litigation in Special Courts.

Free legal aid to women.

CHAPTER X

35 MISCELLANEOUS

58. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have over-riding effect.

40 **59. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

Power to remove difficulties.

(2) Every order referred to in this section shall, as soon as may be after it is made, be laid before each House of Parliament.

45 **60. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

- (2) 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 afore-
- 5 said, both Houses agree in making any modification in the rule or both the 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.

STATEMENT OF OBJECTS AND REASONS

Even after sixty-three years of independence, the socio-economic condition of our womenfolk has not improved much. They are treated as second grade citizens. Though women also equally, if not more than the menfolk, contribute to the nation building activities, yet they are never recognised. Majority of the women are illiterate, socially insecure, economically dependent upon menfolk. Though the Government has taken many steps to improve the status of women, yet they are not sufficient. Womenfolk in our country are placed at disadvantage in the following sectors:—

- (1) Education
- (2) Employment—they are given less wages than men
- (3) Social rights
- (4) Property rights
- (5) Self-employment opportunities

Atrocities against women are increasing day-by-day. Cases of atrocities against women are piling up in courts. Courts take a long time in disposing of the cases. Sexual harassment takes place at the work places. Working women have not been given adequate facilities at the work places.

Girls are not sent to schools by their parents. They do not get admission in schools. There is no vocational training facility for them. Women are not given jobs. They do not have adequate opportunities for self-employment. The National Commission for Women does not have adequate powers to deal with the situation.

With a view to alround development of women, it is proposed to bring forward a comprehensive Bill providing for—

- (1) free education to women;
- (2) vocational training;
- (3) free insurance facilities;
- (4) facilities at the work places;
- (5) equal rights in the management, associations, etc.;
- (6) Special Courts to deal with atrocities against women;
- (7) facilities for destitute women;
- (8) property rights.

The Bill seeks to make an attempt to improve the lot of women.

NEW DELHI;
November 9, 2010

SAROJ PANDEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill makes provision for free and compulsory education to women. It also provides for opening of adequate number of schools for them. Clause 4 provides for vocational training to women. Clause 6 makes provision for Working Women Welfare Fund. Clause 8 provides for constitution of Advisory Committees. Clause 10 provides for appointment of Special officers to supervise the facilities to working women at the work places. Clause 16 provides for appointment of Special Officer to investigate cases of sexual harassment against women. Clause 23 provides for pension to destitute women. Clause 24 provides for establishment of women's homes. Clause 25 makes provision for insurance scheme for women.

Clause 26 provides for setting up of a Fund for women other than working women. Clause 27 provides for the establishment of a Women Development Bank. Clause 28 provides for the Board to manage the Bank. Clause 31 provides that the authorised Capital of the Bank shall be rupees five hundred crore. Clause 37 provides for appointment of officers and staff of the Bank. Clause 44 provides that a widow shall be entitled to employment/pension. Clause 45 provides for establishment of Special Courts for women. Clause 50 provides for salaries and allowances of Chief Judge or other Judges of Special Courts. Clause 52 provides for appointment of officers and staff to assist Special Courts. Clause 57 provides for free legal aid to women.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees one thousand crore.

A non-recurring expenditure of about rupees ten thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 60 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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BILL

to provide for empowerment of women in all fields and for matters connected therewith.

(Kumari Saroj Pandey, M.P.)