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MINUTES OF THE SPECIAL MEETING OF THE NATIONAL
COMMISSION FOR WOMEN HELD ON 25 AUGUST 1994

The Special Meeting of the National Commission for Women was held at New Delhi on 25 August 1994, under the Chairmanship of Ms. Jayanti Patnaik. The following were present:

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| 1. Ms. Jayanti Patnaik | ... Chairperson |
| 2. Ms. Padma Seth | ... Member |
| 3. Ms B. Senapati | ... Member |

Shri S. Ramaiah, Member, Expert Committee on Laws, attended the meeting as a special invitee. Shri B.K. Samaddar, Consultant, Shri R.P. Madan, OSD to CP, Shri M.L. Kaushal, Pay & Accounts Officer and Shri P.S. Ravindra, Consultant, were also present for rendering assistance.

2. After brief introductory remarks by the Chairperson, the agenda items were taken up for discussion as follows:

Item 1: Delegation of financial powers in the
absence of Member Secretary - Notes
prepared by Consultant (PES) and P/AC

3.1 At the outset, it was pointed out that in the first meeting of the Commission held on 25 February 1992, it was decided that all the financial powers as are for the time being available to Heads of Department of Government of India be delegated to the Member-Secretary of the Commission (MS) for performance of its functions till the final delegation of financial powers were formalised and adopted by the Commission; the delegation of financial powers may, however, be on the lines of those laid down in the Delegation of Financial Powers Rules (DFPR) compiled by the Ministry of Finance (Deptt. of Expenditure) and further subject to the economy instructions issued from time to time. Copies of the Agenda Note and the Commission's decision are at Annexures I & II.

3.2 Explaining the background to the issue being placed before the Commission, the Pay and Accounts Officer stated that under the Delegation of Financial Powers Rules, a Head of Department can exercise financial powers to the extent of

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Rs.4,000/= per annum in each case on recurring items, and Rs.20,000/= in each case of non-recurring items, as mentioned in the Table below Schedule V to the DFPR. MS, vide orders dated December 7, 1993 (Annexure III) authorised Deputy Secretary in the National Commission for Women to approve and incur immediate expenditure subject to a maximum limit of Rs.25,000/= in case of non-recurring nature and Rs.10,000/= in case of recurring nature in each case.

3.3 As the powers delegated to the Deputy Secretary by MS were in excess of the powers delegated to her by the Commission, this anomaly was brought to the notice of MS in April 1994. Accordingly, vide orders of April 25, 1994 (Annexure IV) MS authorised the Deputy Secretary to exercise power to approve and incur immediate contingent expenditure referred to in Table below Schedule V of DFPR, subject to the limit of Rs.4,000/= in each case for recurring expenditure and Rs.20,000/= for non-recurring expenditure.

3.4 The Pay & Accounts Officer further explained that the powers mentioned in the preceding paragraph were subject to certain limitations in respect of certain items and expenditure on these items required the approval of the Head of Department i.e. MS, even though it was less than the stipulated amount.

3.5 The Commission noted with concern the above position, and also the fact that no attempt has been made by Administration to frame financial rules after the Commission's first meeting on 25.2.1992.

3.6 As, before proceeding on leave, MS had not placed the question of exercise of powers of a Head of Department delegated to her in her absence on leave before the Commission, a decision, therefore, had to be taken as to whom such powers vested with MS should be delegated. A view was expressed that such delegation of powers was necessary under Section 9(3) of the NCW Act. Shri Ramaiah was, however, of the view that

reference to this provision was not relevant as it related to the authentication of all orders and directions of the Commission and it is open to the Commission to delegate any of its powers to any of the officers in cases of urgency and in the absence of officers if its powers have already been delegated, such powers could be withdrawn and given to another officer. From the above it was clear that in the absence of both the Member Secretary and Deputy Secretary, the Commission could decide to delegate financial powers to the extent it desired appropriate officer of the Commission including the Pay & Accounts Officer.

3.6 Keeping in view the position mentioned above, the Commission considered the following issues:

- (i) to decide upon the officer to be delegated financial powers, which had been delegated to the Member Secretary, which could not be exercised only by the Member Secretary and cannot be exercised by her in view of her absence on leave or otherwise;
- (ii) action to be taken on those cases where expenditure of the Member Secretary was beyond her powers which she wanted the Administration to refer to the Commission for concurrence/ratification;
- (iii) action to be taken on those cases where the Member Secretary had exceeded his powers, during the period of absence of the Member Secretary on leave or otherwise;
- (iv) action to be taken in respect of the expenditure incurred during Member Secretary's/Deputy Secretary's absence on leave.

After detailed discussions covering the above mentioned points, the following decisions were taken in the meeting:

- (1) With regard to the question as to what action to be taken in those cases where expenditure exceeded the powers vested in the Member Secretary and Deputy Secretary both in respect of recurring and non-recurring expenditure, it was decided

such cases be reported to the Commission in its next meeting for ratification. While doing so, proposals for the exercise of financial powers by Officers (i.e. Deputy Secretary, Member Secretary and Chairperson and the Commission as a whole) may also be submitted for Commission's approval. The Note should also indicate that if an officer exceeds the financial powers delegated to him or her, the reasons therefor would be recorded in writing and the matter brought to the notice of Chairperson and placed before the Commission at the first available opportunity.

- (2) Attention of the Commission was invited to section 11(2) of the NCW Act, 1990, which lays down that "the Commission may spend such sums as it thinks fit for performing the functions under the Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1)". It was, therefore, essential that financial rules should be framed urgently under section 11(2) read with section 9(2) of the National Commission for Women Act, 1990.
- (3) The Commission felt that there was an immediate need for having a Finance Officer who will exercise control on financial matters. Till such time the post of Finance Officer was sanctioned, the Pay & Accounts Officer would act as Finance Officer and would render all assistance to Chairperson and the Commission on all financial matters.
- (4) It was decided that till a new Member Secretary joins duty, the Chairperson shall exercise all the powers delegated to the Member Secretary and all such cases which require Commission's approval, will be placed before the Commission.

- (5) The Pay & Accounts Officer should finalise Financial Rules to be followed by the Government by the end of September 1994. If need arises, retired Government servant's services may be considered.
- (6) The Deputy Secretary* shall pursue with the Department of Women & Child Development the creation of additional posts, as requested by the Commission long ago. He shall also inform the Department the urgency of finalising the rules under sub-section (2) of section 10 of the NCW Act, to provide for the above.
- (7) As regards issue No.(iv), it was decided that cases of sanctions issued during the leave period and DS should be submitted to new incumbent for ex-post-facto approval.

Item No.2: Proposal regarding Gender Justice Research Journal by National Law School, Bangalore

The Commission gave its approval to the proposal. This Annual Journal would be published in the joint name of NCW and NLSU and will be funded by the Commission. The Commission also decided that the first issue of the Journal would be for the period 1990-95.

The meeting ended with vote of thanks to the members.

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*As new MS has since joined, she may kindly pursue the matter.

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FIRST MEETING OF THE NATIONAL COMMISSION FOR
WOMEN (25.2.92)

Item No.9: Delegation of financial powers to the Member Secretary
of the National Commission for Women

The National Commission for Women has been set up in accordance with National Commission for Women Act 1990. For the performance of its functions, the Commission will receive funds from the Central Government in the form of grant-in-aid, according to Section 11(i) of the Act and will utilise the funds for the discharge of its functions as given in the Act. It is felt that it will be administratively appropriate if financial powers are delegated to the Member-Secretary of the Commission, till the Commission finalises its rules and procedures for incurring expenditure.

2. Accordingly, the Commission may consider and approve that all financial powers, as available to Head of Department of Government of India, are delegated to the Member-Secretary of the Commission for performance of its functions till the final delegation of financial powers are formalised and adopted by the Commission. The delegation of financial powers may however be on the lines of those laid in the Delegation of Financial Powers Rules compiled by the Ministry of Finance (Deptt. of Expenditure), and further subject to the economy instructions issued from time to time.

Extracts for the Minutes of the First Meeting of the National Commission for Women (25.2.1947)

Item No. 9 Delegation of financial powers to the Secretary of the National Commission for Women

The Commission Considered the proposal for the delegation of financial powers to the Secretary of the National Commission for Women for performance of its functions till the delegation of powers are finalised and approved by the Commission and approved the proposal.