

ASSAM STATE COMMISSION FOR WOMEN ACT, 1994

21 of 1994

[5th May, 1994]

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ASSAM STATE COMMISSION FOR WOMEN ACT, 1994

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An Act to constitute an Assam State Commission for Women and to provide for matters connected therewith or incidental thereto
Preamble. Whereas it is expedient to provide for the constitution of a Commission for furthering the fundamental rights guaranteed by Articles 14, 15 and 16 of the Constitution of India with respect to women and to give effect to the Directive Principles of State Policy and in particular those enshrined in Articles 38, 39, 39-A and 42 of the Constitution to improve the status and dignity of women in the society, to investigate into and take or suggest suitable remedial measures against practices derogatory to women, to effectively monitor and implement laws affecting women and to advise Government and all matters related to the improvement and upliftment of status and dignity of women in the society. It is hereby in the Forty-fifth Year of the Republic of India as follows :

CHAPTER 1
CHAPTER

1. Short title, extent and commencement :-

- (1) This Act may be called the Assam State Commission for Women Act, 1994.
- (2) It extends for the whole of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in official Gazette, appoint.

2. Definitions :-

In this Act unless the context otherwise requires

- (a) "Chairperson" means the Chairperson appointed under this Act and includes the Vice-Chairperson;
- (b) "Commission" means the Assam State Commission for Women constituted under Section 3 of this Act ;
- (c) "Constitution" means the Constitution of India ;
- (d) "Member" means a Member of the Commission and includes the Member- Secretary ;
- (e) "Prescribed" means prescribed by rules made under this Act

CHAPTER 2

The Assam State Commission for Women

3. Constitution of the Assam State Commission for Women

:-

(1) The State Government shall, by notification in the official Gazette, constitute a Commission to be known as the Assam State Commission for Women.

(2) The Commission shall consist of the following :

(a) The Chairperson ;

(b) The Vice-Chairperson ; to be nominated by the State Government.

(3) Seven members to be appointed by the State Government of whom at least one shall belong to the Scheduled Castes/Scheduled Tribes from amongst persons of ability and integrity and who have served the cause of women or have had experience in law or administration concerning the advancement of women or leadership of any voluntary organisation for women for protection and promotion of common interest of women.

(4) A Member-Secretary, to be nominated by the State Government, who shall be

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

(ii) an officer who is a member of a Civil Service of the State or holds a civil post under the State with appropriate experience.

4. Term of office and conditions of service of Chairperson and Members :-

(1) The Chairperson and every Member 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 a Member other than the Member-Secretary may, by writing and addressed to the State Government, resign from the office of the Chairperson, as the case may be, of the Member at any time.

(3) The State Government shall remove a person from the office of the Chairperson or the Member if that person

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence

which in the opinion of the State 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 State Government, has so abused the position of Chairperson or Member as to render that persons 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 fresh nomination.

(5) The remuneration and allowances payable to and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

5. Officers and other employees of the Commission :-

(1) The State 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 remuneration and other 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. Remuneration and other allowances to be paid out of grants :-

The remuneration and other allowances payable to the Chairperson and Members and the administrative expenses, including 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 subsection (1) of section 11.

7. Vacancies, etc :-

not to invalidate proceedings of the Commission. 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.

8. Committees of the Commission :-

(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 co-opted under sub-section (2) shall be entitled to receive such allowances for attending the meeting of the committee as may be prescribed.

9. Procedure to be regulated by the Commission :-

(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 committee thereof.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

CHAPTER 3

Functions of the Commission

10. Functions of the Commission :-

(1) The Commission shall perform all or any of the following functions, namely :

(a) investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws ;

(b) present to the State Government annually and at such other times as the Commission may deem fit, reports upon the working of

these safeguard;

(c) make in such reports recommendations for the effective implementation of those safeguards in improving the conditions of women by the State;

(d) review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereof so as to suggest remedial legislative measures to meet the lacunae, inadequacies or short comings in such legislations ;

(e) take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities ;

(f) look into complaints and take suo moto notice in matters relating to

(i) "deprivation of women's rights ;

(ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development ;

(iii) non-compliance of policy decisions, guidelines, instructions, aimed at mitigating hardships and ensuring welfare and providing relief to women and take up the issues arising out of such matter with appropriate authorities;

(g) 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 ;

(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 service, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;

(i) participate and advice on the planning process of socio-economic development of women;

(j) evaluate the progress of the development of women under the

State ;

(k) inspect or cause to be inspected a jail, remand home, women's institution or other place or custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action if found necessary;

(1) 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 State Government.

(2) The State Government shall cause all the reports referred to in clause (b) of sub-section (1) to be laid before the State Legislature 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.

(3) The Commission shall, while investigating any matter referred to in sub-clause

(i) of clause (f) of sub-section (1), have all the powers of the 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 Assam 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.

CHAPTER 4

Finance, Accounts and Audit

11. Grants by the State Government :-

(1) The State Government shall after due appropriation made by State Legislature in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purpose of this Act.

(2) The Commission may spend such sums as it think 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).

12. Accounts and audit :-

(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 of Assam.

(2) The accounts of the Commission shall be audited by the Accountant 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 Accountant General of Assam.

(3) The Accountant General or 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 Accountant 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 Accountant General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the Commission.

13. Annual Report :-

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 State Government.

14. Annual Report and audit report to be laid before the Assembly :-

The State 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 State 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 the Assembly.

CHAPTER 5

Miscellaneous

15. Chairperson, Member and staff of the Commission to be public servants :-

The 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).

16. State Government to consult Commission :-

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

17. Power to make rules :-

(1) The State 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 powers, such rules may provide for all or any of the following matters, namely :

(a) remuneration 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 officers and other employees under sub-section (2) of section 5 ;

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

(c) other matters under clause (f) of sub-section (3) of section 10 ;

(d) the form in which the annual statement of accounts shall be maintained under sub-section (i) of section 12 ;

(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.

18. Repeal and saving :-

(1) The Asam State Commission for Women Ordinance, 1993 (Assam Ordinance No. IV of 1993) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.