

State Commission For Women Act, 1995

17 of 1995

[24 May 1995]

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State Commission For Women Act, 1995

[24 May 1995]

An Act to constitute a State Commission for Women and to provide for matters connected therewith or incidental thereto. WHEREAS it is expedient to constitute a State Commission for women and to provide for matters connected therewith or incidental thereto and for the purposes hereinafter appearing; BE it enacted by Karnataka State Legislature in the Forty-sixth year of the Republic of India, as follows:- 1. First published in the Karnataka Gazette Extraordinary on the Twenty-sixth day of May, 1995.

CHAPTER 1

PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Karnataka State Commission for Women Act, 1995.

(2) It shall extend to the whole of the State of Karnataka.

(3) It shall come into force from such¹[date] as the Government may by notification, appoint.

1. Act came into force on 11.1.1996

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "Commission" means the Karnataka State Commission for Women constituted under section 3;

(b) "Government" means the Government of Karnataka;

(c) " member" means a member of the Commission.

CHAPTER 2

STATE COMMISSION FOR WOMEN

3. Constitution Of The Commission :-

(1) As soon as may be after the commencement of this Act, the Government shall constitute a body to be called as the Karnataka State Commission for Women to exercise the powers conferred on and to perform the functions assigned to it by or under this Act with its headquarters at Bangalore.

(2) The Commission shall consist of the following members, namely:-

(a) a Chairperson who shall be a woman committed to the cause of

women to be nominated by the Government;

(b) six members to be nominated by the Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry or organisation committed to increasing the employment potential of women, women's voluntary organisations including women activists administration, economic development, health, education or social welfare :

Provided that at least one member each shall be from amongst persons belonging to Scheduled Castes and Scheduled Tribes respectively:

Provided further that majority of the members nominated under this clause shall be women;

(c) The Secretary to Government incharge of Women and Child Development - ex-officio member;

(d) Director of Women and Child Development- ex-officio member;

(e) Director General of Police or his nominee not below the rank of Deputy Inspector General of Police, preferably a women - ex-officio member;

(f) Secretary of the Commission, who shall be the member - Secretary.

4. Term Of Office And Conditions Of Service Of Chairperson And Members :-

(1) Subject to the pleasure of the Government, the Chairperson and every member shall hold office for such period not exceeding three years, as may be specified by the Government.

(2) The Chairperson or a member other than the ex-officio member may, resign the office of Chairperson or the member, as the case may be, by writing addressed to the Government.

(3) The Government shall remove a person from the office of Chairperson or a member referred to in sub-section (1) 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 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,

absents from three consecutive meetings of the Commission; or
(f) in the opinion of the Government, has so abused the position of the Chairperson or member so as to render that persons continuance in office is detrimental to the public interest:

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(4) The Government shall fill vacancies, arising out of resignation or removal within three months of such resignation or removal, by fresh nomination.

(5) The salary and allowances of the Chairperson and allowance payable to the member, if any, shall be such, as may be prescribed.

(6) The salary and allowance payable to the Chairperson and allowances payable to a member shall be defrayed out of the grants referred to in sub-section (2) of section 12.

5. Secretary :-

(1) The Secretary of the Commission shall be an officer not below the rank of Joint Secretary to Government appointed by the Government.

(2) The Secretary shall receive such salary and other allowances as the Government may determine from time to time.

(3) The Government may grant from time to time leave of absence to the Secretary.

(4) The Secretary shall be Chief Executive of the Commission and shall,-

(a) operate the grants of the Commission;

(b) cause to be maintained accounts of the Commission;

(c) discharge such other functions conferred on him by or under this Act or any other law for the time being in force.

6. Staff Of The Commission :-

(1) The Government shall provide such staff to the Commission, as may be required for the efficient functioning of the Commission.

(2) The administrative expenses of the Commission including the salaries, allowances and pension payable to the Secretary and other officers and staff of the Commission shall be paid out of the grants referred to in sub-section (2) of section 12.

7. Meetings Of The Commission :-

(1) The Commission shall meet as and when necessary at Bangalore or at such other places as the Chairperson may think fit: Provided that the Commission shall meet at least once in three months.

(2) The Commission shall regulate its own procedure and the procedure of the committees appointed under section 11 thereof.

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

8. Vacancies Etc., Not To Invalidate Proceedings Of The Commission :-

No act or proceedings of the Commission shall be questioned or shall be invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Commission.

CHAPTER 3

FUNCTIONS AND POWERS OF THE COMMISSION

9. 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 safeguard provided for women under the Constitution and other laws;

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

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

(d) review, from time to time, the existing provisions of the Constitution and other laws affecting the women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacune or inadequacies or shortcomings 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 of matters relating to,-

(i) deprivation of womens 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 decision, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women and take up the issues arising out of such matters with appropriate authorities;
- (g) call for special studies or investigation 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 services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;
- (i) inspect or cause to be inspected a jail, remand home, womens institution or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities for remedial action, wherever found necessary;
- (j) fund litigation involving issues affecting a large body of women;
- (k) participate and advice on the planning process of socio-economic development of women;
- (l) evaluate the progress of the development of women under the State;
- (m) make periodical report to the Government on any matter pertaining to women and in particular various difficulties under which women toil;
- (n) involve with voluntary organisations in the State, more particularly womens organisations besides governmental departments and its agencies in the discharging of its functions;
- (o) assist the women to ensure equal and fair justice in matrimonial disputes before the family courts;
- (p) any other matter which may be referred to it by the Government:

Provided that if any matter specified in sub-section (1) is undertaken by the National Commission for Women constituted under section 3 of the National Commission for Women Act, 1990 (Central Act 20 of 1990), the State Commission for women shall cease to have jurisdiction in such matters.

(2) If authorities referred to in clause (e) of sub-section (1), fails to take any action on the suggestions or recommendations made by the Commission, it may report the same to the Government which shall take necessary action.

(3) The Government shall cause the recommendations of the Commission to be laid before each House of the State Legislature along with the memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for non-acceptance, if any, of any such recommendations.

10. Powers Of The Commission :-

The Commissions shall, while investigating any matter for the purposes of this Act, have all the powers of a civil court under Civil Procedure Code, 1908 (Central Act 5 of 1908) in 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 the State and examining him on oath;
- (b) requiring the discovery and production of any documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning or summoning any public records or copy thereof from any court or public office;
- (e) issuing Commission for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

11. 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 including representatives of non-Governmental Organisations more particularly Women Organisation 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 so co-opted shall be entitled to receive such allowances for attending the meetings of the committee as may be prescribed.

CHAPTER 4

FINANCE, ACCOUNTS AND AUDIT

12. Budget Of The Commission And Grants By The Government :-

(1) The Commission shall prepare every year before such date and in such form, as may be prescribed a budget estimate of its income and expenditure for the financial year to commence on the first day of April next following and shall forward it to the Government.

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

(3) The Commission may spend such sums out of the grants as it thinks 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 (2).

13. Accounts And Audit :-

(1) Accounts of the income and expenditure of the Commission shall be kept in such form as may be prescribed.

(2) The Commission shall prepare an annual statement of accounts in such form as may be prescribed.

(3) The Accounts of the Commission shall be audited annually by such auditor as the Government may appoint in this behalf.

(4) The auditor shall for the purposes of the audit, have access to all the accounts and other records of the Commission.

(5) The Commission shall pay out of the grants such charges for the audit, as may be prescribed.

(6) As soon as may be, after the receipt of the report of the auditor, the Commission shall send a copy of the annual statement of accounts together with a copy of the report of the auditor to the Government and shall cause to be published the annual statement of account in such manner as may be prescribed.

(7) The Government may, after perusal of the report of the auditor give such directions, as it thinks fit, to the Commission and the Commission shall comply with such directions.

14. 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 Government. The Commission may,

submit from time to time, special reports on any matter of public importance to the Government.

15. Annual Report And Audit Report To Be Laid Before The State Legislature :-

The Government shall cause the annual report together with a memorandum of action taken on the non-acceptance, if any, of any of such recommendations to be laid, as soon as may be after the reports are received before each House of the State Legislature.

CHAPTER 5

MISCELLANEOUS

16. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceedings shall lie against the Commission or Chairperson or any member thereof or any person acting under the direction of the Commission, for anything which is in good faith done or intended to be done under this Act, or the rules, made thereunder.

17. The Government To Consult Commission :-

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

18. Chairperson, Members And Staff Of The Commission To Be Public Servants :-

The Chairperson and every member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed to be the public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

19. Power To Make Rules :-

(1) The Government may by notification, in the official Gazette, make rules for the purposes of carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of 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 in which it is so laid or the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both 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.

20. Power To Remove Difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the 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:

Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order under this section shall, as soon as may be after it is made, be laid before each House of the State Legislature.