

Tamil Nadu State Commission For Women Act, 2008

31 of 2008

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Tamil Nadu State Commission For Women Act, 2008

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An Act to constitute a Commission for Women in the State of Tamil Nadu and to provide for matters connected therewith or incidental thereto. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:-- 1. Received the Assent of the Governor of Tamil Nadu on May 26, 2008 -- Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Iss. No. 162, pages 101-106, dated May 27, 2008.

CHAPTER 1

PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Tamil Nadu State Commission for Women Act, 2008.
- (2) It extends to the whole of the State of Tamil Nadu.
- (3) It shall come into force on such date as the Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (a) "Commission " means the Tamil Nadu State Commission for Women constituted under Section 3;
- (b) "Government" means the State Government;
- (c) "member" means a member of the Commission and includes the Chairperson and the Member-Secretary;
- (d) "person" includes a firm, company, corporation or any public undertaking, association of persons, or the Government and its agencies including agencies receiving aid from the Government;
- (e) "prescribed" means prescribed by rules;
- (f) "Woman " denotes a female human being of any age.

CHAPTER 2

THE TAMIL NADU STATE COMMISSION FOR WOMEN

3. Constitution Of Commission :-

- (1) The Government shall, by notification, constitute a body to be known as the Tamil Nadu State Commission for Women to exercise the powers conferred on, and to perform the functions assigned to

it, under this Act.

(2) The Commission shall consist of--

(a) a Chairperson, who shall be an eminent woman committed to the cause of women to be nominated by the Government;

(b) five members to be nominated by the Government from amongst persons of ability and integrity, who have served the cause of women or have had sufficient knowledge and experience of law and legislation, administration of matters concerning advancement of women or voluntary organization for women, or who have sufficient experience in working in the field of economic development, health or education of women:

Provided that not less than three of the nominated members shall be women:

Provided further that at least one member shall be from amongst persons belonging to the Scheduled Castes and one member shall be from among persons belonging to the Scheduled Tribes;

(c) two members to be nominated by the Government from among the members of the Tamil Nadu Legislative Assembly:

Provided that a member of the Tamil Nadu Legislative Assembly shall cease to be a member of the Commission from the date on which he ceases to be a member of the Tamil Nadu Legislative Assembly;

(d) The Secretary to Government in-charge of Social Welfare and Nutritious Meal Programme Department to be an ex-officio member;

(e) a Member-Secretary to be appointed by the Government, who shall be an officer of the All India Service, not lower in rank than that of a Joint Secretary to Government.

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 Government in this behalf.

(2) The honorarium and allowances payable to, and the other terms and conditions of service of, the Chairperson and members shall be such as may be prescribed.

(3) The Chairperson or a member may, at any time, by writing and addressed to the Government, resign from the office of Chairperson or as the case may be, from the office of the member.

(4) Notwithstanding anything contained in sub-section (1), the

Government shall remove a person from the office of Chairperson or any 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 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 Government, has so abused the position of Chairperson or member, as the case may be, as to render that person's continuance in office is detrimental to the public interest:
- Provided that no person shall be removed from office under this subsection until that person has been given a reasonable opportunity of being heard in the matter.

(5) A vacancy caused under sub-section (3) or (4) or otherwise shall be filled by fresh nomination by the Government and the person so nominated shall hold office for the remainder of the term of office of the person in whose vacancy such person has been nominated would have held office, if the vacancy had not occurred: Provided that if a vacancy of a member, other than that of the Chairperson, occurs within six months preceding the date on which the term of office of the Member expires, such vacancy shall not be filled in.

Explanation.-- For the purpose of this Section, "member" does not include "Member-Secretary" and an ex-officio member.

5. 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 in, or defect in the constitution of the Commission, or any defect in the nomination of a person acting as the Chairperson or a member or any irregularity in the procedure of the Commission, including in issuing of notice for holding of a meeting, not affecting merits of the matter.

6. Officers And Other Employees Of The Commission :-

(1) The 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 salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Commission shall be such as may be prescribed.

(3) The officers and employees referred to in sub-section (1) shall be under the administrative control of the Chairperson.

CHAPTER 3

FUNCTIONS OF THE COMMISSION

7. Functions Of The Commission :-

(1) Subject to the performance of the functions of the National Commission for Women under Section 10 of the National Commission for Women Act, 1990 (Central Act 20 of 1990), 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 Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(c) make it such reports, recommendations for the effective implementation of those safeguards for improving the conditions of women by the Government;

(d) review, from time to time, the existing provisions of laws affecting women and recommend amendments thereto so as to provide for remedial legislative measures to meet any lacuna, inadequacies or shortcomings in such legislations;

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

(f) look into complaints and take suo-motu notice of matters relating to--

(i) non-implementation of any laws to provide protection of women's right and also to achieve the objective of equality and development;

(ii) non-compliance of policy decisions, 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 concerned 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 services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;

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

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

(k) 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 wherever necessary take up the matter with the concerned authorities for remedial action;

(l) implicate and fund litigation involving issues affecting women;

(m) make reports to the Government on any matter pertaining to women and in particular the difficulties under which women toil, from time to time;

(n) any other matter which may be referred to it by the Government.

(2) The Commission shall, while investigating any matter referred to in clause (a) or sub-clause (i) of clause (f) of sub-section (1), have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters, namely: --

(a) summoning and enforcing the attendance of any person 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.

(3) If the Commission, after investigating any matter, is satisfied that there is a prima facie case, the Commission may refer the matter to the authority concerned, including the police, and such authority shall take appropriate action as per law.

(4) The Commission may, for the purpose of making recommendations under sub-section (1), consider or adopt any

suggestion or recommendation made by any Committee or any other body or organisation, which was formed by the Government before the date of commencement of this Act.

(5) The Government shall cause all the reports referred to in clause (b) of sub-section (1) to be laid before the Legislative Assembly 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.

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 so co-opted shall be entitled to receive such allowances for attending the meetings of the committee as may be prescribed.

9. Procedure To Be Regulated By Commission :-

(1) The Commission or a committee thereof shall meet as and when necessary at least once in three months 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 committees 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.

10. Power Of The Commission To Utilise The Service Of Certain Officers And Investigating Agencies For Conducting Investigation :-

(1) The Commission may, for the purpose of conducting investigation under this Act, utilize the services of--

(a) any other officer or investigating agency of the State Government; or

(b) any other person.

(2) Any officer or agency or person referred to in sub-section (1) shall investigate into the matter as directed by the Commission and submit a report thereon to the Commission within such period as may be specified by the Commission.

CHAPTER 4

FINANCE, ACCOUNTS AND AUDIT

11. Grants By The Government :-

(1) The Government shall, pay to the Commission by way of grants such sums of money as the Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act.

(3) The honorarium and allowances payable to the Chairperson and members and the administrative expenses, including salaries, allowances and pensions payable to the Member-Secretary and to the officers and other employees referred to in Section 6 and allowances to persons referred to in sub-section (3) of Section 8, shall be paid out of the grants referred to in subsection (1).

12. Annual Accounts And Audit :-

(1) The accounts of the Commission shall be maintained in such manner and in such form as may be prescribed. The Commission shall prepare an annual statement of accounts in such form as may be prescribed.

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

(3) The auditor appointed under sub-section (2) shall, for purposes of audit, have such rights, privileges and authority as may be prescribed.

(4) The Member-Secretary shall cause the audit report to be printed and forward a printed copy thereof, to each member and shall place such report before the Commission for consideration at its next meeting.

(5) The Commission shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.

(6) The accounts of the Commission as certified by the auditor

together with the audit report along with the remarks of the Commission thereon shall be forwarded to the Government within such time as may be prescribed.

(7) The Government may, by order in writing, direct the Commission to take such action as may be specified in the order to remedy, within such time as may be specified therein, the defects, if any, disclosed in the audit report, and the Commission shall comply with such direction.

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 Government.

14. Annual Report And Audit Report To Be Laid Before The Legislative Assembly :-

The 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 Government and the audit report to be laid as soon as may be after the reports are received, before the Legislative Assembly.

CHAPTER 5 **MISCELLANEOUS**

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

The Chairperson, members, officers and other employees of the Commission shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, or any rule or order or direction made or issued under this Act, to be public servants within the meaning of Section 21 of the Indian Penal Code (Central Act XLV of 1860).

16. Statements Made By Persons To Commission :-

No statement made by a person in the course of giving evidence before the Commission or any officer or agency or the person referred to in sub-section (1) of Section 10, shall subject him to, or be used against him in, any civil or criminal proceeding except a

prosecution for giving false evidence by such statement:

Provided that the statement--

- (a) is made in reply to a question which is required by the Commission or such officer or agency or such person to answer, or
- (b) is relevant to the subject matter under investigation.

17. Application Of Other Laws Not Barred :-

Save as otherwise provided, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

18. Protection Of Act Done In Good Faith :-

No suit, prosecution or other legal proceeding shall lie against any member of the Commission or any officer or other employee of the Commission or any person acting under the direction either of the Government or of the Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule, order or direction made or issued thereunder.

19. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order, published in the Tamil Nadu Government Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulty:

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

20. Power To Make Rules :-

(1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

- (a) the honorarium and allowances payable to, and other terms and conditions of service of the Chairperson and members under subsection (2) of Section 4 and the salaries and allowances of officers and other employees under sub-section (2) of Section 6;
- (b) the allowances for attending the meetings of the committee by

the co-opted persons under sub-section (3) of Section 8;

(c) the form and the manner in which the accounts, and the form in which the annual statement of accounts, shall be prepared under subsection (1) of Section 12;

(d) the form in which and the time at which the annual report shall be prepared under Section 13;

(e) any other matter which is required to be, or may be, prescribed under this Act.

(3) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the date on which they are published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, shall come into force on the date on which they are published.

(4) Every rule made or notification issued under this Act and every order made under Section 19 shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule, notification, or order or the Legislative Assembly decides that the rule, notification, or order should not be made or issued, the rule, notification, or order 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, notification, or order.