

ASSAM STATE COMMISSION FOR WOMEN ACT, 1994

Registered No. A-12 THE ASSAM GAZETTE EXTRAORDINARY 56 6 1994, 16 1916 No. 56 Dispur, Friday; 6th May, {994. 16th Veisakha, 1916 GOVERNMENT OF ASSAM ORDERS BY THE GOVERNOR LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH NOTIFICATION The 6th May 1994 following Act of the Assam Legislative Assembly which received the assent of the Governor is . hereby published for general information. 730 ASSAM GAZETTE. EXTRAORDINARY- ASSAM ACT NO. XXI OF 1994 (Received the assent of the Governor on 5th May, 1994) THE ASSAM STATE COMMISSION FOR WOMEN ACT, 1994 AN ACT to constitute an Assam State Commission for Women and to provide for matters connected therewith or incidental thereto. ? reamble, Whereas it is expedient to provide for the constitution of Commission for furthering the fundamental rights guaranted by Articles 14, 15 and 16 of the Constitution of India with respect to women and to give effect to the Directive Princi- ples of State Policy and in particular those enshrined in Articles 38, 39, 39A and 42 of the Constitution to improve the status and dignity of women in the society, to inves- tigate into and take or €vggest suitable remedial measures against practices derogatory to vomer, to effectively moni(or and implement laws affecting women and to advise Governe ment and all matters related to the improvement and uplift- ment of status and dign!ty of women In the society. It is hereby enacted in the Fort*fifth Year of the Republic of India as follows : — Short tit le, extent and commence. men t. Definition. CHAPTER-I 1.(1) Thi\$ Act may be called the Assam State Commi- ssion 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. In this Act unless 'he coniekt Othel wise requires,—(a) "Chairperson" means the Chairperson appointed under this Act and includes the Vice-Chairperson ; (b) "Commission" means the Assam State Commission foi 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 presci it)€d by made under this Acte THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 731 CHAPTER—11 THE ASSAM STATE COMMISSION FOR WOMEN Constitution of the Assam State Comi- mission for Women. T e m of office a n d conditions of service o f Chairperson and Mern- bars. (2) (3) (4) The State Government shall, by notification in tho Official Gazette, constitute a Commission to be known as the Assam Stace Cemuission for Women. The Commissiona shall consist of the following (a) The Chairperson ; (b) The Vice-Chairperson ; to be nominated by the State Government. Seven Members •to be appointed by the State Govern- ment of whom atleast one 8ball belong to the Sched- uled Castes/Scheduled Tribes from amongst persons of ability and integrity and who have served the cause of women or have had experlence in law or administration concerning the advancement of women or leadership of any voluntary organisation for women for progection and promotion of common interest of women. A Member-Secretary, . to be nominated by the State Government, who shall be— (i) an expert in the field of management, organisa- tional structure of sociological movement, or (ii) an omcer who is a member of a Civil Service of the State or holds a civil post under the State Vith appropriate experience. 4. (1) The Chairperson and every Member shall hold omce (2) for such period not exceeding three years, ag may be specified by the State Government in this behalf, The Chairperson or a Member other than the Member-Secretary may, by writing and addressed t' the State Government, resign from the office of the Chairperson, as the case may be, ; of the Member at any time. 732 THE ASSAM GAZETTE, EXTRAORDINARY, 1.fAY 6, 1994 (3) The State Government shall remove a person from the omce 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 Commissionp absent from three consecutive zaeetlngs of the Commission ; or (f) in the opinion of the State Government, bas so abused the position of Chairperson cr Member as to render that person's continuance in office detrimental to the public interest : Provided that no person shall be removed under this oub-section until that person' h8S beeAA given a reasonable opportunity of being heard in the rnatter. (4) A vacancy causeãi under sub-section (2) or other- wise shall be filled by fresh nomination, (5) The remuneration and

allowances payable to and the other terms and conditions of service of, the Chair- person and Members shall be such as may be Officers and other employees of the Commission. prescribed. 5. (1) The State Government shall provide such officers and employees necessary for the efficient performance of the Commission under this Act. the Commission as may be the functions (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 be prescribed, THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 933 6. The remuneration and other allowances payable to Remuneration and the Chairperson and Members and the administrative expenses other allowances to be paid, including allowances and pensions payable to the paid out of officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 11. Vacancies, etc. not to invalidate proceedings of the Commission. Committees of the Commission. Procedure to be regulated by the Commission

7. 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 8.9. (1) (2)

(3) (1) (2) (3) 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. 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, The persons co-opted under sub-section (2) shall be entitled to receive such allowances for attending the meeting of committee may be prescribed. 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. The Commission shall regulate its own procedure and the procedure of the committees thereof. 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, 734 ASSAM GAZETTE EXTRAORDINARY, MAY 6, CHAPTER-III FUNCTIONS OF THE COMMISSION 1994 Functions of the Commission. 10. (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 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 women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, 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 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 or (g) 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 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 • THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 735 (h) (i) (k) (l) 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 ; participate and advice on the planning process of socio-economic development of women ; evaluate the progress of the development of women under the State ; 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 ; 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 alongwith 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 subclause (i) or 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 (2) (c) (d) (e) (f) summoning and enforcing the attendance of any person from any part of Assam and examining him on oath • requiring the discovery and production of any document ; receiving evidence on affidavits ; requisitioning any public record or copy - thereof from any Court or office issuing Commissions for the examination of witnesses and documents ; and any other matter which may be prescribed. 736 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 CHAPTER—IV FINANCE, ACCOUNTS AND AUDIT Grants by J I. (1) The State Government shall after due appropriation made by State Legislature in this behalf, pay to the Government Commission by way of grants such sums of money as the 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). Accounts 12. (1) The Commission shall maintain proper accounts and audit, 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. Annexure 13. The Commission shall prepare in such form and at such time, for each financial year, as may be prescribed, its report, annual report giving full account of its activities during the previous financial year and forward copy thereof to the State Government

14. The State Government shall cause the annual report and together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the to be laid before the State Government, and the Commission shall cause the same to be laid before the Assembly. ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 737 CHAPTER-V MISCELLANEOUS Chairperson, 15. The Chairperson, the Members, officers and Members other employees of the Commission shall be deemed to be public servants within the meaning of Section Central Act the Commission to be 21 of the Indian Penal Code. 45 of 1860. public servants

16. The State Government shall consult the State Government Commission on all major policy matters affecting women. Power to 17. (1) The State Government may, by notification in the Gazette, make rules for carrying out the provisions of this Act. (2) In particular, and without 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, and the time at which the annual report shall be under Section 13 (f) any other matter which is to be, or may be, prescribed. Repeal and 18. (1) The Assam State Commission for Women Ordinance, 1993 is hereby repealed. Ordinance NO. of 1993. (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. K.

LASKAR, Secretary to the Govt. of Assam, Legislative Department. G UWAHAT1—Printvd by DJ.
Director (P), Directorate of Pt a a, sty. No. 111-1005-400, 6-5.196

