

The Bihar State Commission for Women Act, 1999

Bihar Act 6 of 1999

bh115

To Constitute A State of Commission For Women And To Provide for Matters connected Therewith or Incidental Thereto.

Be it enacted by the Bihar State Legislature in the fiftieth year of the Republic of India as follows:

CHAPTER I

Preliminary

1. Short title, extent and commencement. - (1) This Act may be called the Bihar State Commission for Women Act, 1999.

(2) It extends to the whole of State of Bihar.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions. - In this Act, unless the context otherwise requires-

(a) "*Commission*" means the Bihar State Commission for Women constituted under Section 3;

(b) "*Members*" means a Member of the Commission and includes the member-secretary;

(c) "*Prescribed*" means prescribed by rules made under this Act.

CHAPTER II

The Bihar State Commission For Women

3. Constitution of the Bihar State Commission for Women. - (1) The Bihar State Government shall constitute a body to be known as the Bihar State Commission for Women to exercise the powers conferred on, and to perform the functions assigned to it, under this Act. Chairperson and other non-official members of the Commission shall be women only.

(2) The Commission shall consist of-

(a) A Chairperson, committed to the cause of women, to be nominated by the State Government;

(b) Besides, seven non-official women members to be nominated as follows by the State Government from amongst persons of ability, integrity and standing:

(i) Of 7 non-official members, one belonging to Scheduled Castes, one to Scheduled Tribes, one to Minority and one to Backward classes, and who have sufficient experience of social service.

(ii) One who have had experience in law or legislation,

- (iii) One who have experience in N.G.Os., Trade Union Management of an Industry or Organisation committed to increasing employment potential of women;
- (iv) One with experience to social welfare or administration or health or education.

(c) One official member to be a representative of Welfare Department;

(d) One official member to be representative of Home (Special) Department;

(e) Managing Director of the Bihar State Women Development Corporation, Patna would be *ex-officio* Member-Secretary of the Commission.

4. Terms 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 in the notification. (2) The Chairperson or any non-official member may, in writing and addressed to the Government, resign from her office. In case the Chairperson or other nonofficial member-

- (a) becomes an undischarged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence involving moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refused to act or becomes incapable of acting;
- (e) 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 abuses the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest; she could be removed by the State Government from her office.
- (g) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

5. Facilities of Chairperson and non-official members of the Commission. - The post of Chairperson and members of the Bihar State Commission for Women, shall be purely honorary and voluntary. However, TA/DA at the rates prescribed by the State Government would be payable to the Chairperson and Members for work related to the Commission.

6. The 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 salaries and 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 by the State Government.

7. Salaries and allowances to be paid out of grants. - The allowances, etc. payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in Section 5; shall be paid out of the grants.

8. 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.

9. Constitution of the committees by the Commission. - (1) The committees may be constituted by the Commission as may be necessary from time to time for dealing with special cases.

(2) The Commission shall have the power to co-opt as members of any committee constituted under sub-section (1) such 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.

9A. Procedure to be regulated by the Commission. - (1) The time, place and date of the meeting of the Commission or a Committee thereof shall be fixed by the Commission or the Chairperson of the Committee concerned.

(2) The Commission shall regulate its own procedure and the procedure of all 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.

CHAPTER III

Functions of The Commission

10. Functions of the Commission. - (1) The Commission shall perform all or any of the following functions namely:-

- (a) To investigate and examine all matters relating to the safeguards provided for women under existing laws;
- (b) To present to the State Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards for women;
- (c) To make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women in the State;
- (d) To review, from time to time, the existing provisions and laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislation's;
- (e) To take up all cases of atrocities against women in the State and violation of laws relating to women with the appropriate authorities.
- (f) Look into complaints and take *suo motu* notice of matters relating to the following subjects:-
 - (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 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 investigations into specific problems or situations arising out of discrimination and identify the constraints so as to recommend strategies for their removal;
 - (h) undertake promotional and educational research so as to suggest ways and 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 under the State;
 - (k) inspect or cause to be inspected a jail, remand homes, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;
 - (l) 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 suffer;
 - (n) any other matter which may be referred to it by State Government.
- (2) The State Government shall cause all the reports referred in clause (b) of Sub-section (1) to be laid before each House of 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, or any of such recommendations.
- (3) The Commission shall, while investigating any matter referred to in clause (a) of sub-section (i) and sub-clause (i) of clause (f) have all the powers of a 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 India 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 IV

Finance Accounts And Audit

11. Grants by the State Government. - (1) The State Government shall, after due appropriation made by Legislature by law in this behalf, 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, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

(3) The State Government shall also prescribe the financial powers of the Chairperson and Member-Secretary, and the procedure for sanction of funds for matters related to the work of the Commission.

12. Accounts and Audits. - (1) The Commissions 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 (A and E) of the State.

(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.

(3) The Accountant General and 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 Comptroller and Auditor 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 paper 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 Legislature. - 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 the State Government and the reasons for the non-acceptance, if any, of any such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of the Legislature.

CHAPTER V

Miscellaneous

15. Chairperson, Members 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 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 power, the State Government may provide such, Rules as it thinks fit for all or any of the following matters, namely:-

- (a) Allowances, etc., payable to, and the other terms and conditions of service of, the Chairperson and Members under Section 5 and the salaries and allowances of officers and other employees under subsection (2) of Section 6;
- (b) Allowances for attending the meetings of the committee by the co-opted persons under sub-section (3) of Section 6;
- (c) Other matters under clause (f) of sub-section (4) of Section 10;
- (d) the form in which the annual statement of accounts shall be maintained under sub-section (1) 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.

(3) 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 immediately following the session, or successive sessions aforesaid, both House 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.