

The 2nd May, 2005

No. LL(B). 65/93/441- The Meghalaya State Commission for Women Act, 2005 (Act No. 7 of 2005) is hereby published for general information.

MEGHALAYA ACT NO. 7 OF 2005

As passed by the Meghalaya Legislative Assembly

Received the assent of the Governor on the 29th April, 2005

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THE MEGHALAYA STATE COMMISSION FOR WOMEN ACT, 2005

An

Act

To provide for the constitution of a women's Commission to improve the status of women in the State of Meghalaya and to inquire into unfair practices affecting women and for matters connected therewith or incidental thereto:

Whereas it is expedient to provide for the constitution of a Commission to improve the status of women in the State of Meghalaya and to inquire into unfair practices affecting women and for matters connected therewith or incidental thereto:

Be it enacted by the Legislature of the State of Meghalaya in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER II

Constitution of the Commission

Constitution of the Commission

- 3 (1) The State Government shall constitute a body to be known as the Meghalaya State Commission for Women to exercise powers conferred on, and to perform the functions assigned to it, under this Act.
- (2) The Commission shall consist of:-
- (a) A Chairperson and a Vice Chairperson to be nominated by State Government from among eminent women who have served the cause of women and who have sufficient knowledge and experience in dealing with women's problem
- (b) Four members to be appointed by the State Government from amongst the persons of ability and integrity who have served the cause of women or have had experience in Law or Administration of matters concerning the advancement of women or leadership of any trade union or voluntary organisation for Women for protection and promotion of common interest of women;
- (3) An Officer of the Government of Meghalaya, with experience in the field of women's welfare shall be the Secretary of the Commission.

Term of office and conditions of the service of Chairman and Member.

- 4 (1) The Chairperson or the Vice Chairperson or a 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 the Vice Chairperson or a Member, may, at any time, resign her office by writing under her hand addressed to the State Government.
- (3) The State Government may remove a person from the office of Chairperson, or Vice Chairperson or Member, 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 State 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, absent from three consecutive meetings of the Commission; or
- (f) In the opinion of the State Government has so abused the position of the Chairperson, or Vice Chairperson or Member as to render that person's 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 (3) shall be filled by a fresh nomination or appointment, as the case may be.
- (5) The Salaries and allowances or honorarium payable to, and the other terms and conditions of service of, the Chairperson, Vice Chairperson and Members, shall be such as may be prescribed.

Officers and other employees of the Commission

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- (1) The State Government shall appoint the Secretary as per provision Section 3 (3).
- (2) The Commission shall appoint other employees to assist the Commission in its day to day function, by direct recruitment or on deputation with the prior approval of the State Government.
- (3) 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

Salaries and allowances to be paid out of grant made by State Government.

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The Salaries and allowances or honorarium payable to the Chairperson, Vice Chairperson and Members, and the administrative expense including salaries allowances, etc, payable to the officers and others employees referred to in Section 5 shall be paid out of grant made by the State Government.

Vacancies etc., not to invalidate proceedings of the Commission

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No act or proceeding of the Commission or any Committee thereof shall be invalid by reason only of the existence of any vacancy in or any defect in the constitution of the Commission or such Committee as the case may be.

CHAPTER –III

Powers of the Commission

Powers of the Commission

- 12** (1) The Commission shall, for the purpose of any inquiry under this Act have the same powers as are vested in a Civil Courts while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:-
- (a) Summoning and enforcing the attendance of any witness and examining him/her.
 - (b) Requiring the discovery and production of any document;
 - (c) Receiving evidence on affidavit;
 - (d) Requisitioning any public records or copy thereof from any public office;
 - (e) Issuing commissions for examination of witnesses.
- (2) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of Section 193 and 228 of the Indian Penal Code (Central Act 45 of 1860) and the Commission shall be deemed to be a court for the purpose of Section 195 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974)

CHAPTER –IV

Functions of the Commission

Functions of the Commission

- 13** (1) Subject to the provisions of this Act, the Commission shall perform all or any of the following functions, namely;
- (a) Inquire into unfair practice, take decision thereon and to recommend to the Government the action to be taken in that matter.
 - (b) Investigate and examine all matters relating to the safeguards provided for women under the Constitution of India (herein after referred to as the Constitution) and other laws and recommend steps to be taken by the State Government for effective implementation of such safe guards for improving the conditions of women in the State.

- (c) Present to the State Government annually and at such other times as the Commission may deem fit reports upon the working of these safeguards;
- (d) Review from time to time the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto as to suggest remedial legislative measure to meet any lacunae, inadequacies or shortcomings in such legislators;
- (e) Take up the case of violation of the provisions of the Constitution and of other laws relating to women in the State with the appropriate authorities;
- (f) Look into complaints and take *suo moto* notice of matters relating to:-
 - i) Deprivation of women's right;
 - 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 problems or situation arising out of discrimination and atrocities against women and identify the constraint so as to recommend strategies for their removal;
- (h) Evaluate the progress of advancement of women in the State;
- (i) Inspect or cause to inspected jail, police station/lockup, observation home, children's home, rescue home, shelter home, or other place of custody where women are kept as prisoners or otherwise and take up with the authorities concerned such matters for remedial action as may be necessary.

- (2) The State Government may consult the Commission on policy matters affecting women
- (3) The Commission shall present to the State Government every six months and at such other times as the Commission may deem fit reports of its activities together with its recommendations and the State Government shall cause them to be laid before the State Legislature as soon as possible along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for non-acceptance, if any, of any of such recommendations.
- (4) It shall be the duty of the Commission to furnish comments and recommendations on any report of the National Commission for Women on any matter with which the Government is concerned as the State Government may call for.

CHAPTER – V

Finance, Accounts and Audit

Grant by State Government etc.

- 14** (1) The State Government shall under appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grant such sums of money and in such manner as the State Government in the consultation with the Commission may think fit for being utilised for the purposes of this Act.
- (2) The Commission may with the previous sanction of the State Government and subject to such and conditions as may be specified in this behalf by the State Government may receive grant from Government of India, North Eastern Council, International Funding Agency or other Organisation of similar nature.
- (3) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums of money shall be treated as expenditure payable out of the grant referred to in sub-section (1) and (2).

Accounts and Audit

- 15** (1) The Commission shall maintain proper accounts and other relevant records and prepare statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General, Meghalaya

- (2) The annual accounts of the Commission shall be audited by the Accountant General, Meghalaya.
- (3) The Accountant General, Meghalaya shall have the same rights and privileges and the authority in connection with such audit as the Accountant General, Meghalaya 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 Account General, Meghalaya together with the audit report thereon shall be forwarded annually to the State Government by the Commission.

CHAPTER – VI

Miscellaneous

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| Chairperson members and staff of the Commission to the public servants. | 16 | The Chairperson, the Vice 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 and Section 2 (c) of the Prevention of Corruption Act, 1988. |
| Protection of acts done in good faith | 17 | No suit, prosecution or other legal proceedings shall lie against any member of the Commission or any officer of the Commission for anything which n good faith done or intended to be done under this Act or the rules made there under. |
| Power to make Rules. | 18 | <p>(1) The State Government may, by notification in the <i>Official Gazette</i>, make rules for carrying out the provisions of this Act.</p> <p>(2) In particular and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely:-</p> <p style="margin-left: 40px;">(a) The salaries and allowances or honorarium payable to, and the other terms and conditions of service of the Chairperson, the Vice Chairperson and the Members under sub-section (5) of Section 4 and the officers and other employees under sub-section (3) of Section 5</p> |

- (b) The form in which the annual statement of accounts shall be maintained under sub-section (1) of Section 15.
 - (c) 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 the State Legislature, while it is in session and if the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rules should not be made, the rules shall thereafter have 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.

Repeal.

- 19** (1) The Meghalaya State Commission for Women Ordinance 2005 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under said Ordinance shall be deemed to have been done or taken under the provisions of this Act.

S. DYKES,

Joint Secretary to the Govt. of Meghalaya,

Law (B) Department.