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NOTIFICATION

No. H. 12018/146/04-LJD/4, the 16th December, 2004. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram State Commission for Women Act, 2004
(Act No. 12 of 2004)

Received the assent of the Governor of Mizoram on the 2nd Dec./2004.

AN

ACT

to provide for the constitution of a State Level Commission for Women and for matters connected therewith or incidental thereto.

Preamble : Whereas it is expedient to provide for the constitution of a State Level Commission for Women and for matters connected therewith or incidental thereto;

It is enacted by the Mizoram Legislative Assembly in the Fifty-fifth year of the Republic of India as follows -

CHAPTER - I

PRELIMINARY

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| Short title, extent and commencement | 1. | (1) This Act may be called the Mizoram State Commission for Women Act, 2004.
(2) It shall extend to the whole of the State of Mizoram.
(3) It shall come into force on such date as the State Government may, by notification in Official Gazette, appoint. |
| Definitions | 2. | In this Act unless the context otherwise requires :-
(a) "Chairperson" means the Chairperson appointed under this Act;
(b) "Commission" means the Mizoram State Commission for 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) "National Commission for Women" means the National Commission for women constituted under section 3 of the National Commission for women Act, 1990 (Central Act 20 of 1990);
(f) "prescribed" means prescribed by rules made under this Act.
(g) "Women" includes adolescent girl or female child. |

CHAPTER - II**CONSTITUTION OF COMMISSION****Constitution of
State Commission
for Women**

3. (1) The State Government shall, by notification in the official Gazette, constitute a body to be known as the Mizoram State Commission for Women, to exercise the powers conferred on, and to perform the functions assigned to it under this Act and the Rules framed thereunder.
- (2) The Commission shall consist of -
- (a) a Chairperson committed to the cause of women, to be nominated by the State Government;
 - (b) seven women members to be appointed nominated by the State Government from amongst persons of ability, integrity and standing, who have served the cause of women or have had experience in law or legislation, trade unionism, management of own industry or organisation committed to increasing the employment potential amongst women, women's voluntary organisation, administration, economic development, health, education or social welfare.
 - (c) one Member-Secretary, to be nominated by the State Government, who shall be -
 - (i) an expert in the field of management of non-Government organisation, or social movement, or
 - (ii) an officer of the State Government, with adequate experience.

**Term of Office and
conditions of service of
Chairperson and Members.**

4. (1) The Chairperson and every member other than the Member-Secretary 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 a Member of the Commission other than the Member Secretary may, by writing and addressed to the State Government, resign his/her office.
- (3) The State Government may remove a person from the office of Chairperson or Member other than the Member-Secretary, if that person -
- (a) becomes an undischarged insolvent, or
 - (b) is 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,
 - (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 Chairperson or of member to render that person's continuance in the 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 otherwise shall be filled by a fresh nomination or appointment, as the case may be.

- (5) The salaries and allowances payable to, and other terms and conditions of service of the Chairperson and Members other than the Member-Secretary, shall be such as may be prescribed,

Provided that salaries and allowances payable may be fixed and in the nature of honorarium also.

Officers and employees of Commission

5. (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.

Salaries and allowances to be paid out of grants

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries and allowances and pensions payable to the officers and other employees referred to in section 5 shall be paid out of the grants made by the State Government.

Vacancies etc. not to invalidate proceedings of Commission

7. No act or proceeding of the Commission or Committee thereof shall be questioned or shall be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of as the case may be the Commission or such Committee,

Committees of Commission

8. (1) The Commission may appoint such Committee or Committees as it may consider necessary in due discharge of its functions under this Act.

- (2) The Commission shall have the power to co-opt as members of any committee appointed under sub-section (1) as 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 meeting of the Committee to which they have been co-opted and take part in its proceedings, but shall not have the right to vote in any meetings of such Committee or Committees.

(3) The persons so co-opted shall be entitled to receive such token sitting allowances for attending the meeting of the committee, as may be prescribed.

**Procedure to be
regulated by
Commission**

9. (1) 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.

(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 in his absence, by any other officer of the Commission as may be authorised in writing by the Chairperson in this behalf.

CHAPTER - III

FUNCTIONS OF COMMISSION

**Functions of
Commission**

10. (1) Subject to the provisions of this Act, 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 the Constitution and other laws and recommend steps to be taken by the State Government for effective implementation of such safeguards;

(b) to 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 legislation;

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

(d) to look into complaints and take suo moto notice of matters relating to -

- (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 to take up the issues arising out of such matters with appropriate authorities;

(e) to 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.

(f) to undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres of life 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;

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

(h) to evaluate the progress of the development of women under the State;

(i) to visit a jail, remand home, 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;

(j) to fund litigation involving issues affecting large group or groups of women;

(k) to make periodical report to the Government on any matter pertaining to women and in particular various difficulties under which women toil;

(l) any other matter which may be referred to it by the Central Government or the National Commission for Women.

(2) The Commission shall, while investigating any matter referred to in clause (a) or sub-clause(i) of clause (d) of sub-section (1), have all the powers of a civil court trying a suit under the existing laws 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) any other matter which may be prescribed.

(3) (a) On any investigation mentioned in clause (a) or sub-clauses (i) and (ii) of clause (d) of sub-section (1) being completed, the Commission while taking up the matter with the State Government or the appropriate authority under clause (c) or clause (d) of sub-section (1), may recommend to the State Government or the appropriate authority, as the case may be, to institute legal proceeding or prosecution in the matter and may also recommend to the State Government or to the appropriate authority to appoint a counsel or a special prosecutor for the conduct of any such legal proceedings or prosecution; and the State Government may, having regard to the nature of the case and on being satisfied that it

is so necessary, to appoint a counsel or special prosecutor, do so.

(b) The State Government or the appropriate authority, as the case may be, shall communicate in writing to the Commission from time to time the progress of any such legal proceeding or prosecution filed on the recommendation of the Commission.

(4) The State Government or the appropriate authority as the case may be, shall not apply for withdrawal of any such case or proceeding instituted under sub-section (3) without prior consultation in writing with the Commission.

(5) 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 State Government is concerned as that Government may call for.

Government to consult Commission

11. The State Government shall consult the Commission on all major policy matters affecting women at large.

Power of Commission to utilise the services of certain officers and investigating agencies for conducting investigation.

12. (1) The Commission may, for the purpose of conducting investigations under this Act utilise the services of, -

- (a) any officer or investigating agency of the State Government with the concurrence of that Government, or
- (b) any other persons.

(2) For the purpose of conducting an investigation, any officer or agency referred to in clause (a) of sub-section (1) may, subject to the direction and control of the Commission, -

- (a) summon and enforce the attendance of any person and examine him;
- (b) require the discovery and production of any documents; and
- (c) requisition any public record or copy thereof from any office.

(3) Such officer or agency or the person shall investigate into the matter as directed by the Commission and submit a report thereon (herein-after, in this section referred to as "the investigation report"), to the Commission within such period or extended period as may be specified or extended by the Commission in this behalf.

(4) The Commission shall satisfy itself about the correctness of the facts stated and the conclusions, if any, arrived at in the investigation report submitted to it under sub-section (3) and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it may think fit.

Statements made by persons to Commission

13. No statement made by a person in the course of giving evidence before the Commission or an officer or agency, referred to in clause (a) or the person appointed under clause (b) of sub-section (1) of section 12, shall subject him to or be used against him in any civil or criminal proceeding except in 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.

Registration of voluntary organisations and seeking their assistance

14. (1) Any voluntary organisation for women within the State may seek registration with the Commission for the purpose of the Act. The Commission may, after satisfying itself in the manner deemed fit by the Commission in the value and role of such organisation in the society, include the name of such organisation in its register;

(2) The Commission may maintain a register of voluntary organisations within the State and more particular women's organisations whose assistance it may seek for the discharge of its functions.

(3) In discharge of its functions, the Commission may seek the assistance of any voluntary organisations within the State, more particularly, the women's organisations.

(4) A list of such organisations registered with the Commission shall be made available to any court or authority or, on request, to the members of general public.

(5) If, for any reasons to be recorded in writing, the Commission deems it fit to cancel the name of any organisation from its register, it may do so, after giving such organisation a reasonable opportunity to be heard.

(6) The decision of the Commission about such cancellation shall be final.

Protection of act done in good faith

15. No suit, prosecution or other legal proceedings 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 State 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 rules or orders made thereunder.

CHAPTER - IV

FINANCE, ACCOUNTS AND AUDIT

Grants by State Government

16. (1) The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants from the Consolidated Fund of the State, such sums of money as the State 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 function under this Act, and such sums of money shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and Audit.

17. (1) The Commission 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 of the State of Mizoram.

(2) The annual accounts of the Commission shall be audited by the Accountant General of the State 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 right 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 duly appointed or authorised by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government by the Commission.

Annual Report

18. 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.

Annual and other reports and audit report to be laid before State Legislature

19. The State Government shall cause the annual report and all the reports as may be prepared under sub-section (1) of section 10 together with the memorandum of action taken or proposed to be taken on the recommendation contained therein, in so far as they relate to the State Government and the reasons for the non-acceptance, if any, of such recommendation and the audit report, to be laid as soon as may be after the reports are received, before the State Legislative Assembly.

Chairperson, members etc. to be public servants.

20. 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).

Power to make Rules

21. (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 powers, such rules may provide for all or any of the following matters, namely :-

- (a) salaries and allowances payable to and the other terms and conditions of service of the Chairperson and the 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 persons under sub-section (3) of section 8;
- (c) other matters under clause (d) of sub-section (2) of section 10;
- (d) 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 Mizoram Legislative Assembly while it is in session for a total period of seven days which may be comprised in one session or in two sessions and if, before the expiry of the session immediately following the session or successive session as aforesaid, the Mizoram Legislative Assembly agree in making any modification in the rule or 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 or omitted to be done under that rule.

Removal of difficulty

22. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removal of the difficulty.

Application of the National Commission for Women Act, 1990 (Central Act No. 20 of 1990) not barred.

23. The provisions of this Act or the rules made thereunder shall be in addition to and not in derogation of or in conflict with the provisions of National Commission for Women Act, 1990 (Central Act No. 20 of 1990) or the rules made thereunder.