

No. 2/21/2005-Leg/L
GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, the 11th July, 2006

The following Act of the Legislature, Manipur which received assent of the President of India on 26-6-2006 is hereby published in the Manipur Gazette.

THE MANIPUR STATE COMMISSION FOR WOMEN ACT,
2006

(Manipur Act No. 13 of 2006)

An

Act

To constitute a State Commission for Women and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Manipur in the Fifty-seventh Year of the Republic of India as follows:-

PRELIMINARY

1. Short title, extent and commencement:-
2. The Act may be called the Manipur State Commission for Women Act, 2006.
3. It extends to the whole of the State of Manipur.
4. It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.
5. Definitions:- In this Act, unless the context otherwise requires :-
6. "Commission" means the Manipur Commission for Women constituted under section 3;
7. "Member" means a Member of the Commission including the Member-Secretary;
8. "prescribed" means prescribed by rules made under this Act;
9. "State Government" means the Government of Manipur.

CONSTITUTE OF COMMISSION

3. Constitution of State Commission for Women:-

1 The State Government shall constitute a body to be known as the Manipur Commission for Women to exercise the powers conferred on it and to perform the functions assigned to it under this Act.

2. The Commission shall consist of –

1. A chairperson who is committed to the cause of women, to be nominated by the State Government;
2. 3 (three) Members to be nominated by the State Government from amongst eminent persons having experience in social works, administration, law, or the cause of women, of whom at least one shall be from amongst the Scheduled Tribes or Scheduled Castes;
3. a Member-Secretary to be appointed by the State Government from amongst suitable Government Officer or person experienced in administration.

4. Terms of office and condition 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.

(2) The Chairperson or a Member (other than the Member-secretary) may, in writing and addressed to the State Government, resign from the office of the Chairperson or a Member, as the case may be, at any time.

- (3) The State Government shall remove a person from the office of Chairperson or a Member referred to in sub-section (2) if that person:-
- (a) becomes an undischarged insolvent, or
 - (b) gets convicted and sentenced to imprisonment for an offence involving moral turpitude, or
 - (c) becomes of unsound mind and stands so declared by a competent court, or
 - (d) refuses to act or become incapable of acting or,
 - (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission, or
 - (f) if, in the opinion of the State Government, has abused the position of Chairperson or Member, as the case may be, so as to render that person's continuing in office detrimental to the public interest;

Providing 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) and (3) or otherwise shall be filled by fresh nomination by the State Government.

(5) The salaries and allowances payable to and other terms and conditions of service of Chairpersons and Members shall be as may be prescribed.

(5) Officers and employees of 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.

(6) Salaries and allowances to be paid by the State Government:-

The salaries and allowances payable to the Chairperson and the Members and the administrative expenses, including salaries and allowances payable to or in respect of the officers and other employees of the Commission shall be paid out of grant by the State Government.

(7) Vacancies, etc. not invalidate proceedings of Commission:

No Act or proceedings of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission

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(8) Procedures to be regulated by Commission:-

(1) The Commission shall meet at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Chairperson or any member or the Member-Secretary of the Commission duly authorized by the Chairperson in this behalf.

(9) Committees of the Commission:-

(1) The Commission may appoint such Committees as may be necessary for dealing with special issues may be taken up by the Commission from time to time.

(2) The commission shall have the powers to co-opt as Members of any Committee appointed under sub-section (1) such member 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 person so co-opted shall be entitled to receive such allowances the meetings of the Committee as may be prescribed.

FUNCTIONS OF THE COMMISSION

(10) Functions of the Commission:-

(1) Subject to the provision of this Act, the Commission shall perform all or any of the following functions:-

(a) investigate and examine all matters relating to the safeguard provided for women under the Constitution of India (hereinafter referred to as the Constitution) and other laws and

recommend steps to be taken by the State Government for effective implementation of such safeguard;

(b) 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 service and technologies for reducing drudgery and occupational health hazard and for increasing their productivity;

(c) Take up cases of violation of the provisions of the Constitution and other laws relating to Women in the State with the appropriate authorities;

(d) 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 and also to achieve the objectives of equality and development of women;
- iii) Non-compliance of policy decisions, guidelines, and instructions aimed at mitigating hardship and ensuring welfare and providing relief to women and to take up issues arising out of such matters with appropriate authorities;

1. call for special studies or investigation into specific problems or situation arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;
2. evaluate the progress of the welfare and development of women in the state;
3. inspect or cause to be inspected jails, remand homes, women's institutions or other places of custody where women are kept as prisoners or otherwise and take up with the authorities concerned for remedial action, if found necessary;
4. make periodical reports of the Government on any matter pertaining to women and in particular various difficulties under which women toil;
5. any other matter which may be referred to it by the State Government;
6. funding of litigation involving issues affecting a large body of women;
7. participate and advice on the planning process of socio-economic development of women.

(2)The Commission shall, while investigating any matter referred to in sub-clauses (a) and (d) of sub-section (1), have all the powers of a Civil Procedure, 1908, while 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) Any other matters which may be prescribed.

11. Reports of the Commission:-

(1) The Commission shall prepare and prepare and present to the State Government an annual report for each financial year and report at such other times as the Commission may deem fit, of its activities together with its recommendations, and the State Government shall cause them to be laid before 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 such recommendations.

(2) It shall be duty of the Commission to furnish comments and recommendations or any report of the National Commission for Women or any matters with which the State Government is concerned as the State Government may call for.

FINANCE, ACCOUNTS AND AUDIT

12. Grant by State Government:-

(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 may think fit for being utilized for the purposes of this Act.

(2) The Commission may spend such sums of money as it thinks fit for performing 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)

13. Accounts and Audit :

(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such forms as may be prescribed by the State Government in consultation with the Accountant General, Manipur.

(2) The annual accounts of the Commission shall be audited by the Accountant General, Manipur.

(3) The Accountant General, Manipur shall have the same right and privilege and authority in connection with such audit as Accountant General, Manipur 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 offices of the Commission.

(4) The accounts of the Commission as certified by the Accountant General, Manipur together with the Audit Report thereon shall be forwarded annually to the State Government by the Commission.

MISCELLANEOUS

14. Chairperson, etc. 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.

15. Powers of State Government to make rules:-

(1) The State Government may, by notification, make rules for carrying out the provisions 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) Salaries and allowances payable to and the terms and the conditions of service of the Chairperson and the Members under sub-section (5) of section 4 and all officers and other employees under sub-section (2) of section 5.

(b) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13 ;

(c) the form in which and the time at which, the annual report shall be prepared under section 11.

(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, for a total period of 14 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 the successive sessions aforesaid, the State Legislative agrees in making any modification in the rules 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.