

Punjab State Commission for Women Act, 2001

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India

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Act 4 of 2001

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Punjab State Commission for Women Act, 2001 Punjab Act No. 4 of 2001 Statements of Objects and Reasons. - Punjab Government had constituted a Non Statutory Advisory Board known as Punjab Raj Mahila Commission in 1994. However, with constitution of this Commission the main grievances of the women have not been sorted out. Despite Provisions of freedom and amongst men and women in the Constitution and in various legislations, majority of the women particularly poor and rural women are denied the basic value of freedom and are being treated very unfairly. The socio cultural disabilities from which women suffer have resulted in the perpetuation of discrimination against them and it is felt that Government support is necessary to improve and up-grade the status of women in the society. Several States have set up State Level Commission for women on the pattern of National Commission for Women. It is proposed that a Commission for women of Punjab may also be constituted under an act of Legislation which will have the powers of Civil Courts. It will help women to get justice without going through the lengthy process of Civil Courts. It will certainly improve the status of women. Vide Punjab Government Gazetted (Extraordinary), the dated 1st March, 2001 Page 228. Received the assent of the Governor of Punjab on the 19th April, 2001 and was published in the Punjab Gazette, (Extra.), Legislative Supplement, Part I, dated April 19, 2001/Chaitra 29, 1923. An Act to provide for the constitution of the State Commission for Women with a view to improve the Status of women in the State, of Punjab and to enquire into unfair practices affecting women and for the matters connected therewith or incidental thereto. Be it enacted by the Legislature of the State of Punjab in the Fifty second Year of the Republic of India as follows :

1. Short title and commencement.

(1) This Act may be called the Punjab State Commission for Women Act, 2001. (2) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"Commission" means the Punjab State Commission for Women constituted under section 3;(b)"Government" means the Government of the State of Punjab in the Department of Social Security and Women and Children Development;(c)"Member" means a Member of the Commission and includes the Chairperson and the Member-Secretary;(d)"National Commission for Women" means the National Commission for Women constituted under section 3 of the National Commission for Women Act, 1990 (Central Act No. 20 of 1990);(e)"prescribed" means prescribed by rules made under this Act; and(f)"Women" includes female child or adolescent girl.

3. Constitution of the Commission.

(1)The Government shall, by notification in the Official Gazette, constitute a body to be known as "the Punjab State Commission for Women" to exercise the powers conferred on and to perform the functions assigned to it, under this Act.(2)The Commission shall consist of :-(a)a Chairperson, who shall be an eminent woman committed to the cause of women to be nominated by the Government;(aa)[a Senior Vice-Chairperson and a Vice-Chairperson, who shall be eminent women committed to the cause of woman, to be nominated by the Government;] [Substituted by Punjab Act No. 53 of 2016, dated 23.12.2016](b)not more than six non official members preferably women, to be nominated by the Government from amongst the persons of ability, integrity and standing who have served the cause of women or have sufficient knowledge and experience in law or legislation, administration of matters concerning the advancement of women or leadership of any trade union or voluntary organisation for women for protection, upliftment and promotion of common interest of women :Provided that, at least one member shall be from amongst the persons belonging to the Scheduled Castes :Provided further that, before nominating the Chairperson, the Government shall consult the women organisations within the State of Punjab;(c)the Director General of Police of Punjab shall be the ex officio member of the Commission;(d)the Director, Social Security and Development of Women and Children shall be the ex officio member of the Commission; and(e)One Member-Secretary, to be appointed by the Government preferably from amongst the women officers of the Indian Administrative Service or the Punjab Civil Service not below the rank of Joint Secretary to the State Government.

4. Term of office and conditions of Service of Chairperson and members.

(1)The Chairperson and every non official member shall hold office for a period of three years.(2)[The Chairperson or Senior Vice-Chairperson or Vice-Chairperson or a non-official member may, at any time, by writing and addressed to the Government, resign from the office of the Chairperson or of the office of the Senior Vice-Chairperson or of the office of the Vice-Chairperson or of the office of the member, as the case may be.] [Substituted by Punjab Act No. 53 of 2016, dated 23.12.2016](3)Notwithstanding anything contained in sub-section (1), the Government may remove a person from the office of the Chairperson or 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 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 Commission, absents from three consecutive meetings of the Commission;(f)in the opinion of the Government, has so abused the position of the Chairperson or member as to render that person's continuance in office detrimental to the public interest or is otherwise unfit or unsuitable to continue as such Chairperson or member :Provided that, no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.(4)A vacancy caused under sub-section (2) or sub-section (3) or in any other manner, shall be filled in, as soon as may be, by a fresh nomination by the Government; and the person so nominated, shall hold office for the remainder of the term of office of the person in whose vacancy such person has been nominated, would have held office, if the vacancy had not occurred :Provided that, if the vacancy of a member other than that of the Chairperson occurs within six months preceding the date on which the term of office of the member expires, the vacancy shall not be filled in.(5)The honorarium, if any, and allowances payable to, and the other terms and conditions of holding the office of the Chairperson and the members shall be such, as may be prescribed.

5. Officers and other employees of the Commission.

(1)The Government shall provide the Commission with such officers and employees, as in the opinion of the Government, 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 out of grants.

- The honorarium and allowances 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 referred to in section 16.

7. 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 in, or defect in the constitution of the Commission or any defect in the nomination of a person acting as the Chairperson or a member or any irregularity in the procedure of the Commission, including issuing of notice for holding of a meeting, not affecting merits of the matter.

8. Committees of the Commission.

(1)The Commission may constitute such committee or committees, as may be considered necessary for the efficient performance, exercise and discharge of its functions, powers and duties and also for dealing with such issues, as may be taken up by the Commission, from time to time.(2)The Commission shall have the power to appoint one or more persons, as it may think fit, on the

committee or committees, as the case may be, constituted under sub-section (1), and such person or persons, who are not members of the Commission, 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 appointed, shall be entitled to receive such allowances for attending the meetings of the Committee, as may be prescribed.(4)The Commission may invite any representative of the National Commission for Women to any of its meetings, or may associate with itself, in such manner and for such purposes, as it may deem necessary, any person whose assistance or advice, it may need in complying with any of the provisions of this Act or in carrying out any of its functions under this Act; and a person so invited or associated, shall have the right to take part in the discussion of the Commission, but shall not have the right to vote.

9. Procedure to be regulated by the Commission.

(1)The Commission or a Committee thereof, shall meet at such time and place as the Chairperson may deem 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 any other officer of the Commission duly authorised by the Member Secretary in this behalf.

10. Powers and functions of the Commission.

(1)The Commission shall, while investigating any matter under this Act, 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 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.(2)The Commission shall perform all or any of the following functions, namely : (i) advise the Government on legislative and developmental policies affecting women; (ii) undertake necessary steps at the Government and public level to protect constitutional and legal rights of women in general and poor amongst them in particular; (iii) monitor the implementation of laws and welfare measures concerning women and initiate action for legal and administrative reforms to improve status of women; (iv) investigate suo moto or on complaint into the discrimination and victimisation of women and recommend remedial action to the Government and initiate judicial proceedings wherever necessary for effective remedy; (v) conduct studies and research into the problems of women and report the same to the Government for appropriate action; (vi) demand prosecution in offences committed against women and assist prosecution with evidence and legal services; (vii) inspect police stations, lock ups, sub jails, rescue homes or other places of custody where women are kept to find out the facilities and treatment provided to women and seek remedial action from the appropriate authorities; (viii) conduct public interest litigation on behalf of groups of women in general, and in special, in an individual case of a woman, who suffer from injustice or discrimination; and provide legal aid and rehabilitation in deserving cases; (ix) approach and assist the courts on behalf of women to ensure justice in matrimonial disputes; (x) investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws; (xi) present to the

Government, annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards referred to in the preceding clauses;(xii)make in such reports recommendations for the effective implementation of the aforesaid safeguards for improving the conditions of women by the Union or any State;(xiii)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; and(xiv)any other matter which may be referred to it by the Government.

11. Government to consult the Commission.

- The Government shall consult the Commission on all major policy matters affecting women.

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

(1)The Commission may, for the purpose of conducting investigation under this Act, utilise the services of -(a)any officer or investigation agency of any other state or the Central Government with the concurrence of that Government; or(b)any other person.(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 document; 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 (hereinafter in this section referred to as "the investigation report"), to the Commission, within such period, as may be specified 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 thinks fit.

13. Statements made by persons to the Commission.

- 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 referred to in clause (b) of sub-section (1) of section 12, shall subject him to, or be used against him in, any civil or criminal proceedings except 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.

14. Protection of acts done in good faith.

- 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 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.

15. Registration of voluntary organisations and seeking their assistance.

(1) Any voluntary organisation for women within the State, may seek registration with the Commission for the purposes of this Act. The Commission may, after satisfying itself in the manner as it may deem fit about the importance and role of such organisation in the society, include the name of such organisation in its register. (2) The Commission may, in consultation with the voluntary organisations, evolve norms and standards on the basis of which registration of a voluntary organisation is to be made. (3) The Commission shall maintain a register of voluntary organisations referred to in sub-section (1). (4) In discharge of its functions, the Commission may seek the assistance of any voluntary organisation within the State, more particularly, the women's organisations. (5) A list of such organisations shall be made available to any court or authority or, to the members of general public on request. (6) If, for any reason 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 of being heard. (7) The decision of the Commission about such cancellation shall be final.

16. Grants by State Government.

(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 functions under this Act, and such sums of money shall be treated as expenditure payable out of the grants referred to in sub-section (1).

17. Accounts and Audit.

(1) The Commission shall maintain proper accounts and other relevant record and prepare annual statement of accounts in such forms, as may be prescribed by the Government. (2) The Accounts of the Commission shall be audited by the Local Fund Examiner, Punjab, at such intervals, as may be specified by him and any expenditure in connection with such audit, shall be payable by the Commission to the Local Fund Examiner, Punjab. (3) The Accounts of the Commission, as certified by the Local Fund Examiner, Punjab, together with the audit report thereon, shall be forwarded annually to the Government by the Commission.

18. 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 Government.

19. Annual report and audit report to be laid before the State Legislature.

- The Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Government and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report, to be laid as soon as may be, after the reports are received, before the State Legislature.

20. Chairperson, members and staff of the Commission to be public servants.

- The Chairperson, 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.

21. Power to make rules.

(1)The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)Every rule made under this section, shall be laid as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees 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.

22. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order make such provision including any adaptation or modification of any provision of this Act, as appears to the Government to be necessary or expedient for the purpose of removing the difficulty :Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.