

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of March 07, 2024

SUPPLEMENT

(Issued on 07.03.2024)



WOMEN EMPOWERMENT

A

BILL

to make provisions for the Empowerment of Women; to provide for the formulation and implementation of the national policy on advancement and Empowerment of Women; to established a National Commission on women; to establish mechanisms for the protection of women's rights and to prosecute against the violations of such rights; and to provide for matters connected therewith or incidental thereto

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and Social Empowerment*

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Women Empowerment

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AN ACT TO MAKE PROVISIONS FOR THE EMPOWERMENT OF WOMEN; TO PROVIDE FOR THE FORMULATION AND IMPLEMENTATION OF THE NATIONAL POLICY ON ADVANCEMENT AND EMPOWERMENT OF WOMEN; TO ESTABLISHED A NATIONAL COMMISSION ON WOMEN; TO ESTABLISH MECHANISMS FOR THE PROTECTION OF WOMEN'S RIGHTS AND TO PROSECUTE AGAINST THE VIOLATIONS OF SUCH RIGHTS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS the Universal Declaration of Human Rights Preamble affirms the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights and entitled to all rights and freedoms without
5 distinction, including distinctions based on gender:

WHEREAS the Constitution of the Democratic Socialist Republic of Sri Lanka recognizes special provisions being made by Law, subordinate legislation or executive action for the advancement of women:

10 AND WHEREAS the establishment of the National Women's Commission operating at national level, will serve as the effective mechanism for ensuring the empowerment of women:

NOW THEREFORE be it enacted by the Parliament of the
15 Democratic Socialist Republic of Sri Lanka as follows: -

1. This Act may be cited as the Women Empowerment Short title
Act, No. of 2024.

2. The objects of this Act shall be -

Objects of
the Act

- (a) to make provisions for the advancement and empowerment of women by introducing mechanisms to secure women's rights subject to the provisions of the Constitution;
- 5 (b) to introduce mechanisms to give effect to the obligations undertaken by the Government of Sri Lanka in relation to women in terms of the Convention on the Elimination of All forms of Discrimination Against Women, and in terms of
10 applicable laws;
- (c) to formulate and implement the national policy for the advancement and empowerment of women by timely interventions at all levels across all sectors and developing a framework to facilitate and ensure
15 empowerment of women;
- (d) to protect women from all forms of discrimination based on gender and sexual orientation;
- (e) to take steps to prevent discrimination, marginalization, sexual harassment and violence
20 against women and to strengthen the measures for the prosecution and punishment of acts or omissions relating thereto;
- (f) to make recommendations for law reforms as a matter of priority, in order to provide for the prevention of
25 discrimination against women, and empowerment of women;
- (g) to promote the realization of, and ensure equality and justice for women and take measures to ensure
30 as far as possible, women's participation in all measures and mechanisms connected with

administration of justice and the equal representation of women in decision making structures and positions at every level within the Government;

- 5 (h) to ensure economic empowerment having special regards to women with disabilities; and
- (i) to conduct public education programmes relating to all aspects of empowerment of women.

PART I

10 ESTABLISHMENT OF THE NATIONAL COMMISSION ON WOMEN

3. (1) There shall be established a Commission which shall be called and known as the National Commission on Women (hereinafter referred to as the “Commission”).

Establishment
of the
National
Commission
on Women

15 (2) The Commission shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

20 4. (1) The President shall appoint, subject to the provisions of subsection (2), seven members to the Commission of whom minimum five members shall be women.

Constitution
of the
Commission

(2) The President shall obtain recommendations –

- (a) from the Constitutional Council for appointing five members of the Commission; and
- 25 (b) from the Women Caucus of Parliament appointed by the Speaker, for appointing two members of the Commission.

(3) The Constitutional Council and the Women Caucus of Parliament, in making their recommendations under subsection (2), shall have due regard to the provisions of subsection (1), and shall make such recommendations from
 5 among the persons having distinguished themselves in public life with proven knowledge, experience and eminence in the fields of law or legislation, trade unionism, management and administration, economic development, health, education, empowerment of women or have
 10 committed to increase the employment potential of women.

(4) The Constitutional Council and the Women Caucus of Parliament shall make recommendations under subsection (2) within one month from the date of coming into operation of this Act, or from the date of occurrence of a vacancy in the
 15 membership of the Commission.

(5) At least three members inclusive of the Chairperson shall be appointed as full time members.

5. The Commission shall exercise, perform and discharge the following powers, duties and functions for the purpose
 20 of achieving the objects of this Act:-

Powers,
duties and
functions of
the
Commission

- (a) inquire into and investigate the infringement or imminent infringement of women's rights and receive complaints in terms of the provisions of Part II;
- 25 (b) intervene in any proceedings relating to the infringement or imminent infringement of women's rights, pending before any Court, with the permission of such Court;
- 30 (c) to formulate National Policy on advancement and empowerment of women in terms of section 6 of this Act;

- (d) develop a framework in compliance with the National Policy on advancement and empowerment of women to facilitate and ensure empowerment of women (hereinafter referred to as the “framework”);
- 5 (e) conduct public inquiries in relation to the infringement or imminent infringement of women’s rights;
- (f) institute actions in any competent Court on its own motion in relation to the infringement or imminent
- 10 infringement of women’s rights;
- (g) take such steps as may be directed by a Superior Court or by any other Court in respect of any matter relating to women’s rights referred to by that Court;
- (h) request or call for any information or reports from
- 15 any person for the purpose of performing any function vested in the Commission under this Act or any regulation made thereunder;
- (i) inquire into, and investigate complaints with a view to ensuring compliance with the provisions of the
- 20 Constitution relating to women’s rights and to promoting respect for and observance of women’s rights;
- (j) liaise and interact with state institutions, bodies or
- 25 authorities in order to foster common policies and practices and to promote co-operation in relation to the handling of complaints by the Commission;
- (k) open regional and provincial offices of the Commission;

- 5 (l) acquire take and hold any property movable or immovable by virtue of any purchase, grant, gift or otherwise and to sell, mortgage, lease, grant, convey devise, assign, exchange, dispose of any such movable or immovable property;
- (m) conduct programmes to create awareness and disseminate information regarding women's rights and internationally accepted norms relating to women's rights;
- 10 (n) to refer any women subject to discrimination for mediation in accordance with the provisions hereinafter provided, either on receiving a complaint on such discrimination or on its own motion;
- 15 (o) make recommendations to the Government and the Minister –
 - 20 (i) on measures to be taken to ensure that domestic laws and policies and administrative practices are in accordance with internationally accepted norms and standards on women's rights; and
 - 25 (ii) on the formulation of regulations to be prescribed, legislation and administrative directives and procedures required for respecting promoting, protecting and fulfilling women's rights;
- 30 (p) to assess the impact of legislation, policies and practices on the women's rights and to make recommendations to the relevant bodies in order to promote co-ordination among the bodies handling complaints of women subject to discrimination or violence;

- (q) take steps to ensure equality and protection to women of different categories and status identified by regulations made under this Act;
- 5 (r) monitor and evaluate the adherence by private persons and other non-state institutions to policies and practices in so far as those policies and practices relates to women's rights;
- 10 (s) undertake research in furtherance of the promotion and protection of women's rights and to promote awareness and provide education regarding matters relating to women's rights;
- (t) receive grants, gifts or donations whether from local or foreign sources:
- 15 Provided that, the Commission shall obtain prior written approval of the Department of External Resources in respect of all foreign grants, gifts or donations;
- 20 (u) award in its absolute discretion, to an aggrieved person such sum of money as it may deem sufficient to meet the expenses that may have been reasonably incurred by such person in making a complaint to the Commission under this Act;
- (v) make rules in respect of the matters for which rules are required to be made under this Act; and
- 25 (w) do all such other acts as may be expedient for the accomplishment of the objects of this Act.

6. (1) The Commission shall formulate the draft of the National Policy on advancement and empowerment of women (hereinafter referred to as the "National Policy") which shall include the procedures and mechanisms for the achievement of the objects of this Act.

Formulation
of the
National
Policy on
advancement
and
empowerment
of women

(2) (a) Upon the formulation of the draft National Policy by the Commission in terms of subsection (1), the Minister shall, being satisfied with the draft National Policy submit such draft National Policy to the Cabinet of Ministers for its
5 approval.

(b) The Cabinet of Ministers may, review the draft National Policy forwarded to the Cabinet of Ministers under paragraph (a), and may suggest amendments thereto prior to granting approval to such National Policy.

10 (3) Upon the approval of the National Policy by the Cabinet of Ministers under subsection (2), the Minister shall cause such National Policy to be published in the *Gazette* and it shall come into operation on the date of such publication or on such later date as may be specified therein.

15 (4) The Minister shall within one month of the approval of the Cabinet of Ministers, lay such National Policy before Parliament for its approval.

(5) It shall be the duty of the Commission to ensure that every relevant authority complies with the National Policy
20 so approved.

(6) Where Parliament is not satisfied with the National Policy submitted for approval under subsection (4), it shall make its recommendations for amending the National Policy.

(7) It shall be the duty of the Minister to cause to be
25 incorporated such recommendations to the National Policy and resubmit the National Policy to Parliament after obtaining the approval of the Cabinet of Ministers for such amendments.

(8) If Parliament disapproves the National Policy, the notification of such disapproval shall be published in the *Gazette*.

5 7. Every member of the Commission, unless he vacates office earlier by death, by operation of law, resignation or removal, shall hold office for a term of four years and shall be eligible for reappointment subject to a maximum period of any two terms of office whether consecutive or otherwise.

Term of
office of
members

10 8. (1) The President shall appoint one of the women members to be the Chairperson of the Commission on the recommendation of the Constitutional Council.

Chairperson
of the
Commission

15 (2) The Chairperson may resign from her office by letter addressed to the President and such resignation shall be effective from the date on which it is accepted by the President.

(3) The President may for reasons assigned therefor remove the Chairperson from the office of the Chairperson subject to the provisions of section 9.

20 (4) Subject to the provisions of subsections (2) and (3), the term of office of the Chairperson shall be the period of her membership of the Commission.

25 (5) Where the Chairperson is temporarily unable to exercise, perform and discharge the powers, duties and functions of her office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the President may appoint any other woman member to act as the Chairperson in addition to her normal duties as a member.

9. A person shall be disqualified from being appointed or continuing as a member of the Commission, if such person—

Disqualifications
to be a
member of
the
Commission

- 5 (a) is or becomes a Member of Parliament, of any Provincial Council or of any Local Authority;
- (b) is not, or ceases to be, a citizen of Sri Lanka;
- (c) has been or is adjudged an insolvent by a Court of competent jurisdiction;
- 10 (d) is or become unfit to continue in office by reason of illness or other infirmity of mind or body;
- (e) has been or is declared to be of unsound mind by a Court of competent jurisdiction;
- 15 (f) has served or is serving of a sentence of imprisonment imposed by any Court in Sri Lanka or any other country; or
- (g) has been removed from office during a previous term in which he was appointed as a member of the Commission.

10. (1) The office of a member of the Commission shall become vacant—

Removal and
resignation
of members

- (a) upon the death of such member;
- (b) upon such member resigning from such office by writing addressed to the President; or
- 25 (c) upon such member being removed from such office on any grounds specified in section 9.

(2) The President may, after an address to Parliament and supported by a resolution passed by a majority of the total number of members of Parliament (including those not present), remove a member of the Commission from office
5 on the ground of proven misbehavior or incapacity under subsection (1):

Provided however, that no resolution for the presentation of such an address shall be entertained by the Speaker or placed on the Order Paper of Parliament, unless
15 notice of such resolution is signed by not less than one-third of the total number of members of Parliament and sets out full particulars of the alleged misbehavior or incapacity.

(3) The procedure for the presentation and passing of an address to Parliament for the removal of a judge of the
15 Supreme Court or the Court of Appeal, shall apply in all respects to the presentation and passing of an address to Parliament for the removal of a member of the Commission.

11. (1) The Chairperson of the Commission shall, if present, preside at all meetings of the Commission. In the
20 absence of the Chairperson from any such meeting, the members present shall elect one amongst themselves to preside at such meeting.

Meetings of
the
Commission

(2) The *quorum* for any meeting of the Commission shall be four members.

25 (3) A meeting of the Commission may be held either-

(a) by the number of members who constitute a *quorum* being assembled at the place, date and time appointed for the meeting; or

(b) by means of audio - visual communication by which all members participating and constituting a *quorum* can simultaneously see and hear each participating member for the duration of the meeting.

(4) The Commission may regulate the procedure in regard to the meetings of the Commission and the transaction of business at such meetings.

(5) All questions for decision at any meeting of the Commission shall be decided by the vote of the majority of the members present. In the case of an equality of votes the member presiding shall have a casting vote.

12. The salaries of the members of the Commission shall be determined by Parliament and shall be charged on the Consolidated Fund.

Remuneration
of members

13. A member who is directly or indirectly interested in any decision that is to be taken on any matter by the Commission shall disclose the nature of such interest at the meeting of the Commission where such decision is being taken, and such disclosure shall be recorded in the minutes of the meetings of the Commission and such member shall not take part in any deliberation or decision of the Commission with regard to that matter and shall withdraw from such meeting while such deliberation is in progress or such decision is being made.

Members to
disclose any
interest

14. No proceeding, act or decision of the Commission shall be invalidated by reason only of the existence of a vacancy among its members or of any defect in the appointment of a member thereof.

Proceeding,
act or
decision not
invalidated
by reason of
a vacancy

15. The seal of the Commission –

Seal of the
Commission

- (a) shall be in the custody of the Commission;
- (b) may be altered in such manner as may be determined by the Commission; and
- 5 (c) shall not be affixed to any instrument or document except in the presence of one member of the Commission and the Executive Director of the Commission or in the absence of the Executive Director, in the presence of any two members of the
- 10 Commission, who shall sign the instrument or document in token of their presence.

PART II

POWERS OF INQUIRY AND INVESTIGATION OF THE COMMISSION

- 16. (1)** The Supreme Court may refer any matter relating to an infringement or imminent infringement of women's rights, arising in the course of a hearing of an application made to the Supreme Court in terms of Article 126 of the Constitution, to the Commission for inquiry and report.
- 15 Procedure upon reference in terms of Article 126
- (2) The Commission shall inquire into and report to the
- 20 Supreme Court any matter referred to it under subsection (1), within the period if any, specified in such reference.
- (3) Where in the course of an inquiry or investigation conducted by the Commission in terms of the provisions of this Act, a question arises as to the scope or ambit of women's
- 25 rights as protected by this Act, the Commission may refer such question to the Supreme Court for its determination thereon.

17. (1) The Commission may in addition to the matters referred to the Commission under section 16, inquire into and investigate an alleged infringement or imminent infringement of women's rights by an action or omission of
 5 any person, on its own motion or upon application made to it under section 18:

Commission empowered to investigate the infringement or imminent infringement of women's rights

Provided that, the Commission shall not entertain any application regarding the infringement or imminent infringement of women's rights if relief in respect of such
 10 infringement has already been sought in any Court, Tribunal or any Institution created or established by the Constitution or any other law for the time being in force.

(2) The Commission shall cause the inquiry and investigation referred to in subsection (1) to be conducted
 15 by a Committee appointed by the Commission, within one month of receiving the application or information on the alleged infringement or imminent infringement and the Committee shall conduct the inquiry and investigation subject to the provisions of the Constitution and other written
 20 law.

(3) The Committee appointed under subsection (2) shall on conclusion of its investigation, submit a report thereon to the Commission. The Commission shall after consideration of such report, arrive at a final decision on
 25 whether there has been an infringement or imminent infringement of women's rights.

(4) The members of a Committee appointed under subsection (2) shall be paid out of the Fund of the Commission, such allowance as may be determined by the
 30 Commission with the concurrence of the Minister assigned the subject of Finance.

18.(1) Any aggrieved person or any other person acting on behalf of the aggrieved person, may apply to the Commission as referred to in subsection (1) of section 17, requesting the Commission to inquire into and investigate an alleged infringement or imminent infringement of women's right.

Application to investigate infringement of women's rights

(2) The application under subsection (1) shall be made within one month of the date of, or such person becoming aware of such alleged infringement or imminent infringement.

(3) Where an application is made to the Commission by any person pursuant to subsection (1), the period within which the inquiry into such complaint is pending before the Commission, shall not be taken into account in computing the period of one month within which an application may be made to the Supreme Court by such person in terms of paragraph (2) of Article 126 of the Constitution or which an application for relief may be made by such person to any other statutory body, person, court or tribunal under any other law.

19. In every inquiry and investigation conducted under the provisions of this Act, the aggrieved person as well as the party who is alleged to have infringed the rights of the aggrieved person shall be afforded an opportunity to be heard.

Both parties to be given opportunity to be heard at inquiry or investigation

20. (1) Where an investigation conducted by the Commission under section 17, does not disclose that an infringement or imminent infringement of the rights of an aggrieved person had taken place, the Commission shall record that fact and shall, if the investigation was commenced upon an application made therefor, forthwith inform the applicant within fourteen days.

Steps to be taken after conclusion of investigation

(2) Where an investigation conducted by the Commission, under section 17 discloses that an infringement or imminent infringement of the rights of the aggrieved person had in fact taken place, the Commission may-

5 (a) if the Commission is of the opinion, that the grievance complained of may be effectively resolved by mediation, refer the matter for mediation in terms of section 21 and direct the parties to appear before the mediator so appointed;
10 or

 (b) forward to the relevant person a recommendation as to the manner in which in the opinion of the Commission, the infringement or imminent infringement may be remedied or prevented.

15 (3) The Commission shall inform the aggrieved person of the action that has been taken by the Commission in terms of subsection (2) within fourteen days of the date of the decision.

20 **21.** (1) Where the Commission refers a dispute for Mediation mediation under paragraph (a) of subsection (2) of section 20 or subsection (3) of section 36, the mediator or mediators assigned to mediate such dispute shall –

 (a) mediate between the parties with a view to assisting the parties to amicably resolve the dispute;

25 (b) conduct the mediation process in compliance with the rules of procedure applicable to the conduct of mediation proceedings;

 (c) conclude the mediation process within a period of sixty days from the date on which the said mediator or mediators were appointed; and
30

(d) during the mediation process, abide by norms set out in the Code of Conduct for Mediators.

(2) The Commission shall make rules setting out the rules of procedure which will apply to the conduct of mediation
5 proceedings.

(3) The qualifications required of a mediator, preparation of panels of mediators who shall be assigned to mediate disputes and the Code of Conduct for Mediators setting out the norms applicable to a mediator shall be as prescribed.

10 **22.** (1) Where a settlement by mediation is reached between the parties, the terms of the settlement agreed to by the parties shall be reduced to writing, by the mediator or
mediators assigned to mediate the dispute, in the form of an agreement and shall be signed by the parties who shall
15 thereafter comply with the obligations thereunder. The mediators shall forward a copy of the agreement to the Commission.

Procedure
upon
conclusion of
Mediation

(2) Where a matter is referred for mediation under this section and a settlement is arrived at, the Commission shall
20 inform the applicant of the same within fourteen days and shall thereafter make such directions including directions as to the payment of compensation as may be necessary to give effect to the terms of such settlement.

(3) In the event of the mediation process not being
25 successful, or where one party objects to the same, the mediator shall accordingly report the situation to the Commission.

(4) Upon the receipt of the report under subsection (3), where the attempt at mediation is not successful, the
30 Commission may –

- (a) make such recommendation as it may think fit for the appropriate authority or person or persons concerned, with a view to preventing or remedying such infringement or the continuation of such infringement;
- (b) recommend to the appropriate authority, that prosecution or other proceedings be instituted against the person responsible for such infringement; and
- (c) grant such relief or make such direction as it may deem just and equitable in the circumstances.

23. (1) The Commission shall consequent to the agreement being forwarded to it, notify the parties to the dispute and any other relevant person or government department or institution mentioned in the recommendations of the settlement as embodied in the agreement, to take all such steps as may be necessary to give effect to such decisions or recommendations.

Commission
require parties
&c., to give
effect to the
recommendations
in the
agreement

(2) Any relevant person or government department or institution who has been directed to give effect to a decision or recommendation contained in an agreement specified in subsection (1), who is unable to take necessary steps to give effect to such decision or recommendation shall forthwith inform the Commission of its inability stating its reasons therefor.

24. (1) Any person who is aggrieved by a decision of the Commission made under this Act, may appeal against such decision to the Court of Appeal within one month of the date on which such decision was communicated to such person.

Appeal
against the
decision of
the
Commission

(2) Until rules are made under Article 136 of the Constitution pertaining to appeals under this section, the rules made under that Article pertaining to an application by way of revision to the Court of Appeal, shall apply in
5 respect of every appeal made under subsection (1) of this section.

25. (1) The Commission shall, for the purposes of inquiry or investigation under this Act, have the power to – Powers of Inquiry or investigation under this Act

- 10 (a) procure and receive all such evidence, written or oral, and to examine all such persons as witnesses, as the Commission may think it necessary or desirable to procure or examine;
- 15 (b) require the evidence, whether written or oral, of any witness, to be given on oath or affirmation. Such oath or affirmation shall be that which be required of the witness if such witness was giving evidence in a Court of law, and such oath or affirmation shall be administered to every witness giving evidence before the Commission, by an
20 officer authorized on that behalf by the Commission;
- 25 (c) to summon any person, to attend or participate in any proceedings of the Commission to give evidence or produce any document or other material in the possession of such person, and to examine such person as a witness or require such person to produce any document or other material;
- 30 (d) admit, notwithstanding the provisions of the Evidence Ordinance, any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings, if such evidence is material to the dispute in question; and

- (e) to admit or exclude the public from such inquiry or investigation or any part thereof.

(2) It shall be the duty of every person summoned under subsection (1) to comply with such summons unless such person is prohibited from disclosing the information required in terms of the Right to Information Act, No. 12 of 2016.

26. (1) Any person who gives evidence before the Commission shall, in respect of such evidence, be entitled to all the privileges to which a witness giving evidence before a Court of law is entitled to, in respect of the evidence given by such person before such Court.

Privileges of
persons
giving
evidence
before the
Commission

(2) No person shall, in respect of any evidence, written or oral, given by that person to, or before the Commission be liable to any action, prosecution or other proceedings, civil or criminal in any Court.

(3) Subject as hereinafter provided, no evidence or any statement made or given by any person to, or before, the Commission, shall be admissible against that person in any action, prosecution or other proceeding, civil or criminal in any Court:

Provided that, nothing in the provisions of this subsection shall affect, or be deemed or construed to affect, any prosecution or penalty for any offence under Chapter XI of the Penal Code (Chapter 19):

Provided further that, nothing in the provisions of this sub section shall prohibit or be deemed or construed to prohibit the publication or disclosure of the name, or of the evidence or any part of the evidence of any witness who gives evidence before the Commission for the purposes of the prosecution of that witness for any offence under Chapter XI of the Penal Code (Chapter 19).

27. (1) Every summons issued by the Commission shall be under the hand of the Chairperson of the Commission.

Summons to
be under the
hand of the
Chairperson

(2) A summon may be served by delivering it to the person named therein or by leaving it at the last known place of abode of that person, or by sending it by registered post to the abode of that person.

(3) Every person to whom a summon is served shall attend before the Commission at the time and place specified therein and shall answer the question put to him by the Commission or produce such documents or materials as are required of him and are in his possession or power.

28. (1) An act done or omitted to be done in relation to the Commission, whether in the presence of the Commission or otherwise, shall constitute an offence of contempt against, or in disrespect of, the authority of the Commission if such act would, if done or omitted to be done in relation to the Supreme Court, have constituted an offence or contempt against, or in disrespect of, the authority of such Court.

Contempt of
the
Commission

(2) Every offence of contempt committed against, or in disrespect of the authority of the Commission shall be punishable by the Supreme Court as though it was an offence of contempt committed against, or in disrespect of, the authority of that Court, and the Supreme Court is hereby vested with jurisdiction to try every such offence.

(3) Any person who –

(a) fails without cause, which in the opinion of the Commission is reasonable to appear before the Commission at the time and place mentioned in the summons served under this Act;

- 5 (b) refuses to be sworn or affirmed or having been duly sworn or affirmed refuses or fails without cause to answer any question put to him regarding matters being inquired into, or investigated by, the Commission; or
- 10 (c) refuses or fails without cause which in the opinion of the Commission is reasonable to comply with the requirements of a notice or written order or direction issued or made to him, by the Commission;
- 15 (d) refuses or fails without cause, which in the opinion of the Commission is reasonable to produce and show to the Commission any document or other material, which is in the possession or control of such person and which is in the opinion of the Commission required for ascertaining the truth of the matters being inquired or investigated into; or
- (e) fails to comply with a recommendation or decision of the Commission,
- 20 shall be guilty of the offence of contempt of against, or in disrespect of the authority of the Commission.

(4) Where the Commission determines that a person is guilty of an offence of contempt under paragraph (b) or (c) of subsection (3) the Commission may transmit to the Supreme Court a Certificate setting out such determination. Every such Certificate shall be signed by the Chairperson of the Commission.

(5) In any proceedings for the punishment of an offence of contempt which the Supreme Court may think fit to take cognizance of, as provided in this section, any document purporting to be a Certificate signed and transmitted to the Court under subsection (4) shall –

- (a) be received in evidence, and be deemed to be such a Certificate without further proof, unless the contrary is provided; and
- (b) be evidence that the determination set out in the Certificate was made by the Commission and of the facts stated in the determination.

(6) In any proceeding taken as provided in this section for the punishment of alleged offence of contempt against, or in disrespect of the authority of the Commission, no member of the Commission shall notwithstanding anything to the contrary in this Act except with his own consent, be summoned or examined as a witness.

PART III

OMBUDS FOR THE WOMEN'S RIGHTS AND STAFF OF THE COMMISSION

29. (1) There shall be appointed to the staff of the Commission, a person who shall be called and known as the Ombuds for Women's Rights (hereinafter referred to as the "Ombuds") who shall be charged with the responsibility of entertaining in the first instance, any complaint connected with gender based violence or to a complaint concerning the infringement or imminent infringement of women's rights.

Appointment
of an
Ombuds for
Women's
Rights

(2) The person appointed to hold the office of Ombuds in terms of subsection (1) shall be a person of good repute with proven ability in the areas of law, human rights, mediation and dispute resolution.

(3) Any person who is subjected to, or who is aware of the occurrence of, gender based violence or to the infringement or imminent infringement of women's rights may make a complaint to the Ombuds.

(4) The Ombuds shall maintain a record of all complaints received and shall in the order that such complaints are received, make inquiries into the facts of each complaint.

5 (5) On the conclusion of an inquiry into a complaint, the Ombuds shall forward to the Commission a report containing recommendations and possible avenues of relief available to the complainant in terms of the provisions of this Act. The Commission shall take cognizance of the recommendations made by the Ombuds in recommending
10 action to be taken in terms of Part II of this Act.

(6) Terms of reference applicable to the Ombuds, the remuneration payable, the term of office including manner of removal therefrom and the Code of Conduct to be adhered to by the Ombuds shall be as prescribed.

15 (7) The Commission may issue guidelines specifying the procedure for making complaints to the Ombuds.

30. (1) There shall be appointed by the President on the recommendation of the Minister, a person with prescribed qualifications to be the Executive Director of the Commission
20 who shall act on the instructions of and be subject to, the general direction and control of the Commission and be responsible to the Commission.

Executive
Director

(2) Subject to any written law and any guidelines issued by the Government from time to time, the conditions of
25 employment including remuneration and scheme of recruitment of the Executive Director shall be determined by the Commission.

(3) The Executive Director may be present at meetings of the Commission and speak at such meetings but shall not be
30 entitled to vote any such meeting.

(4) The President may for reasons assigned, remove the Executive Director appointed under subsection (1), from such office.

5 **31.** (1) The Commission may appoint such number of Staff of the
officers and employees, as the Commission may deem Commission
necessary for the proper and efficient discharge of its
functions.

(2) The Commission may –

10 (a) exercise disciplinary control over or dismiss any
officer or employee of the Commission;

15 (b) subject to relevant written law and any guidelines
issued by the Government from time to time,
stipulate the conditions of employment including
remuneration and scheme of recruitment of the
officers and employees;

20 (c) establish and regulate a provident fund and any
other welfare and security schemes for the benefit
of the officers and employees of the Commission
subject to any written law and make contributions
to any such fund or scheme.

25 (3) At the request of the Commission, any officer in the
public service may, with the consent of that officer and the
Secretary to the Ministry under which that officer is
employed and the Secretary to the Ministry of the Minister
assigned the subject of Public Administration, be temporarily
appointed to the staff of the Commission for such period as
may be determined by the Commission, or with like consent,
be permanently appointed to such staff.

(4) (a) Where any officer in the public service is temporarily appointed to the staff of the Commission, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis*
 5 *mutandis*, apply to an in relation to, such officer.

(b) Where any officer in the public service is permanently appointed to the staff of the Commission, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*,
 10 apply to an in relation to, such officer.

(c) Where the Commission employs any person who has entered into any contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Commission by that person shall
 15 be regarded as service to the Government for the purpose of discharging his obligation under such contract.

PART IV

NATIONAL FUND FOR WOMEN

32. (1) There shall be established for the purposes of this Establishment
 20 Act, a Fund to be called the “National Fund for Women” of the
 (hereinafter referred to as the “Fund”). National
 Fund for
 Women

(2) The power of administration and management of the Fund shall be vested with the Commission.

(3) There shall be paid into the Fund –

25 (a) all such sums of money as shall be voted form time to time by Parliament for the use of the Commission;

(b) all such sums of money as may be received by the

Commission by way of aid, gift, grants, donations or bequests from any source whatsoever, whether in Sri Lanka or abroad with the approval of the Department of External Resources; or

- 5 (c) all such sums of money as may be received by the Commission by way of proceeds from the sale of any movable or immovable property of the Commission.

(4) There shall be paid out of the Fund –

- 10 (a) all such sums of money as are required to defray any expenditure incurred by the Commission, in the exercise, performance and discharge of its powers, duties and functions under this Act;
- 15 (b) all such sums of money as are authorized by the Commission to make any ex-gratia payments to any individual or organization in recognition of any exceptional or outstanding contribution to the cause of women's rights; or
- 20 (c) all such sums of money as are required to be paid out of the Fund, by or under this Act.

33. The Commission may invest the moneys of the Fund which is not immediately needed, in such manner as it may determine. Commission may invest its money

34. (1) The Commission shall cause proper accounts to be kept of the income and expenditure, assets and liabilities and all other transactions, of the Commission. Audit and Accounts

(2) The financial year of the Commission shall be the calendar year.

(3) The provisions of Article 154 of the Constitution relating to the audit of accounts of Public Corporation shall apply to the audit of the accounts of the Commission.

PART V

5

GENERAL

35. (1) The Minister shall in consultation with the Commission make regulations in respect of matters required by this Act to be prescribed or in respect of which regulations are authorized to be made. Regulations

10 (2) Without prejudice to the generality of the powers conferred by subsection (1), regulations may be made in respect of all or any of the following: -

15 (a) prescribing the manner in which the Commission shall appoint the Committee referred to in subsection (2) of section 17;

(b) prescribing the eligibility required of the persons appointed to the Committee referred to in subsection (2) section 17;

20 (c) prescribing the procedure to be followed by the Committee in relation to an inquiry or investigation being conducted in terms of section 17;

25 (d) identifying the mechanisms or processes to be adopted in relation to complaints and grievances received by the Commission in terms of the provisions of this Act;

(e) identifying women of different categories and status and to prescribe measures to be adopted to ensure equality and protection to respective category or status;

- (f) issuing guidelines to the relevant authorities, specifying the manner of adhering to the framework;
 - (g) prescribing areas in which economic empowerment of women is required and targets to be met under the framework and to ensure not less than fifty *percentum* contribution of women in the national economy;
 - (h) establishing mechanisms to promote empowerment initiatives:-
 - (i) for socio economic empowerment of women having special regards to women with disabilities;
 - (ii) for the protection of girls from all forms of violence, forced labour, trafficking and exploitation;
 - (iii) for a support systems for assisting women to access judicial processes for obtaining redress for gender based violence and discrimination;
 - (i) prescribing policies and practices to be adopted by private persons and other non- state institutions to ensure women's rights; and
 - (j) for the purpose of carrying out or giving effect to the principles and provisions of this Act.
- (3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of its publication or on such later date as may be specified therein.

(4) Every regulation made by the Minister, shall as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.

(5) The notification of the date on which any regulation is deemed to be so rescinded shall be published on the *Gazette*.

10 **36.** (1) The Minister shall take necessary steps for upgrading the Sri Lanka Women's Bureau to a Government Department. Special
Power of the
Minister
under this
Act

(2) Any person who fails to comply with any regulation made under section 35 shall be liable to inform the Minister in writing the reasons for such noncompliance. If the Minister is satisfied with the reasons given, the Minister may extend the period for compliance.

(3) Where the regulations made by the Minister have not been complied with within the extended period referred to in subsection (2), the Minister may refer the matter to the Commission to resolve by mediation.

(4) The provisions of paragraphs (a),(b),(c) and (d) of subsection (1) of section 21 shall apply to a matter referred to mediation under subsection (3).

25 **37.** The Commission shall at the end of each financial year submit to Parliament, a report containing a list of all matters referred to it, the action taken in respect of them along with the recommendations of the Commission in respect of each matter. Annual
Report

38. The Commission may delegate to any officer or officers appointed to assist the Commission any of its powers, duties or functions in so far as is required for the efficient functioning of the Commission and the officer or officers to whom such powers are so delegated may exercise those powers subject to the direction and control of the Commission. Any delegation made under this section may be withdrawn by the Commission.

Delegation of powers, duties or functions of the Commission

39. The members of the Commission and the officers and employees appointed to assist the Commission shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19) and every inquiry of investigation conducted under this Act, shall be deemed to be judicial proceeding within the meaning of that Code.

Members of the Commission deemed to be public servants

40. The provisions of Part III of Chapter I under the Heading “Offences relating to Bribery or Corruption” of the Anti- Corruption Act, No. 9 of 2023, shall *mutatis mutandis* be deemed to be applicable to or in relation to, the provisions of this Act.

Provisions of the Anti-Corruption Act, No.9 of 2023 to be applied

41. (1) A liability, whether civil or criminal, shall not be attached to any member or officer of the Commission or to any officer authorised by such member or officer, for anything which in good faith is done in the exercise, performance or discharge of any power, duty or function imposed or conferred on the Commission under this Act.

Protection of members and officers of the Commission from suit or prosecution

(2) Any expense incurred by the Commission in any suit or prosecution brought by or against the Commission before any Court shall be paid out of the Fund, and any costs paid to, or recovered by, the Commission in any such suit or prosecution shall be credited to the Fund.

(3) Any expense incurred by any such person in any suit or prosecution brought against him before any Court in respect of any act which is done or purported to be done by him under this Act or any appropriate instrument, or on the
 5 direction of the Commission, shall, if the Court holds that the act was done in good faith, be paid out of the Fund, unless such expense is recovered by him in such suit or prosecution.

42. (1) The Commission may make rules in respect of all
 10 matters for which rules are required or authorized to be made under this Act. Every rule made under this Act shall be published in the *Gazette*. Rules of the Commission

(2) Every rule made by the Commission shall be approved by the Minister and such rules and the notification of such
 15 approval be published in the *Gazette* within a reasonable period of time not exceeding three months and shall come into operation on the date its publication or on such later date as may be specified thereon.

(3) Any rule made by the Commission may at any time,
 20 be amended, added to, varied or rescinded in the like manner.

43. In this Act, unless the context otherwise requires – Interpretation

“Minister” means the Minister to whom the implementation of this Act has been assigned under Article 44 or 45 of the Constitution;

25 “Code of conduct for Mediators” means the Code of Conduct for Mediators as prescribed by the Minister under this Act;

30 “person” includes any body of persons, corporate or unincorporate and a private person but shall not include legislative or judicial bodies;

“prescribed” means the prescribed by regulations made under this Act;

5 “private person” means any person who is not the State or an organ or employee of the State and includes any incorporated person in which the State, the Government or any public corporation or local authority holds less than fifty *percentum* of the shares of or interests in, such incorporated person; and

10 “women’s rights” mean the rights of women to equality and non discrimination as enumerated in Article 12 of the Constitution and the goals described in Convention on
15 Elimination of All forms of Discrimination Against Women including promoting equal opportunities for women in access to education and employment and ensuring
20 freedom from sexual harassment and all forms of violence against women enabling them to live in dignity.

44. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency

