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SIKKIM

GOVERNMENT



GAZETTE

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NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 6th day of November, 2001 is hereby published for general information :-

THE SIKKIM STATE COMMISSION FOR WOMEN ACT, 2001
ACT NO.11 OF 2001

AN
ACT

To constitute a Commission for Women in the State of Sikkim and to provide for matters connected therewith or incidental thereto. Be it enacted by the Legislature of Sikkim in the Fifty-Second Year of the Republic of India as follows: -

CHAPTER.1

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim State Commission for Women Act, 2001.
- (2) It extends to the whole of Sikkim.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette. Appoint.

Definitions.

2. In this Act, unless the context otherwise requires:
 - (a) "Administrative Department" means the Department of Social Welfare.
 - (b) "Commission" means the State Commission for Women constituted under section 3;
 - (c) "Convenor Secretary" means the Convenor Secretary not below the rank of Joint Secretary in the Department of Social Welfare to be appointed by the State Government by notification and any other Officer duly authorised by the Convenor Secretary in this behalf.
 - (d) "Member" means a member of the Commission.
 - (e) "Prescribed" means prescribed by rules made under this Act.

CHAPTER -II

THE STATE COMMISSION FOR WOMEN Constitution of state commission for women

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

(2) The Commission shall consist of: -

- (a) A Chairperson, who is an eminent woman social worker or a professional, committed to the cause of women, to be nominated by the State Government
- (b) Six members to be nominated by the State Government from amongst persons of ability, integrity and standing of whom,
 - (i) One shall be an official, Secretary in charge of the department of Social welfare.
 - (ii) One shall be an eminent advocate,
 - (iii) Two shall be social workers of repute, and provided that at least one member each shall be from amongst person belonging to the Scheduled Castes, Scheduled Tribes and Other Backwar Classes.

(3) An officer not below the rank of Deputy Secretary to the Government of sikkim in-charge of Women and Child Development shall be the member-Secretary of the Commission whose duty shall be to facilitate co-ordination between the Commission and the Government in the activities and policies relating women's Development and participation in the development of the State

Quorum

4. The Quorum for a meeting of the Commission shall be four.

Terms of Office and Conditions of service of chairperson and members

5 (1) The Chairperson and every member shall hold office for such period exceeding three years as may be specified by the State Government in the behalf.

- (2) The Chairperson or a member (other than the Official Member) may, writing and addressed to the State Government resign from the office of the Chairperson or, as case may be of the member at any time.
- (3) The State Government shall remove a person from the office Chairperson or a member referred to in sub-section (2) if that person: -
 - (a) Becomes an undischarged insolvent;
 - (b) Has been convicted and sentenced to imprisonment for an offe involving moral turpitude;
 - (c) Becomes of unsound mind and stands so declared by a competent con
 - (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 Chairperson or Member as to render that person's continuance in office with is detrimental to the public interest;

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard.

- (4) A vacancy caused under sub-section (2) or otherwise shall be filled fresh nominations.
- (5) The salaries and allowances payable and other terms and conditions of service of the Chairperson and Member shall be such as may be prescribed.

Officers and Employees of the commission

6 (1) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the function of the Commission under this act.

(2) The salaries and allowances payable to, and the other terms and conditions of the 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

7. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pension payable to the officers and other employees referred to in section 6 shall be paid out of the grants referred to in sub-section (1) of section 12.

Vacancies etc. not to invalidate proceedings of the commission

8. No act of proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Committees of the commission

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

(2) The Commission shall have the power to co-opt members of any Committee appointed under sub-section (1), such number of persons, who are not members of the commission as it may think fit and the persons so co-opted shall have 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 for attending the meetings of the Committee as may be prescribed.

Procedure to be regulated by the commission

10. (1) The Commission or a Committee thereof shall meet as and when necessary and 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 the Commission shall be authenticated by the Convenor-Secretary or any other officer of the Commission duly authorised by the Convenor-Secretary in this behalf.

CHAPTER –III

FUNCTIONS OF THE COMMISSION

Functions of the commission

11. (1) The Commission shall perform all or any of the functions, namely: -

(a) Make in-depth studies on: -

(i) The economic, social and health situations of the women of the State with particular emphasis on the tribal areas, which are under developed with respect to women's literacy, morality and economic development.

(ii) Condition in which women work in factories; establishments, construction sites and other similar situations and recommend to the State Government on the basis of specific reports on improving the status of women in the said areas;

(b) Compile information from time to time on instances of all offences against women in the State or in selected areas including cases related to marriage and dowry, rape, kidnapping, criminal abduction, eve-teasing, immoral trafficking in women and cases of medical negligence in causing delivery or sterilization or medical intervention that relates to child bearing or childbirth;

(c) Co-ordinate with the State cell and district cells for atrocities against women; if any, for mobilisation of public opinion in the state and whole or in specific areas which would help in speedy reporting and detection of offences of such atrocities and mobilisation of public opinions against the offenders;

(d) Receive complaints on: -

(i) Atrocities on women and offences against women;

(ii) Deprivation of women of their rights relating to minimum wages, basic health and maternity rights;

(iii) Non-compliance of policy decisions of the Government relating to women;

(iv) Rehabilitation of deserted and destitute women and women forced into prostitution, addiction and substance abuse;

(v) Atrocities on women in custody and take up with authorities concerned for appropriate remedial measures;

(e) Assist, train and orient the non-governmental organisations in the State in legal counselling of poor women and enabling such women to get legal aid;

(f) Inspect or cause to be inspected, a jail remand home, women's institution or other place of custody, where women are kept as prisoners or otherwise and take up with concerned authorities for remedial activity if necessary;

(g) Perform functions in relation to any other matter which may be referred to it by the State Government;

(2) The State Government shall cause all the recommendations or reports, or any part thereof as may be presented to it by the Commission under sub-clause (ii) of clause (a) of sub-section (1) which relate to any matter with which the State Government is concerned to be laid before the legislature of the State along with a Memorandum explaining the action taken or Proposed to be taken on the recommendations of the Commission and the reasons non-acceptance, of such recommendations.

(3) The Commission shall while investigating any matter referred to in clause (a) or clause (d) of sub-section (1) of section 11 have all the powers of the Civil court trying a suit and in particular in respect of the following matters, namely:-

- (a) Summoning and enforcing the attendance of any persons 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) Requisitioning any public record or copy thereof from any court or office
- (e) Issuing commissions or the examination of witnesses and documents;
- (f) Any other matters which is required to be, or may be prescribed.

CHAPTER –IV

FINANCE, ACCOUNTS AND AUDIT

Grants by the State Government

12. (1) The State Government shall, after due appropriation made by the Legislature of Sikkim in this behalf pay to the Commission by way of grants such sum of money as the state Government may think fit for being utilised for the purpose of this Act.

(2) The Commission may spend such sum as it thinks fit for performing the function under this Act and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and Audit

13. (1) The Commission shall maintain proper account 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, Sikkim.

(2) The Accounts of the Commission shall be audited by the Accountant General 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 authorised by him in connection with the audit of the accounts of the Commission under this act shall have the same rights 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 of 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 authorised by him in this behalf together with the audit report thereon shall be forwarded annually to the State Government by the Commission through the Administrative Department.

Annual report

14. 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 account of its activities during the previous financial year and forwarded a copy thereof to the State Government.

Annual report and audit report to be laid before the state legislature

15. The State Government shall cause the annual report together with a memo- random of action taken on the recommendation contained therein so far as they relate to the State Government and the reasons for the non-acceptance, if 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.

CHAPTER-V

MISCELLANEOUS

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

16. The Chairperson, the member, officers and other employees shall be deemed to be public servants within the meaning of section (21) of the Indian Penal Code, 1860 (45 to 1860)

State Government to consult Commission

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

Power to make rules

18 (1) The State Government may, by notification in the State Gazette, make rules for carrying out the purposes 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 matter, namely: -

- (a) Salaries and Allowances payable to and the other terms and conditions of service of the Chairperson and Members under sub-section (5) of section 5 and of officer and other employees under sub-section (2) of section 6;
- (b) Allowances for attending the meeting of the Committee by heco-opted persons under sub-section (3) of section 9;
- (c) Other matters under clause (1) of sub-section (3) of section 11;
- (d) The form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13;

(e) The form in, and the time at which, the annual report shall be prepared under section 14; and

(f) 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 House. While it is in session, for a total period of thirty 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 successive session aforesaid, the House agree in making any modification in the rule, 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 under that rule.

By Order.

**T.D. Rinzing,
Secretary to the Govt of Sikkim,
Law Department.**

F.No. 16(82) LD/2001