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LAW DEPARTMENT

NOTIFICATION

The 7th October 1994

No. 13850/Legis.—The following Act of the Orissa Legislative Assembly having been assented to by the President on the 24th September, 1994 is hereby published for general information.

ORISSA ACT 19 OF 1994

THE ORISSA STATE COMMISSION FOR WOMEN ACT, 1993

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 the State of Orissa in the Forty-fourth Year of the Republic of India, as follows:—

CHAPTER—I PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Orissa State Commission for Women Act, 1993.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commission" means the State Commission for Women constituted under section 3 ;

(b) "Member" means a Member of the Commission ;

(c) "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 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 is an eminent 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,
 - (ii) one shall be an eminent advocate,
 - (iii) two shall be social workers of repute, and
 - (iv) two shall be experts in education and health:

Provided that at least one Member each shall be from amongst persons belonging to the Scheduled Castes and the Scheduled Tribes respectively.

(3) An officer not less than the rank of a Deputy Secretary to the Government of Orissa in charge of Women's Welfare shall be the Convenor-Secretary of the Commission whose duty shall be to facilitate co-ordination between the Commission and the Government in the activities and policies relating to Women's Welfare and participation in the development of the State.

4. (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 official Member) may, by writing and addressed to the State Government, resign from the office of Chairperson or, as the case may be, of the Member 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 ;
- (b) gets convicted and sentenced to imprisonment for an offence involving 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, absent from three consecutive meetings of the Commission ; or
- (f) in the opinion of the State Government, has so abused the position of Chairperson or Member as to render that person's continuance in office 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 in the matter.

Term of
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(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

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

Officers and other employees of the Commission.

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

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

Salaries and allowances to be paid out of grants.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, 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 sub-section (1) of section 11.

Vacancies, etc. not to invalidate proceedings of the Commission.

7. No act or 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

8. (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 as 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 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 persons 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 Commission.

9. (1) The Commission or a committee thereof shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure and the procedure of the committees thereof.

(3) All orders and decisions of the Commission shall be authenticated by the 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 Commission.

10. (1) The Commission shall perform all or any of the following functions, namely:—

(a) make indepth studies on—

(i) the economic, educational and health situation of the women of the State, with particular emphasis on the tribal districts and areas which are under-developed with respect to women's literacy, mortality 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 sterilisation or medical intervention that relates to child bearing or child birth;
- (c) will co-ordinate with the State Cell and District Cells for atrocities against women, if any for mobilisation of public opinion in the State as a whole or in specific areas which would help in speedy reporting and detection of offences of such atrocities and mobilisation or public opinion 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,
 - (v) atrocities on women in custody, and take up with authorities concerned for appropriate remedial measures,
- (e) assist, train and orient the non-Government organisation 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 the concerned authorities for remedial action, if found 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-section (1), which relate to any matter with which the State Government is concerned, to be laid before the Legislature of the State alongwith a memorandum explaining the action taken or proposed to be taken on the recommendations of the Commission and the reasons for the non-acceptance, if any of such recommendations.

(3) The Commission shall while investigating any matter referred to in clause (a) or clause (d) of sub-section (1) 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 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 for the examination of witness and documents; and
- (f) any other matter which may be prescribed.

CHAPTER-IV
FINANCE ACCOUNTS AND AUDIT

Grants by
State
Government.

11. (1) The State Government shall, after due appropriation made by the Legislative Assembly by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purpose of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions 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.

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

(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 appointed 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, 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 appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the State Government by the Commission.

Annual
report.

13. The Commission shall prepare, in such form and at such time, for each financial year as may be prescribed, its annual report giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

Annual
report and
audit report
to be laid.

14. The State 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 State 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 Legislative Assembly.

CHAPTER-V
MISCELLANEOUS

Chairperson,
Members
and staff of
Commission
to be public
servants.

15. The Chairperson, the Members, Officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

State
Government
to consult
Commission,

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

Power to
make rules.

17. (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 other terms and conditions of service of the Chairperson and Members under sub-section (5) of section 4 and of officers and other employees under sub-section (2) of section 5;
- (b) allowances for attending the meetings of the committee by the co-opted persons under sub-section (3) of section 8;
- (c) other matters under clause (f) of sub-section (3) of section 10;
- (d) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 12;
- (e) the form in, and the time at which, the annual report shall be prepared under section 13;
- (f) any other matter which is required to be, or may be, prescribed.

By order of the Governor
P. K. PANIGRAHI
Secretary to Government

THE ORISSA STATE COMMISSION FOR WOMEN ACT, 1993

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