

PART I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 15th October, 2012

No. Leg.32/2012.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 27th September, 2012, and is hereby published for general information:—

HARYANA ACT NO. 27 OF 2012

THE HARYANA STATE COMMISSION FOR WOMEN ACT, 2012.

AN

ACT

to constitute Haryana State Commission for Women and to provide for matters connected therewith and incidental thereto.

BE it enacted by the Legislature of the State of Haryana in the Sixty-third Year of the Republic of India as follows : —

CHAPTER - I

PRELIMINARY

1. (1) This Act may be called the Haryana State Commission for Women Act, 2012.

Short title,
extent and
commencement.

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

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

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

Definitions.

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

(b) "Chairperson" means Chairperson of the Commission;

(c) "Government" means the Government of the State of Haryana;

(d) "Member" means the member of the Commission and includes the Chairperson, Vice Chairperson and Member Secretary;

(e) "National Commission for Women" means the National Commission for Women constituted under section 3 of the National Commission for Women Act, 1990 (20 of 1990);

- (f) "Public Office" includes an office, body or institution established or constituted under the Constitution of India, by Law of Parliament or State Legislature, by order or notification by the Government or a body or Non-Government Organization substantially financed by the Government;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "Vice Chairperson" means Vice-Chairperson of the Commission; and
- (i) "Women" means a female including girl child or adolescent girl.

CHAPTER-II

HARYANA STATE COMMISSION FOR WOMEN

Constitution of
State Commission
for Women.

3. (1) The Government, by notification in the Official Gazette, shall constitute a body known as the Haryana State Commission for Women to exercise the powers conferred on, and perform the functions assigned to it under the Act.

(2) The Commission shall consist of—

- (a) a Chairperson, who shall be a woman, committed to the cause of women, to be nominated by the Government;
- (b) a Vice-Chairperson and a maximum of five members to be nominated by the Government from amongst persons of ability, integrity and standing who have experience in law, legislation, trade unionism, management of industry or organization committed to increase the employment potential for women, women's voluntary organizations (including women activists) administration, economic development, health, education or social welfare:

Provided that at least one member shall be from amongst persons belonging to the Scheduled Castes;

- (c) a Member-Secretary to be nominated by the Government preferably from amongst the women officers of the Indian Administrative Services or the Haryana Civil Service, not below the rank of Joint/ Deputy Secretary to the Government;
- (d) the Administrative Secretary of Women and Child Development, Haryana shall be a special invitee;
- (e) the Director, Women and Child Development, Haryana and the Director General of Police of Haryana shall be ex-officio members of the Commission;
- (f) the majority of the members of the Commission shall be women.

Term of office
and conditions of
service of
Chairperson,
Vice-Chairperson
and Members.

4. (1) The Chairperson, Vice-Chairperson and every nominated member shall hold office for such period, not exceeding three years, as may be specified by the Government in this behalf.

(2) The Chairperson, Vice Chairperson and Non-Official member shall on attaining the age of 65 years cease to hold the office. The status of the Chairperson and Vice-Chairperson shall be the same as that of the status of the Financial Commissioner and Principal Secretary and the status of a nominated member shall be equivalent to the Joint Secretary in the Haryana Government Department respectively. The member may resign from his office by giving a notice in writing under his hand addressed to the Government.

(3) The Government shall remove a member from his, if he,—

- (a) becomes an undercharged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude;
- (c) gets involved in a criminal case or charges are framed against him;
- (d) becomes of unsound mind and stands so declared by a competent court;
- (e) refuses to act or becomes incapable of acting;
- (f) is without obtaining leave of absence from the Commission, absents himself for three consecutive meetings of the Commission; or
- (g) in the opinion of the Government, has so abused the position as to render that person's continuance in office detrimental to the public interest or interest of women:

Provided that no such 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 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, the Vice-Chairperson and Members shall be such as may be prescribed.

5. (1) The 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.

Officers and other
employees of the
Commission.

(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/budgetary support.

6. The salaries and allowances payable to, the Chairperson, Vice-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 or budgetary support referred to in sub-section (1) of section 11.

Vacancies etc., not to be 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, absence of member or defect in the constitution of the Commission.

Committees of the Commission.

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 the Commission.

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

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

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

CHAPTER-III

FUNCTIONS OF THE COMMISSION

Functions of the Commission.

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

- (a) investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;
- (b) present to the Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

- (c) make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the State;
- (d) 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 legislations;
- (e) take up the cases of violation of the provisions of the Constitution and of other laws, relating to women with the appropriate authorities;
- (f) look into complaints and take *suo motu* notice of matters relating to—
 - (i) deprivation of women's rights;
 - (ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;
 - (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women; and take up the issues arising out of such matters with appropriate authorities;
- (g) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;
- (h) undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;
- (i) participate and advise on the planning process of socio-economic development of women;
- (j) monitor and review the women related schemes/programmes in the State and evaluate the progress of the development of women under the State;
- (k) inspect or cause to be inspected Police Stations, 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;

- (l) call for data from any organization on various issues/aspects of journey of women towards development, empowerment and accessibility, including growth and hurdles faced by them from individual, family or society etc.;
- (m) make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil;
- (n) any other matter which may be referred to it by the Government;
- (o) shall furnish comments and recommendations on any report of the National Commission for Women on any matter with which the Government is concerned as the Government may call for.

(2) The Government shall cause all the reports referred to in clause (b) of sub-section (1) to be laid before the State Legislature along with a memorandum explaining the action taken.

(3) The Commission shall, while investigating any matter referred to in clause (a) or sub-clause (i) of clause (f) 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 public office;
- (e) any other matter which may be prescribed.

CHAPTER - IV

FINANCE, ACCOUNTS AND AUDIT

11. (1) The Government shall, after due appropriation made by Legislature by law in this behalf, pay to the Commission by way of grants or budgetary support out of consolidated funds of the State for being utilized 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 shall be treated as

expenditure payable out of the grants or budgetary support referred to in sub-section (1).

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 Government. Accounts and audit.

(2) The accounts of the Commission shall be audited by the Accountant General (Audit), Haryana at such intervals as may be specified by the Government and any expenditure incurred in connection with such audit shall be payable by the Commission.

(3) The Accountant General (Audit), Haryana 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 Accountant General (Audit) 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 Accountant General (Audit), Haryana or any other person appointed by him in this behalf together with the audit report there on shall be forwarded to the Government by the Commission.

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 Government which shall be a part of the Annual Administrative Report of the Women and Child Development Department. Annual report.

14. The Government shall cause the annual report together with a memorandum of action taken on the recommendation 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. Annual report and audit report to be laid before legislature.

CHAPTER - V MISCELLANEOUS

15. 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 1860 (45 of 1860). Chairperson, Vice-Chairperson, Members and staff of the Commission to be public servants.

16. The Government may consult the Commission on all major policy matters affecting women. Government to consult Commission.

Protection of
action taken in
good faith.

17. No suit, prosecution or other legal proceeding shall lie against the Chairperson, Vice-Chairperson, any Member of the Commission, or any officer of the Commission for anything which is in good faith done or intended to be done under this Act or the Rules made there under.

Power to make
rules.

18. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, before the State Legislature.

Savings.

19. The Chairperson, Vice-Chairperson or non-official members nominated *vide* Notification No. 3055-SW (4)/99 dated 20th December, 1999 in the Haryana State Commission for Women shall continue till the expiry of their respective term under the said notification:

Provided that anything done or any action taken or any proceedings conducted by the Commission constituted under the Notification No. 3055-SW (4)/99 dated 20th December, 1999 shall be deemed to have been done and taken under this Act.

MANJIT SINGH,

Secretary to Government Haryana,
Law and Legislative Department.