

## THE ARUNACHAL PRADESH STATE COMMISSION FOR WOMEN ACT, 2002

### (Act No. 4 of 2001)

An act to provide for the constitution of Women's Commission in the State of Arunachal Pradesh to improve the status of women and to enquire into unfair practices affecting women, and for matters connected therewith or incidental thereto.

### Section 14: Powers of the Commission

- (1) The Commission shall, for the purpose of any inquiry under this Act, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, (Central Act 5 of 1908), in respect of the following matters namely:
  - (a) Summoning and enforcing the attendance of any witness and examining him/her on oath;
  - (b) Requiring the discovery and production of any document;
  - (c) Receiving evidence of affidavits;
  - (d) Requisitioning any public records or copy thereof ay public office;
  - (e) Issuing commission's summons for the examination of witnesses;
- (2) Any proceedings before the commission shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of Indian Penal Code (IPC), and the commission shall be deemed to be a court for the purposes of section 195 of the Code of Criminal Procedure, 1973.

### Section 15: Function of the Commission

- (1) The commission shall perform all or any of the following functions, namely:
  - a) Inquire into any unfair practice, take decision thereon, and to recommend to the Government and actions to be taken in that matter;
  - b) Cause investigation to be made by the Member Secretary on issue of importance concerning women or issues concerning unfair practice and to report thereon to the government in the corrective measures to be taken;
  - c) Submit Annual Report to the Government-
    - (i) On the lacunae, inadequacies, or shortcomings in the laws in force which affect the constitutional right to equality and fair treatment of women and also on the remedial legislative measures to be taken to meet the situations;



- (ii) Of the monitoring of the working laws, in force, concerning women with a view to identify the areas where the enforcement of law is not adequately effective or has not been streamline and recommending executive or legislative members to be taken in amelioration thereof.
  - (iii) Of the monitoring requirement made to the State Public Service and State Public Undertakings and, promotion within the said services and, scrutinizing the rules and regulations governing such recruitment and promotions, with a view to reporting to the government for action, if any, required to guarantee equal opportunity to women in the matter of such requirement and promotions;
- d)
  - (i) Inspect or cause to be inspected, by the Member Secretary or any officers or any officer of the commission duly authorized by the commission, in that behalf prisons, police stations, lockups, sub-jails, rescue homes or other places of custody where women are kept as prisoners or otherwise or shelters for women or, other similar places run by the Government, or any of its agencies including agencies receiving aid from the Government for the purpose of offering rescue or shelter to women, or hostels intended for women or girls run by any person and all such other places wherein unfair practices against women is complained of and, cause further inquires to be made about the treatment that women and girls are subjected to at such places and, to report to the Government for taking remedial action;
  - (ii) In case where commission is of view that any public servant has been grossly negligent or grossly indifferent in regard to the discharge of his/her duties in relation to the protection of the interest of the women, it may recommend to the concerned disciplinary authority to initiate disciplinary action;
- e) Recommended to Government, the welfare measures to be adopted and implemented by the government with a view to ameliorating the conditions of women;
- f) Formulate a comprehensive and affirmative scheme for securing equal opportunities to women and devise a programme for implementing such scheme which shall be forwarded to the Government for approval and, on obtaining approval thereof with or without modification, implement the same or cause the same to be implemented;
- g) Empower the Member Secretary to recommend to the appropriate authority to take prosecution proceedings in respect of offence committed against women under any statue providing for penalty for violation of the provision of such statue.
- h) Maintain a comprehensive Data Bank relating to the social, economic and political conditions of the women including comparative study, updating the same from time to time, making available such data for use in actions for vindication of the rights of women.



- i) Recommended to Government to initiate legislation for removal of discrimination in the case of inheritance, guardianship, adoption and divorce or for matters relating to the safeguarding of the dignity of women and the honour of motherhood;
  - j) 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;
  - k) Participate and advice on the planning process of social, political and economic development of women;
  - l) Fund litigation involving issues affecting a large body of women;
  - m) Make periodically reports to the government on any matter pertaining to women, and in particular, various difficulties under which women toil;
  - n) Undertake promotional and educational research so as to suggest ways of ensuing due representation of women in all spheres, including monitoring of the academic curricula in the State so as to check gender-bias, sex stereotyping, envisaged in the core curricular area of National Policy of Education, 1986 (Revised 1992).
  - o) Identify factors responsible for impeding the advancement of women, such as lack of access to housing and basic services, particularly for single women and female-headed households, and inadequate support services and technologies for reducing drudgery and, occupational health hazard and, for increasing heir productivity;
  - p) Hold family court to dispose off cases related to unfair practices against women;
  - q) Any other matter which may be referred to it by the government;
- 2) The government shall lay the recommendation of the Commission under sub-section (1) of section 15, before the Legislative Assembly during its next session and cause action to be taken thereon by the authority concerned within 60 days from the date of laying such recommendations.

### **Section 16: Inquiry into unfair practices:**

- (1) The Commission shall inquire into any unfair practice:
- (a) In receiving a written complaint from any women alleging that she has been subjected to any unfair practice or on a similar complaint from any registered/reputed women's organisation of individuals;
  - (b) On its own knowledge or information;
  - (c) Request from the Government;
- (2) Where the complaint has been made under clause (a) of sub-section (1) of section 16, the Commission may, before the issue of any process to the person complained against, cause a preliminary investigation to be made by the Member



Secretary, in such manner as it may deem fit, for the purpose of satisfying itself that the complaint requires to be inquiries into;

- (3) Where the person against whom the complaint has been made, appears and show cause or fails to appear on the day appointed for that purpose, the Commission may proceed to inquire into the matter in the complaint and take a decision thereon and if the Commission find that there is unfair practice, it shall recommend to the Government the action to be taken or initiate prosecution.
- (4) The Government shall, within two months (60 days), from the date of receipt of the recommendation of the Commission under sub-section (3) of section 16 take a decision thereon and intimate the same to the Commission.

### **Section 18:**

The Annual Report submitted to the Government, by the Commission in accordance with sub-clause (a), (b) and (c) of the sub-section (1), shall be laid before the Legislative Assembly as soon as may be, after the report is received by the Government.

### **Section 23:**

All members, officers and other employees of the Commission shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of Section 21 of the Indian Penal Code 1860 (Central Act 45 of 1860).

### **Section 24:**

No suit, prosecution of other legal proceedings shall lie against any member of the Commission or anything done in good faith or intended to be done under this Act or the rules made there under.

### **Section 25:**

Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central Act 45 of 1860), or any other law for the time being in force, no Court shall grant any injunction restraining any proceeding which is being or about to be taken under the provision of this Act.