

RECOMMENDATIONS

As per the provisions under section 15 (e) , (i) and section 18 of the Arunachal Pradesh State Commissions for Women Act 2002 , the commissions submits the following recommendations for perusal and consideration of the State Government:

1. Maternity Benefits for Mothers

In Arunachal Pradesh, the State Government Service holders leave are protected and governed by **Central Civil Services (Leave) Rules (CCS Rules) 1972**. Under these rules, women government employees are entitled to maternity leave for only **two children**. If a woman has given birth before joining government service, those children are counted towards the two-child limit, meaning she is considered to have already availed the benefit for those children even though she was not in government service at the time.

Recommendation:

The existing policy should be revised to ensure that women government employees are eligible to avail maternity leave for **their first two living children born during their service**, irrespective of the number of children born before joining government employment. Children born prior to induction into government service should not be counted for the purpose of determining eligibility for maternity leave under the CCS Rules. This would ensure equitable treatment of in-service mothers and better align maternity benefits with the objective of promoting maternal and child welfare.

2. Qualifications of Chairperson, Vice Chairperson and Members of APSCW.

i. it is recommended that a clause be included in the APSCW Act. 2002, Chapter II, Section 5, as sub-section (6), providing for minimum basis minimum education to qualify for nomination on the Commission and be able to Justify its Position to serve the needy women. The team of APSCW, on the basis of their personal field experiences, recommend that to be eligible to be entrusted with the responsibility of Chairperson, Vice chairperson or a member of the APSCW, one must be atleast **graduate from a recognised institution, with sound knowledge of the constitutional provisions and other human rights instruments ratified by the country and basic knowledge of the law of the land**, to be able to hold the respective offices in the commission and also to be able to function and deliver their responsibilities as office bearers of a quasi- judicial statutory body.

ii. Section 5(1),5(2) and 5(3) says about the appointment and constitution of the Commission, the Act is silent on the procedure/well-defined qualifications of the Chairperson/Vice-Chairperson and members. Non-institutionalization of the procedures of the appointment of the Chairperson/Vice-Chairperson and members of the Commission has led to the apprehension that competent and committed persons are not always appointed as Chairperson/Members. It may lead to political interference in such appointments, concentrating the powers on women from politically connected families or higher social strata.

iii. It is recommended that a clause be included in the APSCW Act 2002 chapter II, section 6 providing for an age limit as minimum 45 years and maximum 65 years.

3. **Setting up of a forensic laboratory in the state :**

Crimes in the state are on rise so the state need to have its own forensic laboratory to fulfilled the demand of investigating agency. Arunachal Pradesh is dependent on other State for the forensic examination it takes many weeks and months for the result to reach back owing to the timing required in the transit and line up cases in the laboratory.

4. **Appointment of Protection officers (under the prevention of Domestic Violence Act, 2005):**

it is recommended that the Protection Officers are appointed to address the matter of Domestic violence in the district, as of now DD ICDS or CDPO man the post, however a regular Protection officers need to be appointed more preferably an APCS officer or Officer recruited through APPSCE having law background, as the Post sought to be sound about law .

5. **Welfare and Inclusion of the LGBTQIA+ Community**

The State Commission for Women is a statutory body established to safeguard the rights and promote the welfare of women. However, Arunachal Pradesh does not have a dedicated institutional mechanism to address the welfare, protection, and development of the LGBTQIA+ community.

The Government of Karnataka is the first State in India to implement a **1% horizontal reservation** for transgender persons in government employment. Under this policy, 1% of vacancies across all categories (General, SC, ST, and OBC) are reserved for eligible transgender candidates.

Further, in the landmark judgement of **National Legal Services Authority (NALSA) v. Union of India (2014)**, the Supreme Court of India recognized transgender persons as the "third gender" and affirmed their fundamental rights under the Constitution. The Court upheld the right of transgender persons to self-identify their gender as male, female, or third gender, and directed the Central and State Governments to take affirmative measures, including reservation in education and public employment, to ensure their social inclusion and protection.

Despite these constitutional and judicial safeguards, transgender persons in Arunachal Pradesh continue to face limited educational and employment opportunities. The lack of institutional support and livelihood opportunities has resulted in many individuals migrating to other States in search of employment and a more inclusive environment.

Recommendations:

- i. The Government of Arunachal Pradesh may introduce a separate "**Third Gender**" category in recruitment to government services, admissions to educational institutions, and other public welfare schemes, in line with the directions of the Supreme Court in the NALSA judgment and the practices adopted by progressive States.
- ii. A dedicated **LGBTQIA+ Cell** may be established under the **Department of Social Justice, Empowerment and Tribal Affairs (SJETA)** to address issues relating to the wel-

fare, protection, rehabilitation, skill development, legal assistance, and social inclusion of the LGBTQIA+ community.

iii. The State Government may formulate a comprehensive policy for the welfare of transgender and other LGBTQIA+ persons, including measures for education, health-care, employment, housing, social security, and protection from discrimination.

6. Banned on social media usage below the age of 16 years:

Digital technology has rapidly penetrated households across India, including Arunachal Pradesh. While this has created opportunities for learning and connectivity, it has also exposed children to significant risks. States such as Karnataka and Andhra Pradesh have already announced bans on social media use for children, recognizing the dangers of digital addiction and mental health challenges.

In Arunachal Pradesh, the situation is particularly concerning. Many parents are either illiterate or newly exposed to modern technology, limiting their ability to supervise children's online activities. As a result, children are vulnerable to early exposure to social media platforms, which has led to cases of trafficking, cybercrime, exploitation, and psychological harm.

7. Implementation of the Arunachal Pradesh Marriage and Inheritance of property bill 2021 and Compulsory registration of Marriage:

The proposed Bill could not be tabled during the relevant year due to the identification of certain flaws in its provisions. However, after incorporating the necessary corrections and amendments, the Bill may be placed before the Legislative Assembly for consideration and ratification.

The need of the hour is to eradicate the discriminatory aspects of certain tribal customary practices and ensure that women in our society are treated equally and with dignity. It is a matter of serious concern that, under certain customary practices, where there is no male heir, a female heir is denied the right to inherit the family's immovable property. Similarly, a widow is often deprived of the right to inherit her deceased husband's property. Such practices continue to deny women their rightful entitlement to property and, consequently, adversely affect their right to livelihood and a life with dignity. These discriminatory practices are inconsistent with the constitutional guarantee of equality and amount to a violation of fundamental rights.

In view of the above, it is imperative that the Government initiates the codification of customary practices, incorporating suitable modifications to ensure that such laws are consistent with the Constitution and the principles of equality, justice, and non-discrimination.

It is apprehended that persons who have already entered into marriages under the existing customary marriage system may be affected if the Bill is enacted, particularly in view of the proposed criminalization of bigamy. To avoid uncertainty and hardship, the legislation should expressly provide that its provisions shall operate prospectively and come into force only from the date of its official notification. Such a saving provision would ensure that marriages solemnized prior to the commencement of the Act are not adversely affected unless the legislation expressly provides otherwise.

Marriage is considered a sacred institution. The commission since its inception supported the need of compulsory registration of marriage. All north-eastern states (Assam, Meghalaya, Mizoram, Manipur, Nagaland, Sikkim and Tripura) except Arunachal Pradesh have implemented compulsory registration of marriage to stop and prevent the practice of Bigamy. Arunachal Pradesh too should implement compulsory registration of marriage to stop the practice of Bigamy, forced marriage and child marriage.

8. Independent Plan head and Independent functioning and status of APSCW :

Since the inception of first team of APSCW recommended that an independent plan head should be setup at par with other Commissions viz. APPSC etc in terms of functioning is a must for the effective delivery by this commission. For better facilitation and also establishing parity with other similar bodies, the APSCW needs to have its own independent plan head. Presently the commission is dependent on Grant in Aid from the state government being received through the nodal department. This arrangement entails this commission to submit utilization certificates for even the recurring expenditures of the office like staff salary etc. The resource allocation for APSCW ought to be made under a separate plan head to facilitate the growth and effective functioning of the office. Since this commission is not only a statutory body but also a quasi judicial one with need for functioning autonomy, financial autonomy with its own plan head would be most desirable. That would also help in enhancing the status of the office of the commission to a large extent, as it ought to be.

Further, despite the ceremonial status as per with that of Minister of state for the Chairperson of the APSCW and that of Secretary to the state government for the members, there is no commensurate privilege, which is required to be provided at par. Residential accommodations to the constituent members of the APSCW require to be provided as per the entitlement as on date the Chairperson, Vice- Chairperson and Members are having to put in private/rented residences therefore necessary office space and residential accommodations need to be earmarked for the Chairperson, Vice- Chairperson and 7 Members as per their entitlements.

9. Implementation of the CCS (Conduct) Rules:

The CCS (Conduct) Rules is something every employee of the government sign at the time of joining the service of the state. These rules are also supposed to govern the conduct of each and every person holding government job. But today, many government officials are not only committing conducts contrary to their own undertaking signed on joining the services of the government, but also the law of the land for granted by violating rule 21 of the said rules besides misleading the court of law in many cases. Many complains have been received from violated spouses got deprived of their privileges as family in terms of financial and social security, sometimes causing the destitutions of their own loved ones. Yet, there is no known case where action has been taken against anyone under the CCS Conduct Rules. And the cases keep rising in total negation of such a positive legal provision.

10. Setting up of Short Stay Homes in Itanagar Capital Region:

It has been observed that there has been alarming rise in number of cases registered in women commission faced with extreme forms of violence due to forced marriage, child

marriage, polygamy and other forms of atrocities. The APSCW request the government to immediately allocate fund to set up Short Stay Homes in twin Capital cities of Itanagar and Naharlagun as there is only one shelter home at OJU Welfare Association at Naharlagun which is sponsored by the state, and also in all districts headquarters Short Stay Home (*Swadher-Greh*) may be established.

11. Establishment of Separate De-addiction Centres for Women :

Substance use disorders among women require specialized treatment and rehabilitation services that address their unique physical, psychological, and social needs. At present, the absence of dedicated de-addiction facilities for women often discourages them from seeking treatment due to concerns about privacy, safety, stigma, and the lack of gender-sensitive care.

Recommendation:

The Government should establish separate de-addiction and rehabilitation centres exclusively for women in the State. These centres should provide comprehensive, gender-responsive services, including medical treatment, psychological counselling, mental health support, vocational training, family counselling, and rehabilitation. They should also ensure a safe, confidential, and supportive environment, with trained female health-care professionals and counsellors. Dedicated facilities would improve access to treatment, encourage more women to seek help, and support their successful recovery and reintegration into society.

12. Additional Resources Allocation to the APSCW/Financial Aid for research work/Discretionary Fund/For Victims of violence against women:

The Commission has been functioning without any additional support in terms of knowledge base and expertise of Ad hoc Committees to assist the official of APSCW in special situations. Additional resources allocation by state for activating Ad hoc standing/expert committees as provided in Rule 9 of the Act is highly recommended by this commission. The Commission needs additional financial aid to undertake research works. Research work is a must for better understanding the problems in resolving it. For dealing with various cases, including immediate dispersal/relief/rehabilitation/medical treatment etc. of victims of Domestic Violence, rape, murder etc., discretionary funds may be provided to the Commission (APSCW). More rehabilitation schemes and economics packages needs to be initiated and funds at the discretion of women commission for disbursal after proper assessment.

13. Deployment of security for Arunachal Pradesh State Commission for Women's court premises:

The APSCW also functions as quasi-judicial court because of which incidents of unwanted activities often take place. Therefore, security is required to maintain the decorum of the court.

14. Enhancement of Grant-In-Aid to APSCW:

The Commission earnestly requests the State Govt. For enhancement of the Grant-In-Aid to APSCW to sum of 5.00 Crore (Rupees five Crore) annually for smooth functioning of the day to day programme/activities of the Commission. The commission funds

District NGOs to conduct LAP, Awareness on Mental, women health hygiene and Skill development training for the women across the state and also due to the rising cases, such as -Domestic Violence, rape, Molestation, Murder, Harassment, Polygamy, Bigamy, Drugs Addiction, Suicide, Early Marriage, Abduction etc. is necessary to conduct awareness programmes at various districts, circles and village levels to give legal knowledge/education and develop other of Information, Education and communication (IEC) materials including recurring and non-expenditure of the Commission Office.

The Grant in aid receive annually is 2.0 Cr, which is not suffice for the whole year, the APSCW is one of the oldest Commission in compare to other commission established in Arunachal Pradesh, the staff strength is higher and work load is more. Moreover due to enhancement of the salary of all contingent, casual and other staff there is extra financial burden on the Grant in aid which remain same.

15. Enhancement of Monthly Salary of Legal Advisor and Commission Members:

Presently, The Salary of LA is only 10000, No revised notification for enhancement was issued unlike the members before. The salary of Skilled and Unskilled contingent/casual staff/ALC have been enhance by the Government of A.P vide order no. Est-II-20015/211/2023-Estt-ii-FPID/268, dated Itanagar the 19th March 2025, However the LA of APSCW remain same.

Further, at present the constituent members of the commissions i.e.-Chairperson, Vice-Chairperson & Members are getting a monthly salary/honorarium of Rs.40,000/-, Rs.35000/-, and Rs. 30,000/- respectively which is very meagre. So, it is requested that the same may be enhanced at par with Arunachal Pradesh Information Commission (APIC) and Arunachal Pradesh Public Service Commission (APPSC) i.e., Rs.100,000/-, Rs.90,000/- and Rs.80,000/- Chairperson, V/Chairperson and Members respectively.

16. Age Eligibility for Chairperson, Vice Chairperson and Members of Arunachal Pradesh State Commission for Women (APSCW) must be not more than 65 yrs and above, And for the Members not more than 55 yrs & above and not less than 45 yrs:

The 7th Body of Women Commission has jointly decided after multiple sittings regarding the up gradation of the “age eligibility” of the Members of APSCW. Being appointed as a member in APSCW itself is a very prestigious honour with high responsibilities. Viewing the responsibilities in state, there should be indispensable privilege for each member, ensuring that they have an equal voice in decision making that impacts their communities and way of life in order to challenge the social, political, economical and cultural changes in the societies for the betterment and upliftment of the women in the state. The age factor plays a crucial role in functioning of Commission, the age group need to have the ability to devote time in the commission and have that health conditions to travel Districts in the State and State in the Country. As there are instance Members unable to function due to other engagements and health issue.