

NAGALAND WOMEN COMMISSION ACT, 2006
(Act No.6 of 2006)

An Act to constitute a Women Commission in the State of Nagaland and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Nagaland Legislative Assembly in the fifty seventh year of the Republic of India as follows:

Short title, extent and commencement.

1. (1) This Act may be called the Nagaland Women Commission Act, 2006,
(2) It extends to whole of Nagaland.
(3) It shall come into force at once.

Definitions:

2. In this Act, unless the context otherwise requires ;
 - (1) "Chairwomen" means the Chairperson of the Commission;
 - (2) "Commission" means the Nagaland Women Commission constituted under this Act;
 - (3) "Member" means the other Member of the Commission;
 - (4) "Member-Secretary" means a Member of the Commission so designated by the State Government;
 - (5) "Notification" means Notification of the Government of Nagaland published in the Official Gazette;
 - (6) "Official Gazette" means the Official Gazette of the Government of Nagaland;
 - (7) "Rules" means rules framed by the Government of Nagaland under this Act;
 - (8) "State Government" means Government of Nagaland; and
 - (9) "Woman" or "Women" means all female persons regardless of age and biological stage

Constitution of the Commission

3. (1). The state Government shall, within a period of three months from the date of commencement of this Act, constitute, by notification, a body to be known as the Nagaland Women Commission to perform the functions assigned, and, to exercise powers conferred upon it, under this Act.
 - (2). The Commission shall consist of a Chairwoman and two members to be nominated by the State Government, who shall be persons of eminence with sufficient knowledge and experience in women related issues.
 - (3). One of the senior Members, and, if both equally senior, one of them at the discretion of the State Government, shall be designated as the Member-Secretary of the Commission.

Conditions of service of Chairwoman, Member and Member-Secretary

4. (1). The Chairwoman, to other Member and Member-Secretary of the Commission shall hold office for three years from the date of their appointment by notification in the official gazette.
 - (2). The Chairwoman, the other Member and Member-Secretary may resign their offices on their own accords at any time by tendering the resignation to the State Government and their resignation will be effective from the date of notification in the official gazette.

(3). On a complaint made by any person, the Chairwoman or the other Member or the Member-Secretary shall be removed from office, if she,-

- (a). becomes undischarged insolvent;
- (b). is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves 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 State Government, absent from three consecutive meetings of the Commission; or
- (f). has abused the office, in the opinion of the State Government, so as to render her unfit to hold the office any further.

Provided no person shall be removed from the office until an inquiry, as per rules to be made by the State Government, has been held and concluded within three months from the date of receipt of a complain seeking her removal.

- (4) Any vacancy in the offices of the Chairwoman or the other Member or the Member-Secretary shall be filled within three months of the occurrence of the vacancy.
- (5) The remuneration and other facilities that may be provided to the Chairwoman, the other Member and Member-Secretary of the Commission shall be as prescribe by rules to be made by the State Government.
- (6) All other matters relating to their conditions of service shall be as prescribed by rules to be made by the State Government.

FUNCTIONS OF THE COMMISSION:

- 5. (1) The Commission shall;
 - a) Study/research and codify the customary laws relating to Naga women, family institutions, social security for women and children, on tribe-wise, district-wise and on other basis that may be considered necessary, for protecting family institutions from breaking up and for protecting against children particularly girl children from being rendered as orphans.
 - b) Study, research and report on the advisability of reorienting some of the customary laws and practices into legislative enactments;
 - c) Study, research and report on all Acts of Parliament including Civil Procedure Code, Criminal Procedure Code and Indian Penal Code etc., regarding their applicability or otherwise to Naga women, for enabling the Nagaland Legislative Assembly to take appropriate action under article 371-A (1) (a) of the Constitution of India;
 - d) Study, research and report on all Acts of Nagaland Legislative Assembly that affect women so as to plug loopholes and for more effective implementation;
 - e) Study, research and report on the advisability of including specific provisions in the Constitution of India for further protecting the interests of women in Nagaland, both in general and special ways;
 - f) To formulate the draft of the Nagaland Women Empowerment Policy with the Women Development Department,
 - g) Formulate alternative policies for the socio-economic and educational advancement of women in Nagaland for consideration of the State Government;
 - h) Study, research and report on the conditions of women in general, in Nagaland.
 - i) Study, research and report on the conditions of women in private and public work places in Nagaland

- j) Study and report on the conditions of women in Jails, Remand Homes and other places of custody to ameliorate their conditions against atrocities and human rights violations
- k) Receive complaints relating to the status, conditions and affairs of women from individuals and bodies, investigate them and report to the State Government ; and
- l) Perform all other functions which are connected with or incidental to functions enumerated above.

(2) It shall be the duty of the Commission to make special study, research, investigation and inquiry into matters or questions affecting the welfare and empowerment of women in Nagaland, that are referred by the State Government to the Commission.

POWERS OF THE COMMISSION

6. (1): While performing functions under section 5 of this Act, involving investigation and inquiry, the Commission shall have the powers of a civil court trying a suit and, in particular, in respect of the following matters:

- 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 documents
- 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 witnesses and documents, and
- f) Any other matter which may be prescribed.

(2): The Commissions may for the purpose of conducting investigations and inquiry under this Act, utilize the services of any officer of the State Government with its prior approval.

(3): The other procedural details in regard to conduct of investigations and inquiries under this Act shall, as far as possible, be the same as the procedure followed by a Civil Court and may also, if found necessary, further be prescribed by rules to be made by the State Government.

Procedure at the meetings of Commission

7. (1). The Commission shall meet at the time and place the Chairwoman, in consultation with other Member and Member-Secretary, decides.

(2). Notice for meetings shall be issued by the Member-Secretary to all concerned at least seven days in advance, except in the case of emergency meetings which may be called at shorter notice.

(3). Decisions at the meetings shall be by majority.

(4). The other details of procedure that may be followed by the Commission shall be such as may be prescribed by rules to be made by the State Government.

Vacancies etc, not to invalidate proceedings of Commission

8. No act or proceedings that 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.

State Government to consult Commission

9. The State Government shall consult the Commission before formulating major policies and while drafting legislation affecting women in Nagaland and such consultations shall have persuasive value.

Secretariat

10. (1). The State Government shall provide the Commission with such offices and employees as may be necessary, to form its Secretariat to assist, the Commission in its efficient performance of the functions assigned and to exercise its powers conferred upon it under this Act.

(2). The remuneration and other facilities to be provided to the offices and employees of the Commission and their other terms and conditions shall be such as may be prescribed in rules to be made by the State Government.

(3). The offices and employees of the Secretariat of the Commission shall be under the direct control and superintendence of the Member-Secretary.

Chairwoman, Members etc, to be public servants

11. The Chairwoman, Member, Member-Secretary and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Expenditure on the Commission and its Secretariat

12. The expenditure on the Commission and its Secretariat shall be defrayed out of grants paid to the Commission by the State Government.

Grants by State Government

13. The State Government shall, after due appropriation by law, pay to the Commission by way of grants such sums of money as the State Government may think fit, after considering the proposals for requirement of money from the Commission, for being utilized for the purposes of this Act.

Accounts and Audit

14. (1). The Commission shall maintain records of expenditure and other accounts in the requisite formats.

(2). The accounts of the Commission shall be audited by the Comptroller and Auditor General through his representatives in Nagaland.

(3). The audit reports of the Commission shall form part of the annual audit report of the Comptroller and Auditor General on the accounts of the Government of Nagaland.

Annual Report

15. (1). The Commission shall prepare for every financial year a detailed account of its activities in the form of an Annual Report for being laid before the Nagaland Legislative Assembly at the earliest opportunity.

(2). If the report contains any recommendation for action by the State Government, the State Government shall, within six months from the date of laying of the Annual Report of the Commission before the Nagaland Legislative Assembly, prepare an Action Taken Report of the recommendation of the Commission and lay the same before the Nagaland Legislative Assembly at the earliest opportunity.

Power to make rules

16. (1). Wherever, in this Act, power has been delegated to the State Government for making rules, such rules shall be made by the State Government its consultation with the Commission.

(2). Every rules so made shall be notified in the Official Gazette.

(3). All rules made under this Act by the State Government shall be laid before the Nagaland Legislative Assembly at the earliest opportunity