

Twelfth Kerala Legislative Assembly
Bill No. 124

**THE KERALA WOMEN'S COMMISSION (AMENDMENT)
BILL, 2007**

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further to amend the Kerala Women's Commission Act, 1991.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Women's Commission Act, 1991 (17 of 1995) for the purposes hereinafter appearing ;

BE, it enacted in the Fifty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Women's Commission (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 24th day of January, 2007.

2. *Amendment of section 2.*—In section 2 of the Kerala Women's Commission Act, 1991 (17 of 1995) (hereinafter referred to as the principal Act), after clause (h), the following clause shall be inserted, namely :—

“(ha) “Secretary” means the Secretary of the Commission appointed under sub-section (1) of section 12 ;”.

3. *Amendment of section 5.*—(1) For sub-sections (1) and (2) of section 5 of the principal Act, the following sub-sections shall be substituted, namely :—

“(1) For the purposes of this Act the Government shall, by notification in the Gazette, constitute a Commission to be known as ‘the Kerala Women's Commission’, consisting of the following members, namely:-

(a) a Chairperson, who is committed to the cause of women, with sufficient knowledge and experience in dealing with women's problems ;

(b) not more than four other members, of whom one shall be a person belonging to a Scheduled Caste or a Scheduled Tribe ;

(c) the Secretary of the Commission-Member, *Ex-officio*

(2) The members appointed by the Government under clauses (a) and (b) shall be women.”.

4. *Amendment of section 6.*—In section 6 of the principal Act,—

(i) in sub-section (1), after the words “Every member”, the words “other than the ex-officio member” shall be inserted;

(ii) in sub-section (2), in the opening portion, after the words “a member”, the words and punctuation “other than the ex-officio member,” shall be inserted;

(iii) in sub-section (4), after the opening words “The members”, the words and punctuation “other than the ex-officio member,” shall be inserted.

5. *Amendment of section 7.*—In section 7 of the principal Act, for the word “two”, the word “four” shall be substituted.

6. *Amendment of section 11.*—In section 11 of the principal Act,—(i) the existing section may be numbered as sub-section (1) of that section and in sub-section (1) as so numbered, after the opening words “Any member”, the words and punctuation “other than the ex-officio member,” shall be inserted;

(ii) after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) The ex-officio member shall hold office during the pleasure of the Government.”

7. *Amendment of section 12.*—In section 12 of the principal Act,—

(i) in sub-section (1), for the opening sentence, the following sentences shall be substituted, namely:—

“The Government may appoint a Secretary to the Commission, who shall be the Chief Executive Officer of the Commission. The Government may also appoint a Director, in consultation with the Commission, for making investigation for the purposes of this Act.

The Secretary and the Director shall carry out such directions issued by the Commission, besides the functions conferred on them by this Act.”;

(ii) in sub-section (2), after the words “conditions of service of”, the words “ the Secretary and” shall be inserted.

8. *Amendment of section 13.*—In section 13 of the principal Act, for the words “or in respect of the Director”, the words “or in respect of the Secretary, the Director” shall be substituted.

9. *Amendment of section 21.*—In section 21 of the principal Act, for the words “signature of the Director”, the words “signature of the Secretary” shall be substituted.

10. *Amendment of section 28.*—In section 28 of the principal Act, in clause (a), for the words “conditions of service of the Director”, the words “conditions of service of the Secretary, the Director” shall be substituted.

11. *Special provision relating to the existing Commission.*—(1) Notwithstanding anything contained in the principal Act, or in any other law or in any judgment, decree or order of any court, on and from the date of commencement of this Act, the Chairperson and members of the existing Commission constituted under the provisions of the principal Act shall, by virtue of this Act, be deemed to have vacated their offices as such.

(2) The Chairperson and members of the Commission who have ceased to hold office, by virtue of this Act, shall be entitled to honorarium and allowances only for the period for which they had held the office of the Chairperson or member of the Commission, as the case may be, and they shall not be entitled to honorarium and allowances or other benefits for the remaining period of their tenure, if any.

(3) All investigations, inquiries or other proceedings pending before the Commission on the date of commencement of this Act and which have not been disposed of, shall stand transferred to, and be continued by the Commission constituted under the principal Act, as amended by this Act, as if they were commenced before it.

12. *Repeal and Saving.*—(1) The Kerala Women’s Commission (Amendment) Ordinance, 2007 (42 of 2007) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

A large number of petitions are pending and numerous fresh petitions are being received by the Kerala Women’s Commission. Due to the inadequacy of sufficient number of members in the Commission, the sittings of the Commission at district level are not adequate to deal with the work load. In order to have an effective intervention of the Commission in women related issues, the Council of Ministers in its proceedings dated 9-1-2007 decided to enhance the number of members of the Commission including the Chairperson to six and to make provision for vacating then existing members of the commission. So also considering the multifarious activities of the Commission it has decided that the Secretary of the Commission should be an ex-officio member of the Commission. Hence it is necessary to amend sections 2, 5, 6, 7, 11, 12, 13, 21 and 28 of the Kerala Women’s Commission Act, 1991 to give effect to the above legislative proposals.

2. As the Legislative Assembly of the State of Kerala was not in session and as the above Legislative proposal had to be given effect to immediately, the Governor of Kerala promulgated the Kerala Women's Commission (Amendment) Ordinance, 2007 (1 of 2007) on the 24th day of January 2007 and the same was published in the Kerala Gazette Extraordinary No. 140 dated 24th January 2007.

3. A Bill to replace the Kerala Women's Commission (Amendment) Ordinance, 2007 (1 of 2007) could not be introduced in, and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 2007 and ended on the 29th day of March, 2007. Therefore, the Kerala Women's Commission (Amendment) Ordinance, 2007 (32 of 2007) was promulgated by the Governor on the 30th day of March, 2007 and was published in the Kerala Gazette Extraordinary No. 637 dated 2nd April 2007.

4. A Bill to replace the Kerala Women's Commission (Amendment) Ordinance, 2007 (32 of 2007) could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 19th day of June, 2007 and ended on the 26th day of July, 2007. Therefore, the Kerala Women's Commission (Amendment) Ordinance, 2007 (42 of 2007) was promulgated by the Governor on the 30th day of July, 2007 and was published in the Kerala Gazette Extraordinary No. 1402 dated 30th July 2007.

5. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

Sub-section 4 of section 6 of the Kerala Women's Commission Act, 1991 (17 of 1995), provides that the Members shall receive a fixed honorarium and other allowances and shall be governed by the condition of services as may be prescribed, provided that the fixation of the honorarium shall be without taking into consideration of the past service rendered by the person in any capacity before his appointment as a member. The honorarium and other allowances payable to the Chairperson and members have been fixed as per G. O. (P) 15/2003/SWD dated 16-5-2003 issued as SRO No. 472/2003 published as Gazette Extraordinary No.903 of 28th May 2003. As per section 5 of the proposed bill, the Members of the Commission has been increased from three to six, including the Secretary of the Commission who is Member (Ex-officio). Accordingly the amount required to pay honorarium and other allowances will also be increased. The additional expenditure on account of increase in the number of Members would come to Rs. 9.50 lakhs recurring and Rs. 0.50 lakhs non-recurring.

P. K. SREEMATHI TEACHER

Provided that the fixation of the honorarium shall be without taking into consideration the past service rendered by the person in any capacity before his appointment as a member.

7. *Quorum*.—The quorum for a meeting of the Commission shall be two.

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11. *Removal of members from office*.—Any member of the Commission may be removed from office by an order of the Government, if he—

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which involves moral turpitude’;

(c) becomes of unsound mind;

(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 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 a member shall not be removed under this section until that person has been given a reasonable opportunity of being heard in the matter.

12. *Appointment of Director and other staff of the Commission*.—(1) The Government may, in consultation with the Commission, appoint a Director for making investigations for the purposes of this Act and to carry out such directives given to him by the Commission besides the functions conferred on him by this Act. The Government may appoint such other staff as may be necessary to assist the Commission by deputation or by direct recruitment and prescribe their condition of service:

Provided that in the case of direct recruitment, the provisions of rules 14, 15, 16 and 17 of the Kerala State and Subordinate Service Rules, 1958, shall apply.

(2) The qualifications, term of appointment and other conditions of service of the Director shall be such as may be prescribed.

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