

The Maharashtra State Commission for Women (Procedure)

Regulations, 2021

CHAPTER I - PRELIMINARY.

In the exercise of the powers conferred under sub section (2) of Section 9 of the Maharashtra State Commission for Women Act 1993, the Commission hereby makes the following procedural regulations for its functioning -

1. Short title and commencement –

(1) These Regulations may be called "The Maharashtra State Commission for Women procedural regulations 2021

(2) They shall come in to force on the date of their adoption in the general body meeting of Commission.

2. "Definitions"

In these Regulations, unless the context otherwise requires:

- a) "Act" means the Maharashtra State Commission for Women Act, 1993 (Maharashtra Act No. XV of 1993) as amended from time to time.+ Cell, Monitoring Cell or any other Cell that may be formed for facilitating the functions of the Commission.
- b) "Chairperson" means the Chairperson of the Commission.
- c) "Commission" means the Maharashtra State Commission for Women constituted under Section 3 of the Act.
- d) "Complaint" means a Complaint received in the Commission or by the Chairperson, any Member, Member Secretary or any officer, from an aggrieved woman or on her behalf from any individual or organization or Suo – Moto ,
- e) "Complainant" means an aggrieved woman or a group of women, who have made a complaint personally, or any individual or organization who has made a complaint on behalf of an aggrieved woman or a group of women.

- f) "Aggrieved person" means an aggrieved woman or a group of women or any person, who have made a complaint personally, or any individual or organization who has made a complaint on behalf of an aggrieved woman or a group of women.
- g) "Committee" means a Committee constituted by the Commission under Section 8 of the Act.
- h) "Meeting" means and includes any Ordinary and Special Meeting convened in accordance with these Regulations for the purpose of discussing, ratifying, and/or giving effect to decisions of the Commission with respect to its internal business and working and matters connected therewith; "Member" means a Member of the Commission and includes the Chairperson and the Member-Secretary.
- i) "Member-Secretary" means the Member-Secretary of the Commission.
- j) "Nominated Member" means a member appointed by the Commission under section 8 Sub Sec. (2) of the act
- k) "Officer" means and includes all officers of the Commission as appointed or deputed by the State government and or recruited by commission to assist the Commission under Section 5 of the Act.
- l) "Prescribed" means as laid down in the Act or by the Rules and/or Regulation framed.

Words and expressions used in these Regulations but not defined, unless the context otherwise requires, shall have the same meanings as respectively assigned to them in the Act.

3. Headquarters of the Commission: The headquarters of the Commission shall be located at Mumbai.

4. Regional Offices of the Commission:

- a) The Commission has six regional offices working under its control are at Amaravati, Aurangabad, Konkan, Nasik, Nagpur and Pune. However the Commission may at any time establishes or changes the place of its regional office within that particular region.

- b) The Commission for efficient functioning of its regional offices shall appoint adequate officers and employees.
- c) The regional offices shall function and exercise their powers while dealing and corresponding upon received complaints in accordance with the standard operating procedure provided by head office from time to time.
- d) The officers and employees of the regional office shall keep cases and other relevant matters and make adequate arrangement for the regional hearings of the Commission.
- e) The regional offices shall keep data of complaints and action taken thereon and submit periodical reports to the Commission after every three months.

CHAPTER II

OFFICERS/EMPLOYEES OF THE COMMISSION

- 5. The officers and employees of the Commission shall be covered by All Maharashtra Civil Services Rules as amended up to date.

CHAPTER III

COMMITTEES OF THE COMMISSION

- 6.
 - (a) The Commission may appoint Committees for the efficient Performance, exercises and discharge of its functions, powers and duties as provided in sub sec. (1) of sec. 8
 - (b) The committees appointed by the Commission shall consist women members having expertise into subject matter, experience in legal field, social work or NGOs.
 - (c) The members so appointed by the Commission shall have right to attend the meetings and take part in the proceedings but shall not have right to vote. However, they shall be entitled to receive such allowances towards expenses for attending the meetings.
 - (d) The Commission shall, at its board meeting or by advertisement, fix the names of person/s, institution/s, NGO or organization/s

that are to be appointed in the Committee of the Commission. When the posts of the Chairperson and Members of the Commission are vacant, the Member Secretary is able to take a decision in this regard.

7. (a) To render grievance and guidance to needy women in instituting Proceedings in any judicial forum or tribunal or even before the Commission it, the Commission may appoint advocate or panel of advocates if so needed, and such impanelled advocates shall act under the instructions and guidance of the law officer of the Commission.
- (b) The advocate appointed on panel shall be entitled for honorarium fixed by the Commission from time to time
- (c) The Commission in discharge of its functions may invite the applications from voluntary organisations, more particularly the women organisation working to address the grievances of the women and on its satisfaction record their names in the register maintained by the Commission.

CHAPTER IV

Registration of Voluntary Organisations

8. a) Any voluntary organisations, particularly women's organisations within the State may seek registration through the office of the Municipal Cooperation Charity Commissioner/ Joint Charity Commissioner/ Chief Executive Officer Zilha Parishad/ Women & Child Development Office, Chief Officer of Nagar parishad/ panchayat and/or any other office for that purpose and the Commission may after satisfying itself in the manner deemed fit by the Commission about the value and role of such organisation in the society, include the name of such organisation in its register.
- b) The Commission may issue letter/ certificate of affiliation to or maintain a register of such

voluntary organisations within the state and more particularly women's organisations whose assistance it may seek for the discharge of its functions except that the Commission may seek assistance of any within the State more particularly women's organisations.

- c) A list of such organisations registered with the Commission shall be made available to any court or authority or, on the request, to the members of general public.
- d) If, for any reason to be recorded in writing, the Commission deems fit to cancel the name of any organisation from its register, it may do so, after giving such organisation a reasonable opportunity to be heard.
- e) The decision of the Commission about such cancellation shall be final.

CHAPTER V

MEETINGS OF THE COMMISSION

9. Place of meeting

- (a) The Commission shall ordinarily meet at its headquarter at Mumbai. However, the Commission may, hold its meeting at regional offices or any other place; if in the opinion of the Chairperson it is so necessary and expedient.
- (b) Such meetings can be unanimously held by the Member Secretary and Director General of Police when the office of the Chairperson is vacant.

10. Periodicity of meetings

- (a) **Ordinary Meeting:** The Commission may hold at least 3 meetings in a year to transact the ordinary business of the Commission.
- (b) **Special Meeting:** The Chairperson may, either herself or at the instance of one or more of the Members, called or direct to be called a special meeting of the Commission to be convened to consider any special issue.
- (c) **Urgent Meeting :** However, the Chairperson may either herself or at the instance of any Member/s, called or direct to be called a urgent meeting on issue of immediate nature or of any urgent matters and at least 24 hours prior intimation of such meeting shall be given to all concerned.

Provided that at such urgent meeting, only the specific agenda for which that meeting has been convened shall be considered.

- (d) **Virtual Meetings:** If necessary the Chairperson either herself or at the instance of any member/s, call or direct to be called the meetings mentioned in clause (a) to (c) above in virtual/digital format on any digital platform so decided by the Commission.

When post of the Chairperson and members are vacant the Member Secretary and Director General of Police would jointly hold the meetings of the Commission.

- 11. **Attendance during the meetings:** The Meetings of the Commission shall be attended by all the members including the Member Secretary and/or such other officers of the Commission as may be directed by the Chairperson or by the Member Secretary.

- 12. **Agenda for the meetings:** The Member-Secretary shall, in consultation with the Chairperson, prepare or cause to be prepared, the Agenda for all meetings of the Commission. Agenda of the meetings shall be circulated to all members and other concerned officials at least seven clear working days for ordinary meeting, three working days for special meeting and 24 hours for urgent meeting before the scheduled

date and notice, agenda of the virtual meeting shall be provided to all the concerned on their registered email addresses.

Provided, however, that in case any Member desires to suggest the inclusion of any matter in the agenda of any scheduled meeting, such Member shall intimate her proposals in writing to the Member Secretary before the scheduled date of the meeting i.e. at least Four working days of ordinary meeting, two days of special meeting and 1 hour prior to the urgent meeting. In case an agenda item proposed by any Member cannot be included in the scheduled meeting, the Member secretary shall intimate the reasons thereof to the concerned member and the same shall be taken up in the following Meeting of the Commission.

13. **Presiding over the meetings:**All meetings of the Commission shall be presided over by the Chairperson and in absence of the Chairperson, by any Member so authorized by the Chairperson. In absence of any authorization, the President of any meeting shall be chosen by the Members present therein.
14. **Quorum:**The quorum for every meeting of the Commission shall be at least four.

Provided, if the requisite quorum is not present the meeting will be adjourned and it shall be held on the same day at the same place after half an hour, then members present shall be the quorum.

As provided in Section 7 of the Act, that any such meeting/s of the Commission, proceedings or decision taken therein shall not be questioned or shall not be held invalid on the ground of merely of the existence of any vacancy in, or defect in the constitution of the Commission or any defect in the nomination of a person acting as the chairperson or a member or any irregularity in the procedure of the Commission, including in issuing of notice for holding a meeting.

15. **Decision of the Commission:**All matters required to be decided by the Commission shall be made on the basis of the majority opinion and voting, of the Members present and voting thereat. In cases of any deadlock, where no majority opinion emerges and the decision is tied, the Chairperson shall in such situations have the casting vote.

Provided that, if in the opinion of the Member Secretary any case requires immediate approval of the Commission, the Member secretary may, after consultation with the Chairperson, obtain the approval in writing of the Members and the Chairperson by circulation of the subject matter.

16. Conduct of the meetings: The meetings of the Commission shall be conducted in the following order:

- a) The Minutes of the previous Ordinary Meeting, Special Meeting and if any, held shall be read and affirmed;
- b) Action Taken Report on the Minutes of previous and earlier meetings;
- c) Subject included in the agenda, which inter alia will include:-
 - i) Reports submitted by the Committees,
 - ii) Any other report which is placed by the Member Secretary before the Commission,
 - iii) Annual and periodical reports and annual accounts of the Commission,
 - iv) Any matter placed in the agenda,
 - v) Amendment of the Rules /Regulations;
- d) Any other matter with the permission of the Chairperson.

17. Minutes of the Meetings :

- a) The Member Secretary shall record or cause to be recorded the Minutes of each Meeting of the Commission, during the meeting itself or immediately thereafter, not more than 15 clear working days from the date of such Meeting.
- b) The recordings of virtual meetings shall be treated as minutes of the meeting and after authentication of the Chairperson and Member Secretary same shall be provided through official email address of the Commission to all Members of the Commission for information and concerned Officer for taking action.

- c) The Minutes Book shall be signed as soon as practicable by the Chairperson or the Chair of such Meeting, as the case may be, and shall be kept open for inspection by any Member.
 - d) A copy of the Minutes of Each Meeting shall be circulated by the Member Secretary or any other officer of the Commission, duly authorized by the Member Secretary in that behalf, to all Members of the Commission for information and also to concerned officers for taking action and for preparing 'Action Taken' note thereon.
- 18. Record of minutes:** A copy of the minutes of every Meeting of the Commission shall be sent to the relevant Officers/ Employees /Cell/Section/Department for appropriate action, if required.
- 19. Authentication of orders and decisions:**
- (a) All Orders, recommendations, decisions and reports of the Commission shall be authenticated by the Member Secretary or any officer of the Commission (authorized by the Member Secretary).
 - (b) Authenticated minutes shall be preserved/ pasted in the minute's book and shall form part of the permanent record of the Commission.
- 20. Report of action taken:** Report of follow-up action shall be submitted to the Commission at every subsequent Meeting indicating therein the present stage of action on each item on which the Commission had taken a decision in any of its earlier Meetings, excepting the items on which no further action is called for.

CHAPTER V

MEETINGS OF THE COMMITTEES

21. Meetings of the Committees:

- (a) The Committees appointed by the Commission under section 8 of the Act for dealing with any special issues shall comprise of at least one Member and the Member Secretary and where such committees comprise of more than one Member (excluding the Member Secretary), the Chairperson shall nominate one of the members as the Presiding Officer of the Committee. The Chairperson may attend any meetings of any Committee at her sole discretion.
- (b) While remitting a special issue to a committee, the Commission shall specify a time within which the committee shall present its report to the Commission.

Provided that where for some reasons it is not possible for the Committee to present its report within the time allotted to it, the Head of the Committee shall make a written request to the Chairperson for extension of time. The report and recommendations made by the Committee shall be placed before the Commission and then sent to the appropriate Government/Authority for its implementation/action.

- (c) While considering a special issue, if the Head of the Committee or any other Member of the Committee feels that any other related issue requires consideration or may well be considered by the Committee, the Head of the Committee shall seek prior approval of the Chairperson for the same.
- (d) The Report and Recommendations made by the Committee shall be placed before the Commission for its approval and then sent to the appropriate Government/Authority for its consideration

CHAPTER VI

FUNCTIONS AND POWERS OF THE COMMISSION

22. **Functions of the Commission:** 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 law;
 - (b) present to the State 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 Union or any 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 moto 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) evaluate the progress of the development of women under the Union and any State;
- (k) inspect or cause to be inspected a 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) fund litigation involving issues affecting a large body of women;
- (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 State Government.
- (o) Where any such report or any part thereof relates to any matter with which State Government is concerned, the Commission shall forward a copy of such report or part to such to State Government who shall cause it to be laid before the Legislature along with a memorandum

explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

- (p) 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:—
- (i) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - (ii) requiring the discovery and production of any document;
 - (iii) receiving evidence on affidavits;
 - (iv) requisitioning any public record or copy thereof from any court or office;
 - (v) issuing commissions for the examination of witnesses and documents; and
 - (vi) any other matter which may be in larger interest of women.

CHAPTER VII

ADMINISTRATION OF THE COMMISSION

23. a) The Member Secretary shall take all administrative decisions of the Commission.

Provided that in absence of the Member Secretary the Deputy Secretary shall take all such decisions in consultation with the Member Secretary.

- b) The Deputy Secretary shall do all the routine administrative work of the Commission.
- c) The administrative officer shall regulate all the administrative work of the Commission, issue all correspondence and make all administrative arrangements for hearing, program, event, visit/s etc of the Commission.

CHAPTER VIII

RECEIVING AND DISPOSAL OF COMPLAINTS

24. (I) Registration of complaints:

- (a) The Commission shall prepare prescribe format of the complaint and same shall be made available in (soft and hard copy) to the aggrieved person at its office as well as on its website.
- (b) The complaint format should be made available at the Regional Offices of the Commission and on the websites of all other Government, semi Government and local authorities.
- (c) If an aggrieved person approaches the Commission with oral complaint same shall be reduced into writing in the prescribed form.
- (d) An aggrieved person may file complaint in writing, orally or through advocate or via any media developed by the Commission.
- (e) No cognizance will be taken on the complaints which are incomplete, unsigned, and filed against the interest of women.
- (f) On receiving the complaint, the concerned official shall have registered it in the registered maintained by the commission.
- (g) The Administrative officer or any other officer duly authorised by Administrative officer on receiving such

complaints shall forward it either concerned regional office, counsellor or the law officer for further action.

- (h) The Commission is receiving the complaints of aggrieved women, such complaints are of highly sensitive and every case is of different in nature and hence the Counsellor/Law officer deal with the complaint according to its nature, gravity, sensitivity and essentiality.
- (i) The Administrative officer, counsellors and law officer if necessary shall keep any complaint or issue before the Commission for hearing.

(II) Disposal of complaints :

- (a) Complaint is illegible or vague, anonymous or incomplete;
- (b) The complaint which is unmarked or not addressed to the commission or just marked for information or reference ;
- (c) Application of men against women
- (d) The Complaint relates to civil dispute between the parties such as contractual rights , after provision of legal aid ;
- (e) The Complaint relates to service matters not involving any deprivation of women's rights;
- (f) The Complaint relates to labour/industrial disputes not involving any deprivation of women's rights;
- (g) Matter is sub judice before any Court of law, Tribunal or any other competent authority.
- (h) The Commission shall not inquire into any matter after the expiry of one year from the date on which the Act constituting violation or deprivation of Women's Rights is alleged to have been committed. However the Commission may consider the complaint if delay caused reasonable.
- (i) Matter already decided by the Commission/ settlement in joint meetings before the commission/ closed or

disposed. Provided that the Commission may review its decision as the case may be.

- (j) Matters which have been heard, decided in public hearing or at divisional office mentioned in clause 28 (c).
- (k) If the Commission received a satisfactory action taken report in any of its complaint from the appropriate concerned authority.

CHAPTER VIII - EXECUTIVE EDITOR

25. Powers, function and duties of Executive Editor :

- (a) The Executive Editor with prior approval from the Chairperson or the Member Secretary shall prepare or cause to be prepared note, notice, article, printing material, advertisement, news articles to be published in newspapers, social media platforms, publications of the Commission and Commission's website regarding any , Suo-Moto cognizance, program, tour, visit, function, decision, recommendations, order, action of the Commission.
- (b) Provide assistance for implementing the programs, tours and visits of the Commission.
- (c) To prepare press note of any programme, public meeting, hearings, public hearing, visit/tour of the Commission in order to publish in media.

CHAPTER IX - LAW OFFICER

26. Powers, functions and duties of Law officer :

- (a) Provide legal opinion in the matters referred by the Commission.
- (b) Make available the legal-aid services to the aggrieved person through district legal aid authorities if needed.

- (c) Take assistance, services, opinion of the legal experts whenever require.
- (d) To initiate appropriate action in the matter assigned by the Commission and while dealing with the same communicate, correspond with the concerned authority, police station or any other office and direct them to take necessary action and call for action taken report.
- (e) Call for any document or copy of the document from any person or any authority.
- (f) Issue notice/summons for attendance or production of documents to any person or authority.
- (g) Utilise the services of police department for affecting summons/notice

CHAPTER X - COUNSELLORS.

27. Powers, functions and duties of counsellors:

- (a) Call for further information from the concerned parties if needed and shall have obtained additional information.
- (b) Arrange joint meetings of all necessary parties as the case may be.
- (c) Communicate/correspond with the concerned authority, Police Station, any other office/officer, and direct them to take necessary action and call for action taken report as the case may be.
- (d) Seek legal opinion from law officer of the Commission if needed.
- (e) Call for any document or copy of the document from any person or any authority.
- (f) Issue notice/summons for attendance or production of documents to any person/s or authority.
- (g) Utilise the services of police department for affecting summons/notice

- (h) Make available the legal-aid services to the aggrieved person through district legal aid authorities if needed.
- (i) Maintained the record of cases and action taken on it and submit monthly report to the commission.
- (k) To take needful action on cases received from NCW, and submit the ATR for the same

CHAPTER XI – HEARINGS OF THE COMMISSIONS

28. **Hearing:** The Commission shall keep periodical hearings upon the received grievances and the Member Secretary shall issue or cause to be issued notice/s of such hearings to all the concerned parties.
- a) The Chairperson either herself or at the instance of any member/s may call or cause to be called such hearing at the Commission headquarter or its regional office.
 - b) The Chairperson, Members, Member Secretary and any other Officer of the Commission so authorised by the Chairperson shall preside over the hearing.
 - c) The Commission may arrange public hearing at its regional office or any other place which shall deem fit and proper by the Commission.
 - d) The Commission may call for urgent hearing upon any grievance, issue, complaint, matter of atrocity, violation, assault, violence against the women in which the urgent intervention is require.
 - e) The Commission may call for the Virtual Hearing of any matter if so required.
 - f) The Member Secretary shall authenticate any order, recommendations, action, suggestions made by the Commission in such hearings.
 - g) The Counselling dept or any other officer dealing with complaint shall have create link for Virtual Hearing of the Commission and convey it to all concerned parties.

- h) The Member Secretary or any other officer duly appointed by the Member Secretary shall prepare the report of such hearings and same shall be conveyed to the all concerned.

Provided that in the absence of the office of the Chairperson the Member Secretary shall call and preside over such hearings of the Commission.

29.

In order to effective implementation of the laws relating to women and take review of the issues relating to women across the state as well to provide effective remedies thereon the Commission shall periodically organised review meetings at the office of District Collector, Superintendent of Police and/or any other such offices which the Commission may deem fit. The Chairperson of the Commission shall head the review meetings. Provided that any other Member, Officer/s of the Commission so appointed by the Chairperson shall head such meetings.

CHAPTER XII – ACCOUNTS

30. **Accounts of the Commission:**

- (a) The Annual Statement of accounts of the Commission for every financial year shall be prepared or be caused to be prepared by the Member-Secretary.
- (b) The Annual Statement of accounts of the Commission duly approved by the Commission at an Ordinary Meeting shall be submitted by the Member Secretary to the Office of Audit General for Audit.
- (c) The Member-Secretary of the Commission shall be responsible for the maintenance of the accounts of the Commission, the composition of the financial statement and the returns and shall ensure that all accounts, books, connected vouchers and other documents and papers of the Commission required by the Audit Officer for the purpose of auditing the accounts of the Commission are placed at the disposal of that Audit Officer.
- (d) The Annual Statement of accounts of the Commission shall be certified by the Accountant General, Maharashtra

or by any other person duly appointed or authorised by him in this behalf, and shall thereafter be signed and authenticated by the Account officer and the Member-Secretary.

- (e) The accounts of the Commission shall be subject to audit by the Accountant General, Maharashtra.

CHAPTER XIII – ANNUAL REPORT

31. Annual Report:

- (a) The Member-Secretary shall prepare the Annual Report referred to in Section 18 of the Act .
- (b) The Annual report referred to sub-rule (a), after approval of the Commission, shall be authenticated by the Member-Secretary.
- (c) Copies of the authenticated Annual Report shall be submitted by the Member-Secretary to the State Government.

CHAPTER XIV – REPEAL, ALTER OR AMEND

- 32. The Commission if deems fit, proper at any time may repeal, alter or amend the entire procedure or any part thereof;