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GOVERNMENT OF MANIPUR

DEPARTMENT

NOTIFICATION

Imphal, the 27th October, 2008

No.2/56/2008-Ix:B/L: The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on 27-70-2008 is hereby published in the official Gazette:

THE MANIPUR (HILL AREAS) DISTRICT COUNCILS (THIRD AMENDMENT)

ACT, 2008

(Manipur Act No. 7 of 2008)

An

Act

further to amend the Manipur (Hill Areas) District Councils Act, 1971 (Act No.76 of 1971).

WHEREAS, the Parliament enacted the Manipur (Hill Areas) District Councils Act, 1971. for the establishment of District Councils in the Hill Areas in the then Union Territory of Manipur;

AND WHEREAS, the Manipur (Hill Areas) District Councils Act, 1971 has continued to be in force in the State of Manipur with necessary adaptations under the Manipur (Adaptation of Laws) Order, 1972;

AND WHEREAS, the Manipur Legislative Assembly enacted the Manipur (Hill Areas) District Councils (First Amendment) Act, 1975 to amend section 23 of the Manipur (Hill Areas) District Councils Act, 1971;

AND WHEREAS, the Manipur Legislative Assembly enacted the Manipur Hill Areas Autonomous District Councils Act, 2000 (Manipur Act No.11 of 2000) which provided for repeal of the Manipur (Hill Areas) District Councils Act, 1971;

AND WHEREAS, the Manipur Hill Areas Autonomous District Council Act, 2000, however, was not brought into force;

AND WHEREAS, the Manipur Legislative Assembly enacted the Manipur (Hill Areas) District Councils (Second Amendment) Act, 2006 which repealed the Manipur Hill Areas Autonomous District Council Act, 2000;

AND WHEREAS, the Manipur Hill Areas Autonomous District Councils Bill, 2008 was introduced in the Manipur Legislative Assembly during the Third Session of the Ninth Legislative Assembly of Manipur but was withdrawn;

AND WHEREAS, it is expedient to continue the enforcement of the Manipur (Hill Areas) District Councils Act, 1971 with necessary amendments;

AND WHEREAS, it is expedient to consolidate/rationalise the law for establishment of the District Councils in the Hill Areas in the State of Manipur.

Be it enacted by the Legislature of Manipur in the Fifth-ninth Year of the Republic of India as follows:

1. Short title and commencement:

(1) This Act may be called the Manipur (Hill Areas) District Councils (Third Amendment) Act, 2008.

(2) The Manipur (Hill Areas) District Councils Act, 1971 shall continue to be in force with the amendments.

(3) It shall be deemed to have come into force with effect from 11th May, 2008.

2. General Amendments :- In the Manipur (Hill Areas) District Councils Act, 1971 (hereinafter to as the principal Act), after the word “Deputy Commissioner”, wherever they occur, the following words, “or Additional Deputy Commissioner, Kangpokpi in the case of Sadar Hill Areas” shall be inserted.

3. Amendment of section 2 :- In section 2 of the principal Act :

(1) for clause (f), the following new clause (f) shall be substituted, namely,-

(f), “Hill Areas” means the areas specified in the First Schedule to be the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972.

(2) for clause (g), the following new clause (g) shall be substituted, namely:

(g) “Hill Areas Committee” means the Hill Areas Committee constituted under the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972.

4. Amendment of section 4 :- In sub-section (2) of section 4 of the principal Act, for the words “eighteen”, the words “twenty four” shall be substituted.

5. Amendment of section 11:- For section 11 of the principal Act, the following new section 11 shall be substituted, namely:

“11. Election of Members of District Council:- (1) The superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections to the District Councils under this Act and the rules made thereunder shall be

vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

Provided that a casual vacancy shall be filled up as soon as after the occurrence of the vacancy

Provided further that no election shall be held to fill up a casual vacancy occurring within six months prior to the holding of a general election to the District Councils under this section.

(2) Subject to the provisions of any law made by the Legislature of Manipur, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the ground as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor shall, when so requested by the State election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by sub-section (1) above.”

6. Amendment of section 23.- In section 23(2) of the principal Act, the following words, “or Vice-Chairman” shall be inserted between the words, “The Chairman” and “of the District Council”.

7. Insertion of new sections 27 A and 27 B. ~ After section 27 of the principal Act, the following new sections 27A and 27B shall be inserted, namely:

“27A. Constitution of Executive Committee. - (1) There shall be constituted an Executive Committee in a District Council consisting of a Chairman, Vice-Chairman and five other Members.

(2) The Chairman and the Vice-chairman of the District Council shall be the ex-Officio Chairman and Vice-Chairman respectively of the Executive Committee and five other Executive Members shall be nominated by the Chairman from amongst the Members of the District Council.

(3) All administrative functions of the District Council as may be specified shall vest in the Executive Committee.

(4) Upon removal or resignation of the Chairman, or in the event the Chairman ceases to be the Chairman of the District Council for any reason, the nominated Executive Members shall cease to be members of the Executive Committee.

27B. Salaries and Allowances of Chairman, Vice-Chairman and Members. -The Chairman, the Vice-Chairman, the Executive Members and the Members of District Council shall be entitled to such salaries and allowances as may be determined by the Government.

8. Amendment of section 29, In sub-section (1) of section 29 of the principal Act, entries(i) to (xvii) shall be substituted by the following entries (i) to (xxvi), namely:

- “(i) the maintenance and management of such property, moveable and immovable, and institutions as may be transferred to the Council by the Governor;
- (ii) the construction, repair and maintenance of such of the roads, bridges, channels and buildings as may be transferred to that Council by the Governor;
- (iii) the establishment, maintenance and management of schools upto class VIII;
- (iv) the establishment, maintenance and management of medical dispensaries and Primary Health Sub-Centres;
- (v) the establishment and maintenance of cattle pounds including such function under the Cattle-trespass Act, 1871 as may be transferred to that Council by the Governor;
- (vi) the establishment, maintenance and management of markets and fairs and the construction, repair and maintenance of all buildings connected therewith;
- (vii) water supply and sanitation schemes;
- (viii) the construction, repair and maintenance of embankments and the supply, storage and control of water for agricultural purposes including minor irrigation schemes;
- (ix) the preservation, reclamation and conservation of soils;
- (x) animal husbandry and veterinary dispensaries;
- (xi) management of such ferries as may be entrusted to the charge of that Council by the Governor;
- (xii) the initiation, inspection, and control of relief works;
- (xiii) the allotment, occupation or use, or the setting apart of land, other than land acquired for any public purpose or land which is a reserved forest, for the purpose of agricultural or grazing or for residential or other non-agricultural purposes or for any other purposes likely to promote the interest of the inhabitants of any village or town situated within the autonomous District for which that Council is Constituted;
- (xiv) the management of any forest not being a reserved forest, minor forest produce including fuel and fodder;
- (xv) the regulation of the practice of Jhum or other form of shifting cultivation;
- (xvi) fisheries;

- (xvii) co-operatives;
- (xviii) sports and youth affairs;
- (xix) adult and non formal education;
- (xx) horticulture and floriculture;
- (xxi) rural housing and schemes under rural development including tribal development;
- (xxii) khadi & village industries and cottage industries;
- (xxiii) small scale industries.
- (xxiv) non-conventional energy sources ;
- (xxv) library and culture activities ;
- (xxvi) any other matter which the Governor may, in consultation with the Hill Areas Committee, entrust to the District Council in the field of agriculture, animal husbandry, community development, .social and tribal welfare, village planning or any other matter.”

9. Addition of new section 29A. - After section 29 of the principal Act, the following new section 29A shall be added, namely :

“ 29A. Recommendation for recognition of village - The District Council may recommend a village for recognition to the State Government subject to a resolution passed by a simple majority of the total members of the District Council on fulfilment of the conditions as may be prescribed.”

10. Amendment of section 42.- In section 42 of the principal Act, the word, “Magistrate”, shall be substituted by the words “competent court or authority established under a law for the time being in force”.

11. Repeal and savings.- (1) The Manipur (Hill Areas) District Councils (Third Amendment) Ordinance, 2008 is hereby repealed.

(2) Notwithstanding the repeal of this Ordinance, anything done and any action taken under the said Ordinance shall be deemed to have been done and acted under the corresponding provisions of this Act and shall continue to be in force until superseded.

A. SUKUMAR SINGH,

Secretary (Law),

Govt. of Manipur.