

Act No. 4/1996  
Date of Assent 11/3/1996  
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THE MANIPUR STATE FINANCE COMMISSION <sup>Act</sup> ~~BILL~~, 1996

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~~BILL~~ Act -

*to determine the qualifications requisite for appointment as members of the State Finance Commission and the manner in which they shall be selected and to prescribe their powers.*

BE it enacted by the Legislature of Manipur in the Forty-seventh Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Manipur State Finance Commission Act, 1996.

(2) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) “Commission” means the State Finance Commission constituted by the Governor of Manipur in pursuance to clause (1) of Article 243-I of the Constitution ;

(b) “Member” means a member of the Commission and includes the Chairman :

(c) “Municipality” means a Municipality constituted under Article 243-Q of the Constitution of India ;

(d) “Panchayat” means a Panchayat constituted under Article 243-B of the Constitution of India.

3. **Constitution of State Finance Commission.**—The State Finance Commission shall consist of a Chairman and a maximum of three other members appointed by the Governor.

**4. Qualification for appointment as and the manner of selection of members of the Commission.**—The Members including the Chairman of the Commission shall be appointed from among the persons who have had experience in public affairs, and who—

- (a) are, or have been, or are qualified to be appointed as Judges of a High Court ; or
- (b) have special knowledge of the finance and accounts of Government, or
- (c) have had wide experience in financial matters and in administration ; or
- (d) have special knowledge of economics.

**5. Personal interest to disqualify members.**—Before appointing a person to be a member of the Commission, the Governor shall satisfy himself that the person will have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission, and the Governor shall also satisfy himself from time to time with respect to every member of the Commission that he has no such interest and any person who is, or whom the Governor proposes to appoint to be a member of the Commission shall, whenever required by the Governor as to do, furnish to him such information as the Governor considers necessary for the performance by him of his duties under this section.

**6. Disqualifications for being a member of the Commission.**—A person shall be disqualified for being appointed as or for being a member of the commission,—

- (a) if he is of unsound mind ;
- (b) if he is an undischarged insolvent ;
- (c) if he has been convicted of an offence involving moral turpitude ;
- (d) if he has such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission.

**7. Terms of office of members and eligibility for reappointment.**—Every member of the Commission shall hold office for such period as may be specified in the order of the Governor appointing him, but shall be eligible for re-appointment :

Provided that a member may, by letter addressed to the Governor, resign his office.

**8. Conditions of service and salaries and allowances of members.**—The member of the Commission shall render whole-time or part-time service to the Commission as the Governor may, in each case specify, and there shall be paid to the member of the Commission such fees or salaries and such allowances as the State Government may, by rules made in this behalf, prescribe.

9. Procedure and powers of the Commission.—(1) The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely,—

- (a) summoning and enforcing the attendance of witnesses ;
- (b) requiring the production of any document ;
- (c) requisitioning any public record from any Court or office.

(2) The Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission shall be deemed to be a Civil Court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

*Explanation:*—For the purpose of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of State of Manipur.

10. Matters on which Commission to make recommendations.—The State Finance Commission shall make recommendations to the Governor on matters provided under Article 243-I and 243-Y of the Constitution.

11. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government, may by order, do anything not inconsistent with the provisions thereof which is necessary or expedient for the purpose of removing the difficulty :

Provided that no such order shall be made under this section after the expiry of 2 years from the commencement of this Act.

(2) Every order made under this section shall be laid on the table of the Legislative Assembly.

12. Power to make rules.—(1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the Legislative Assembly while it is in session, for a total period of twenty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the successive sessions aforesaid, the House agrees in making modification in the rule or that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect,

as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

13. **Repeal and savings.**—(1) From the commencement of this Act, section 97 of the Manipur Panchayati Raj Act, 1994 (26 of 1994) and section 73 of the Manipur Municipalities Act, 1994 (43 of 1994) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said sections shall be deemed to have been done or taken under the corresponding provisions of this Act.