

# MANIPUR GAZETTE



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### GOVERNMENT OF MANIPUR SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT

#### NOTIFICATION Imphal, the 22nd October, 2010

No.2/36/2010-Leg/L: The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on 19-10-2010 is hereby published in the Manipur Gazette.

#### THE MANIPUR STATE MINORITIES COMMISSION ACT, 2010 (Manipur Act No. 9 of 2010)

An  
Act

to constitute a State Commission for Minorities and to provide for matters connected therewith and incidental thereto.

Be it enacted by the Legislature of Manipur in the Sixty-first Year of the Republic of India as follows;

#### CHAPTER-I Preliminary

1. **Short title, extent and commencement.** - (1) This Act may be called the Manipur State Minorities Commission Act, 2010

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

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

- (a) "Chairperson" means the Chairperson of the Manipur State Minorities Commission;
- (b) "Commission" means the Manipur State Minorities Commission constituted under section 3 of this Act;
- (c) "Member" means the Member of the Commission;
- (d) "minority" means a community notified as such by the State Government under section, 2(c) of the National Commission for Minorities Act, 1992 as well as the Community/Communities notified by the State Government based upon the circumstances/conditions prevailing in the State;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "State Government" means the State Government of Manipur.

#### CHAPTER-II The State Commission for Minorities,

3. **Constitution of the State Commission for Minorities.** - (1) The State Government shall constitute a body to be known as Manipur State Minorities Commission to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of a Chairperson and two Members to be nominated by the State Government from amongst persons of eminence, ability and integrity and such persons shall be from amongst the notified minority communities.

(3) The headquarters of the Commission shall be at such place as the State Government may, by notification, specify.

**4. Term of office and conditions of service of Chairperson and Members.-** (1) The Chairperson or a Member shall hold office for a term of three years from the date he/she assumes office.

(2) The Chairperson or a Member may, by writing under his hand addressed to the State Government, resign from the office of the Chairperson or a Member at any time.

(3) The State Government shall remove the Chairperson or a Member from his office if he -

- (a) becomes an 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) has, in the opinion of the State Government, so abused the position of Chairperson or a Member as to render that person's continuance in office detrimental to the interests of Minorities or the public interest:

Provided that no Chairperson or a Member shall be removed under this clause until he has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-sections (2) and (3) or otherwise shall be filled up by fresh nomination.

(5) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson or Member, shall be such as may be prescribed.

**5. Officers and other employees of the Commission. -** (1) The State Government shall make available to the Commission an Officer not below the rank of a Deputy Secretary to the State Government who shall be the Secretary of the Commission and such other Officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(2) The Secretary of the Commission shall be the Executive Officer of the Commission and shall exercise such powers and discharge such functions of the Commission as prescribed and as may be delegated.

(3) The salaries and allowances payable to, and other term and conditions of service of the Officers and other employees appointed or engaged or detailed by way of attachment for the purpose of the Commission shall be such as may be prescribed.

**6. Salaries and allowances to be paid out of grants.** - The salaries and allowances payable to the Chairperson and Member referred to in sub-section (5) of section 4 and to the Officers and other employees referred to in section 5 and the administrative expenses, shall be paid out of the grants referred to in sub-section (1) of section 10.

**7. Reasons not to invalidate proceedings of the Commission.** - No act or proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of any defect in the constitution of the Commission.

**8. Procedure to be regulated by the Commission.** - (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Secretary or any other Officer of the Commission authorized by the Chairperson in this behalf in the absence or vacancy of the Secretary of the Commission.

### **CHAPTER-III**

#### **Functions of the Commission**

**9. Functions of the Commission.** - (1) The Commission shall perform all or any of the following functions, namely, -

- (a) evaluate the progress of the development of minorities of Manipur;
- (b) monitor the working in Manipur of the safeguards of the minorities provided in the Constitution of India and in laws enacted by Parliament and by the State Legislature;
- (c) make recommendations for the effective implementation of safeguards for the protection of the interest of the minorities by the State Government;
- (d) look into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with the appropriate authorities;
- (e) cause studies to be undertaken into the problems arising out of any discrimination against the minorities and recommend measures for their removal;
- (f) conduct studies, research and analysis on the issues relating to socio-economic, educational and cultural development of minorities;
- (g) suggest appropriate measures in respect of any minority to be undertaken by the State Government;
- (h) make periodical or special reports to the State Government on any matter pertaining to minorities and in particular difficulties confronted by them;
- (i) make recommendations for ensuring, maintaining and promoting communal harmony in the State; and
- (j) any other matter which may be referred to it by the State Government:

Provided that, if any matter specified in sub-clause (g) is undertaken by the National Commission for Minorities, constituted under section 3 of the National Commission for Minorities Act, 1992, the State Commission shall cease to have jurisdiction in such matter.

(2) The State Government shall cause the recommendations of the Commission to be laid before the State Legislature along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for non-acceptance, if any, of any such recommendations or part.

(3) The Commission shall, while performing any of the functions mentioned in sub-clause (a), (b) and (d) of sub-section (1), have the powers of a Civil Court trying a suit and in particular in respect of the following matters, namely, -

- (a) summoning and enforcing the attendance of any persons from any part of the State and examining him on oath;
- (b) requiring the discovery and production of any document;
- (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;
- (f) any other matter which may be prescribed.

#### **CHAPTER-IV** **Finance, Accounts and Audit**

**10. Grants.-** (1) The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums as the State Government may think fit for being utilized for the purposes of this Act.

(2) The Commission shall prepare every year before such date and in such form, as may be prescribed the Budget Estimates of expenditure for the financial year to commence on the first of April next following and shall forward it to the State Government.

(3) The Commission may spend such sum as it thinks fit for performing the functions under this Act and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

**11. Accounts and Audit. -** (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General, Manipur.

(2) The accounts of the Commission shall be audited by the Accountant General of Manipur at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General, Manipur.

(3) The Accountant General, Manipur and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and authority in connection with the audit of the State Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and prepare and to inspect any of the office of the Commission.

**12. Annual report.** - The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its Annual Report, giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

**13. Annual report and audit report to be laid before State Legislature.** - The State Government shall cause the Annual Report together with a memorandum of action taken on the recommendations contained therein and the reason for non-acceptance, if any, of any such recommendations and the Audit Report to be laid as soon as may be after the reports are received, before the State Legislature.

#### **CHAPTER-V** **Miscellaneous**

**14. Chairperson, Members and staff of the Commission to be public servants.** - The Chairperson or Members, Officers and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

**15. Powers to remove difficulties.** - (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before the State Legislative Assembly.

**16. Power to make rules.** - (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely, -

- (a) salaries and allowances payable to, and the other terms and conditions of service and facilities of the Chairperson and Members under sub-section (5) of section 4 and of the officers and other employees under sub-section (3) of section 5;
- (b) any other matter under clause (f) of sub-section (3) of section 9;

- (c) the form in which the Annual Budget Estimate of the Commission shall be forwarded to the State Government under sub-section (2) of section 10;
- (d) the form in which the Annual Statement of Accounts shall be maintained under sub-section (1) of section 11;
- (e) the form in, and the time at, which the Annual Report shall be prepared under section 12;
- (f) any other matter which is required to be, or may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before the State Legislative Assembly while it is in session, for a total period of thirty days which may be comprised in one or more successive sessions, and if, before the expiry of the period immediately followings the session or the successive sessions aforesaid, the House agree in making any modification in the rule or that the rule should not be made, the rules 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 amendment shall be without prejudice to the validity of anything previously done under that rule.

TH. KAMINI KUMAR SINGH,  
Deputy Secretary (Law),  
Government of Manipur.