

The Manipur Hill Areas Autonomous District Council Act, 2000

MANIPUR

India

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Act 11 of 2000

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The Manipur Hill Areas Autonomous District Council Act, 2000 (Manipur Act No. 11 of 2000) Last Updated 7th February, 2020 Notification No. 2/25/2000-Leg/L. - The following Act of the Legislature Manipur which received assent of the Governor of Manipur on 31.8.2000 is here by published in the official Gazette. An Act to provide for establishment of Autonomous District Councils for Hills Areas in the State of Manipur for the purpose of Self-Government in such areas. Be it enacted by the Legislative Assembly of the State of Manipur in this Fifty First Year of the Republic of India, as follows:

1. Preliminary - Short title, extent and commencement.

(1) This Act may be called the Manipur Hills Areas Autonomous District Council Act, 2000. (2) It extends to the whole of the Hill Areas 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) "Autonomous District" means the Autonomous District constituted under this Act; (b) "Chief Executive Officer" means the Chief Executive Officer of a District Council appointed under the provisions of this Act; (c) "District Council" means the District Council established for an Autonomous District; (d) "Election Commission" means the Election Commission of District Council constituted under this Act; (e) "Election Tribunal" means Election Tribunal constituted under the Manipur Panchayati Raj Act, 1994 (No. 26 of 1994); (f) "Executive Member" means an Executive Member of the Executive Committee constituted under Section 16; (g) "Finance Commission" means the Finance Commission of District Councils constituted under this Act; (h) "Governor" means the Governor of Manipur; (i) "Government" means the State Government of Manipur; (j) "Hill Areas" means the areas

specified in the First Schedule to the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972;(k)"Hill Areas Committee" means the Hill Areas Committee constituted by paragraph 3 of the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972;(l)"Member" means member of a District Council;(m)"Prescribed" means prescribed by rules under this Act;(n)"Scheduled Tribes" means such Tribes as are specified in the Presidential order made by the President of India under Article 342 of the Constitution of India in relation to the State of Manipur;(o)"Secretary" means the Secretary to the Executive Committee appointed under this Act;(p)"Town Committee" means Town Committee established under this Act;(q)"Village Council" means Village Council established under this Act.

3. Constitution of Autonomous District.

(1)The State Government may, by notification in the official Gazette, constitute 6 (six) Autonomous District in the Hill Areas.(2)The Government may, by Order notified in the official Gazette-(i)increase the area of any Autonomous District;(ii)diminish the area of any Autonomous District;(iii)define the boundaries of any Autonomous District;(iv)alter the name of any Autonomous District.Provided that no order under this sub-section shall be made except after consultation with the Hill Areas Committee.Provided further that any order under this sub-section may contain such incidental and consequential provisions as it appears to the State Government to be necessary for giving effect to the provisions of the order.

4. Incorporation of District Council.

(1)There shall be a District Council for each Autonomous District Consisting of 26 members of whom 2 shall be nominated by the Government from amongst Scheduled Tribe women and unrepresented Tribal communities as may be prescribed.(2)The District Council shall be a body corporate to be known by the name of the autonomous District and shall have perpetual succession and a common seal with power to acquire, hold and dispose of property and may, in the said name, sue and be sued.

5. Qualification of membership.

- Any person who is:(i)a Scheduled Tribe:(ii)a resident of that Autonomous District for not less than 15 years:(iii)not below 25 years of age;(iv)not insolvent;(v)not disqualified by any law for the time being in force for the purpose of election to the Legislature of the State of Manipur or Parliament;shall be qualified for being chosen as and for being a Member of the District Council.

6. Term of office of members.

- An elected Member of the District Council shall hold office for a term of 5 (five) years from the date appointed for the first Meeting of the District Council after the general election to the District Council, unless the District Council is sooner dissolved under this Act;Provided that a Member elected to fill a casual vacancy shall hold office only for the remainder of the term of the Member

whom he replaces; Provided further that a nominated Member shall hold office conterminous with the term of elected Members of the District Council; Provided also that in case of dissolution of a District Council, a fresh selection shall take place and the new Council shall be constituted to function within six months from the date of its dissolution.

7. Resignation of members.

- A member of the District Council may resign his seat in writing under his hand, addressed to the Chairman and thereafter his seat shall become vacant.

8. Chairman and Vice-Chairman of District Council.

(1) The District Council, shall, as soon as may be, elect from among themselves, in the manner prescribed, two Members to be the Chairman and the Vice-Chairman of the District Council. (2) Before the Chairman or the Vice-Chairman or an Executive Member, as the case may be, enters upon his office the Deputy Commissioner shall administer to him the oaths of office and secrecy according to the form to be prescribed. (3) The Chairman or the Vice-Chairman, as the case may be: (a) shall vacate his office, if he ceases to be a member of the District Council; (b) may at any time be writing under his hand and addressing, if he is the Chairman, to the Vice-Chairman, and if he is the Vice-Chairman, to the Chairman, resign his office; (c) may be removed from his office by a Resolution passed by a simple majority of all the Members of the District Council; provided that no such meeting shall be convened unless a requisition for such a meeting is signed by one-third of the Members of the District Council. (4) While the office of the Chairman is vacant, the duties of the office shall be performed by the Vice-Chairman.

9. Delimitation of constituencies.

- The Government may, by notification in the official Gazette, determine the territorial limits of constituencies into which the Autonomous District may be divided for the purpose of election of Members to the District Council.

10. Electoral rolls.

(1) The electoral roll of any Assembly Constituency for the time being in force relating to the area comprised within the autonomous District may, subject to the provisions of this Act and rules made thereunder, be the electoral roll for the election of Members of the District Council. (2) The Election Commission may, at such time and in such manner prescribed, cause to be published and republished the electoral roll in respect of a constituency of the Autonomous District. (3) Save as otherwise provided in this Act, every person whose name is, for the time being, entered in the electoral roll of a Constituency shall be entitled to vote in the election of a Member of the District Council from that Constituency.

11. Conduct of election.

(1)The superintendence, direction and control of the preparation of electoral rolls for the conduct of all elections to District Councils shall be vested in the Election Commission of District Councils consisting of one Election Commissioner to be appointed by the Governor.(2)The condition of service and tenure of office of the Election Commission shall be such as the Government may, by rule, determine.(3)The Government shall, when so requested by the Election Commission, make available to the election Commission such staff as may be necessary for the discharge of the functions conferred on the election Commission by sub-section (1).(4)Subject to the provisions of this Act, elections to the District Council shall be held in accordance with the rules made by the Government in this behalf.

12. General election to the District Council.

(1)General election of Members to the District Council shall ordinarily be held before the expiry of the term of office of Members of the District Council as specified in Section 6.(2)Election or nomination in respect of casual vacancies of the office of Members may be held or made in such manner as may be prescribed.

13. Publication of result of elections.

- The names of all persons elected to be Members of the District Council shall be published by the Election Commission in the Official Gazette. Upon such publication the Deputy Commissioner of the District concerned shall call the first meeting of the District Council within such period as prescribed by the Government.

14. Vacation of seats.

- If a member is elected as a Member of Parliament or the State Legislature, his seat in the District Council shall become vacant, unless he has previously resigned his seat in Parliament or State Legislature, as the case may be, within fourteen days from the date of publication of such election result.

15. Oath or affirmation by members.

- Every Member shall, before taking his seat, make and subscribe before the Deputy Commissioner, an oath or affirmation according to the prescribed Form.

16. Constitution of executive committee.

(1)There shall be constituted in a District Council as Executive Committee consisting of a Chairman, Vice-Chairman and five Executive 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 Executive Members shall be nominated by the Chairman from amongst the Members of the District Council.(3)All administrative functions of the District Council shall vest in the Executive Committee.

17. Salaries and allowances of Chairman and Members.

(1)The Chairman, the Vice-Chairman, Executive Members and Members shall be entitled to such salaries and allowances as may be prescribed by the Government.(2)The Executive Member shall hold office during the pleasure of the Chairman of the Executive Committee.

18. Power of the executive committee.

- The Executive Committee shall dispose of the matter falling within its purview except certain matters hereinafter specified:(a)budget of the District Council;(b)matter involving any important change in the administrative system of the District Council or any important deviation from accepted policy or practices;(c)proposals for making regulation/policies or bye-laws;(d)cases which affect or are likely to affect seriously the peace or good governance of the District Council;(e)cases affecting the relations between the Government and the District Council;(f)all correspondence of importance with the Government;(g)all important appointments;(h)regulation for conduct of business of the District Council.

19. Authentication of order of the District Council.

- All orders or instructions made by the District Council shall be executed, signed and issued by and in the name of the District Council by the Chief Executive Officer.

20. Chief Executive Officer.

(1)The Chief Executive Officer of the District Council shall be appointed by the Governor in such manner as may be prescribed and shall enjoy such salary and allowances as may be prescribed.(2)The Chief Executive Officer to the District Council shall also be the Ex-Officio Secretary to the Executive Committee and shall normally attend such meetings in that capacity.(3)Subject to such rules as may be prescribed in this behalf, a District Council may determine the category and strength of its employees and shall have the power to appoint them.(4)All other officers and staff of the District Council shall be subordinate to the Chief Executive Officer of the District Council. The Chief Executive Officer shall have the rights of being present at a Meeting of the District Council as that of the Members of the District Council.(5)The Secretary to the Executive Committee shall not be entitled to vote in any Meeting of the District Council or its Committee.(6)The Chief Executive Officer shall act under the directions of the Chairman.

21. Executive member in-charge of finance.

- One Executive Member of the Executive Committee shall be in-charge of the financial affairs of the District Council and his functions shall be as follows: (1) he shall generally advise on all matters of Receipt and Expenditure of the District Council. (2) he shall be responsible for all matters relating to financial procedures and the applications of the principle of such procedures. (3) he shall prepare the Budget of the District Council and deal with all matters relating to budget procedure and the forms and contents of the financial statement, and (4) he shall be responsible for the mobilisation of the financial resources and management of the District Council Fund.

22. Power and functions of the District Council.

(1) The District Council may recommend to the Government to make laws to be applicable in the Autonomous District. (2) The District Council may, exercise the functions given below: (a) the management of any forest not being a reserve forest; (b) the use of any canal or water-course for the purpose of agriculture; (c) the establishment of Town Committee and Village Councils and their powers; (d) any other matter relating to Public Health and Stations; (e) inheritance of property; (f) social customs including marriage and divorce; (g) undertake schemes or adopt measures including the giving of financial assistance relating to the development of- (i) agriculture; (ii) fisheries; (iii) livestock; (iv) khadi; (v) cottage and small industries; (vi) co-operative movement; (vii) rural development; (viii) water supply; (ix) watershed development; (x) public health and sanitation including establishment and maintenance of hospitals; (xi) communication; (xii) primary and secondary education; (xiii) adult and non-formal education; (xiv) physical education; (xv) games and sports; (xvi) welfare of students; (xvii) social forestry including fuel and fodder; (xviii) rural electrification including distribution of non-conventional energy sources; (xix) general public utility; (h) undertake execution of any scheme, performance of any act or management of any institution or organisation entrusted to it by the State Government or any other authority; (i) management or maintenance of any work of public utility or any institution vested in it or under its control and management; (j) making grant to the Village Councils; (k) co-ordination and integration of the development plans and schemes prepared by the Village Council in the Autonomous District; (l) examination and sanction of Budget Estimates of the Village Council in the Autonomous District; and (m) adopting measures for the relief of distress.

23. Annulment of resolution.

- If at any time, the Government is satisfied that any action or resolution of a District Council is likely to endanger the integrity and safety of the State of Manipur or it is likely to be prejudicial to public order, the Government may, after consultation with the Hill Area Committee, annul or suspend such action or resolution and take such steps, as it may consider necessary to prevent the Commission or continuance of such action or coming into effect of such resolution.

24. Preparation of development plan.

- An Autonomous District Council shall function as a unit of Self-Government and, in order to achieve economic development and secure social justice for all, shall prepare a Development Plan for the five-year term in consultation with the Planning Department of the Government.

25. Executive power.

- A District Council may have such power and authority as may be specified therein by the Government in the Official Gazette in respect of items enumerated in the eleventh Schedule of the Constitution of India as indicated in the Schedule.

26. Financial.

(1)The District Council shall have the authority to frame its Budget in respect of all Receipts and Expenditure. In doing so, it shall observe all budgetary procedures adopted by the Government.(2)All funds receivable by the autonomous District Council from the Central or State Government shall be voted in the Budgets of the Government.(3)The Estimated Receipts and Expenditure pertaining to an Autonomous District which are to be credited to, or to be made from, the Consolidated fund of the State, shall be first placed before the District Council for discussion and then after such discussion, be shown separately in the Annual Financial Statement of the State to be laid before the Legislative Assembly of the State under Article 202 of the Constitution of India.

27. District Council Fund.

(1)There shall be a District Council Fund for each District Council and all monies received by the District Council shall be credited to it,(2)The Government may make rules for the management of the District Council Fund and for the procedure to be followed in respect of payment of money into the said Fund, the withdrawal of money therefrom, the custody of money therein and any other matter connected with or ancillary to the matters aforesaid;(3)The account of the District Council shall be kept in such form as may be prescribed.(4)The account of the District Council shall be audited in such manner and by such authority as may be prescribed and the audited report relating to such accounts shall be submitted to the Government.

28. Finance Commission.

(1)The Government may, by notification in the official Gazette, constitute a Finance Commission consisting of one Member to be known as the Member of the finance Commission to be appointed by the Governor to review the financial position of the District Council and to make recommendation accordingly to the Governor.(2)The qualification for appointment, the term of office and other conditions of service relating to the Member of finance commission shall be prescribed.

29. General.

(1)The Government may, in consultation with the Hill Areas Committee, order the dissolution of a District Council by notification in the official Gazette, if it exceeds or abuses its powers, and is not competent to perform, or makes persistent default in the performance of the duties imposed on it under this Act:Provided that no action shall be taken for dissolution of a District Council without giving it a reasonable opportunity of being heard before the dissolution of the District Council.(2)On dissolution of a District Council, the Government shall assume all or any of the functions or powers vested in or exercisable by the District Council and declare that such functions or powers shall be exercisable by such persons or authority as the Government may specify, for a period not exceeding six months.Provided that where the remainder of the period for which a dissolved District Council would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting a District Council for such a period.

30. Commission for scrutiny of District Council.

- The Government may on the recommendation of Hill Areas Committee, at any time, appoint a Commission to examine and report on any matter, as specified in the said recommendation, relating to the administration of a District Council. Such a Commission should have due representation of Members of Scheduled Tribes in it.

31. Power to levy and collect fees.

- The District Council shall have power to levy and collect, within the Autonomous District, all or any of the following fees:(a)fees for the maintenance and development of Schools, Dispensaries, Primary Health Centres and Roads;(b)fees on the entry of goods into a market for sale therein and tolls on passengers and goods carried in ferries for maintenance and development thereof;(c)fees on Vehicles (other than those mechanically propelled) and boats for regulating and managing traffic;(d)fees on animals, at the rate and in such manner as may be prescribed.

32. Property vested in the District Council.

(1)Subject to such restrictions or conditions as the State Government may think proper, all properties of the nature specified below and situated in the Autonomous District may be vested in the District Council, may be under the direction, management and control of the District Council and may be used for the purpose of this Act:(a)all public roads constructed and maintained out of the fund of the District Council;(b)all public roads which have been constructed or maintained out of the fund of the District Council and stones, sand, soil, etc. and other materials thereof and also trees, erections, materials, implements and things provided for such roads;(c)all lands or other properties movable or immovable transferred to the District Council by the Government.(2)The District Council may, subject to the provisions of other laws in force, register and regulate intellectual property rights of Tribal or Non-Tribal communities or person traditionally recognised to have right in respect of any knowledge, skill, process of applications of the same and products

thereof, and lay down the terms and conditions for exercising the rights.

33. Conduct of business.

- A District Council shall meet for the conduct of its business at least once in every six months and may conduct its business in such manner and in accordance with such procedure as may be determined by the District Council:

34. Standing Committees.

- A District Council may, in such manner as may be prescribed, appoint such committees for its efficient discharge of duties and functions as may be necessary.

35. Officers and staff.

- The District Council may appoint such officers and staff as may be necessary for the administration of the District Council and also for proper and efficient execution of its duties and make rules regulating the conditions of their service: Provided that the terms and conditions of service of Government servants transferred to the District Council may not be changed to his disadvantage without the previous approval of the Government; Provided, further, that where any disciplinary or other action is required to be taken against any such Government servant, the District Council may make a reference to the Government who may take further action in accordance with service rules applicable in such case.

36. Public servant.

- Every member and every officer or servant of the District Council shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (Act No. 45 of 1860).

37. Power to make bye-laws and regulations.

(1) A District Council may make bye-laws and regulations consistent with the provisions of this Act and the rules made thereunder. (2) No such bye-laws or regulations shall come into force until it has been confirmed by the Government.

38. Power of the State Government to make rules.

(1) The Government may, by notification in the official Gazette, make rules in consultation with the Hill Areas Committee for the purpose of carrying into effect the provision of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a) manner for election of Chairman and Vice-Chairman under sub-section (1) of Section 8; (b) manner for publication and republication of Electoral Rolls referred to in sub-section (2) of Section 10; (c) determination of condition of service and tenure of Election

Commissioner under sub-section (2) of Section 11;(d)manner for election to the District Council under sub-section (4) of Section 11;(e)manner for election or nomination in respect of casual vacancies of member under sub-section (2) of Section 12;(f)time limit for calling the first meeting of District Council under Section 13;(g)Form for making or subscribing oath or affirmation as required under Section 15;(h)entitlement of salaries and allowances to Chairman, Vice-Chairman, Executive Members and Members under sub-section (1) of Section 17;(i)manner of appointment and salary and allowances payable to the Chief Executive Officer of the District Council under sub-section (1) of Section 20;(j)determination of category and strength of employees of a District Council under sub-section (3) of Section 20;(k)matter relating to District Council Fund as provided under sub-section (2) of Section 27;(l)for keeping Form of account of District Council under sub-section (3) of Section 27;(m)manner of audit and prescription of authority for auditing account of District Council as required under sub-section (4) of Section 27;(n)any other matter which is required to be, or may be prescribed.(3)Every rule regulation under this Act shall be laid as soon as may be, after it is made, before the Legislative Assembly, Manipur, while it is in session for a total period of fourteen days which may be comprised of in one session or in two or more successive sessions, and if, before the expiry of the session immediately the successive sessions aforesaid, the House agrees in making modification in the rule or that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form, or be of no effect, as the case may be, provided that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

39. Removal of difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, take up appropriate measures, not inconsistent with the provisions of this Act and as may appear necessary or expedient to the Government, for the purpose of removing such difficulty.

40. Interpretation.

- If any question arises as to the interpretation of any of the provision of this Act or rules framed thereunder, the same may be referred to the Government whose decision thereon shall be final.

41. Repeal and saving.

(1)The Manipur (Hill Areas) District Council Act, 1971, is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said act shall be deemed to have been done or taken under the corresponding provision of this Act.

Schedule

(See Section-25)

- 1. Agriculture, including agricultural extension.**
- 2. Land improvement, implementation of land reforms, land consolidation and soil conservation.**
- 3. Minor irrigation, water management and watershed development.**
- 4. Animal husbandry, dairying and poultry.**
- 5. Fisheries.**
- 6. Social forestry and farm forestry.**
- 7. Minor forest product.**
- 8. Small scale industries, including food processing industries**
- 9. Khadi, village and cottage industries.**
- 10. Rural housing.**
- 11. Drinking water.**
- 12. Fuel and fodder.**
- 13. Roads, culverts, bridges, ferries, waterways and other means of communication.**
- 14. Rural electrification, including distribution of electricity.**
- 15. Non-conventional energy sources.**
- 16. Poverty alleviation programme.**
- 17. Education, including primary and secondary school.**
- 18. Technical training and vocational education.**

19. Adult and non-formal Education.

20. Libraries

21. Cultural activities.

22. Markets and fairs.

23. Health and sanitation, including hospitals, primary health centres and dispensaries.

24. Family Welfare.

25. Women and child development.

26. Social Welfare, including welfare of the handicapped and mentally retarded.

27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and Scheduled Tribes,

28. Public distribution system.

29. Maintenance of community assets.