

# Manipur State Commission For The Scheduled Tribes Act, 2014

MANIPUR

India

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### Act 5 of 2014

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Manipur State Commission For The Scheduled Tribes Act, 2014 (Manipur Act No. 5 of 2014) Last Updated 26th February, 2020 Dated 27.3.2014 An Act to provide for constitution of the Manipur State Commission for the Scheduled Tribes and to provide for matters connected therewith or incidental thereto. Be it enacted by the Legislature of Manipur in the Sixty-fifth Year of the Republic of India as follows; Chapter-I Preliminary

#### 1. Short title and commencement.

(1) This Act may be called the Manipur State Commission for the Scheduled Tribes Act, 2014. (2) It shall extend 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 Commission for the Scheduled Tribes; (b) "Commission" means the Manipur State Commission for the Scheduled Tribes constituted under section 3; (c) "Member" means a Member of the Commission; (d) "prescribed" means prescribed by rules made under this Act; (e) "Scheduled Tribes" means the Scheduled Tribes as notified for the State of Manipur by the President under article 342 of the Constitution of India. Chapter-II State Commission for the Scheduled Tribes

#### 3. Constitution of the Manipur State Commission for the Scheduled Tribes.

(1) The State Government shall constitute a body to be called as the Manipur Commission for the Scheduled Tribes to exercise the powers and to perform the functions assigned to it by or under this Act with its headquarters at Imphal. (2) The Commission shall consist of the following Members,

namely-(a)a Chairperson to be nominated by the State Government from amongst the Scheduled Tribes having special knowledge in matter relating tribal affairs.(b)two Members to be nominated by the State Government from amongst the Scheduled Tribes having special knowledge in matters relating to tribal affairs;(c)The Principal Secretary/Commissioner (Tribal Affairs and Hills) to the Government of Manipur shall be the ex-officio Member Secretary of the Commission.

#### **4. Term of office and conditions of service of the Chairperson and Members.**

(1)The Chairperson and every Member except the ex-officio Member shall hold office for a term of three years from the date he Assumes his office.(2)The Chairperson or a Member of the Commission may, at any time by writing under his hand addressed to the State Government, resign his office.(3)The State Government shall remove the Chairperson or a Member, as the case may be, from his office, if he-(a)becomes an un-discharged insolvent; or(b)is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or(c)becomes of unsound mind and stands so declared by a competent court or(d)refuses to act or becomes incapable of acting; or(e)without obtaining leave of absence from the Commission, absents himself from three consecutive meetings of the Commission; or(f)has in the opinion of the State Government so abused the position of the Chairperson or Member as to render that his continuance in office is detrimental to the interest of the Scheduled Tribes;Provided that no removal under this clause shall be made unless he has been given an opportunity of being heard in the matter.(4)Every vacancy to the office of the Chairperson or a Member, as the case may be, shall be filled by fresh nomination.(5)The salaries and allowances and the terms and conditions of service of the Chairperson and the Members shall be such as may be prescribed.

#### **5. Staff of the Commission.**

- The State Government shall make available to the Commission with such, officers and employee, as may be required for an efficient functioning of the Commission under this Act.

#### **6. Vacancies etc., not to invalidate proceedings of the Commission.**

- No act or proceedings of the Commission shall be questioned or invalidated merely on the ground of the existence of any vacancy in the office of membership of the Commission or defect in the constitution of the Commission.

#### **7. Procedure to be regulated by the Commission.**

(1)The Commission shall meet as and when necessary at such time and at such places as the Chairperson may think fit.(2)The Commission shall have power to regulate its own procedure.(3)All orders and decisions of the Commission shall be authenticated by the Member Secretary or any other officer of the Commission duly authorised by the Member Secretary in this behalf:Chapter-III  
Functions And Powers Of The Commission

## **8. Functions of the commissions.**

- The functions of the Commission shall be as - (a) to investigate and examine the (sic) of various safeguards provided in the Constitution of India or under any other law for the time being in force or under any order of the Government for the welfare and protection of the Scheduled Tribes of Manipur and; (b) to inquire into specific complaints with respect to the deprivation of rights and safeguard of the Scheduled Tribes of Manipur and to take up such matter with the appropriate authorities; (c) to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their 'development in the State'; (d) to make recommendations as to the measures that should be taken up by the State for the effective implementation of safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes and to make report to the State Government annually and at such other time as the Commission may deem fit; (e) to discharge such other functions in relation to the Scheduled Tribes as required under any law made by the State Legislature or Parliament; (f) The Commission would also make the following recommendations to the State Government - (a) measures that need to be taken over conferring ownership rights in respect of tribal forest produce to the Scheduled Tribal living in forest areas; (b) measures to be taken to safeguard rights of the tribal communities over mineral resources, water resources etc. as per law; (c) measures to be taken for the development of Tribal and to work for more viable livelihood strategies; (d) measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects; (e) measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place; (f) measures to be taken to elicit maximum cooperation and involvement of Tribal Communities for protecting forests and undertaking social afforestation; (g) any other matters that the Commission feels is of utmost importance for the tribal community of the State in matters of protecting and preserving their tribal identity and values: Provided that the Commission shall have no jurisdiction on any matter dealt with by the National Commission for the Scheduled Tribes established under Article 338A of the Constitution of India.

## **9. Laying of Report.**

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

## **10. Powers of Commission.**

- The Commission shall, while performing any function under section 8, have the powers of a civil court in trying a suit and in particular in respect of the following matters, namely - (a) summoning and enforcing the attendance of any person 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; and (f) any other matter which may be prescribed.

Chapter - IV Finance, Accounts And Audit

## **11. Grants by the State Government.**

(1)The State Government shall, after due appropriation made by the State Legislature by law in this behalf, make to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.(2)All administrative expenses of the Commission including the salaries and allowances payable to the Chairperson, the Members and the officers and employees of the Commission shall be paid out of the grants paid to the Commission by the State Government.(3)The Commission may spend such sums out of the grants 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).

## **12. Budget.**

- The Commission shall prepare, in such form ,and on such date, as may be prescribed, its budget fOr the next financial year, showing the estimated receipts and expenditure of the Commission and shall forward it to the State Government

## **13. Accounts and Audit.**

(1)The Commission shall maintain proper accounts and other relevant records in such manner as may be prescribed by the State Government in consultation with the Accountant General, Manipur.(2)The accounts of the Commission shall be audited annually by the Accountant General, Manipur at such intervals as may be specified by him. The expenditure incurred on such audit shall paid by the Commission.(3)The Commission shall prepare an annual statement of accounts, in such form and at such time in a financial year as may be prescribed by the State Government in consultation with the Accountant General, Manipur.(4)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, privileges and authority in connection with such audit, as the Accountant General, Manipur has, 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 papers and to inspect of the office of the Commission.(5)The accounts of the Commission, as certified by the Accountant General, Manipur or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government and the State Government shall cause the same to be laid before the House of State Legislature.

Chapter - V Miscellaneous

## **14. Chairperson, Members and employees of the Commission to be public servants.**

- The Chairperson, members and officers and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860)

## **15. Power to make rules.**

(1)The State Government may, after its previous publication by notification in the official Gazette, make rules for the purposes of 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 terms and conditions of service of the Chairperson and to members under sub-section (5) of section 4;(b)the form in which the annual statement of accounts shall be prepared under sub-sections (2) and (3) of section 13;(c)any other matter which is required to be, or may be, specified under this Act.(3)Every rule made under this Act shall be laid, as soon as may be after it is made, before the House of the State Legislature while it is in session, for a total period of thirty 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 session aforesaid, the House agrees that 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.

## **16. Power 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 be necessary for removing the difficulty:Provided that no 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 be laid, as soon as may be after it is made, before the House of the State Legislature.