

MANIPUR MUNICIPALITY COMMUNITY PARTICIPATION ACT, 2010

MANIPUR GAZETTE No. 304 EXTRAORDINARY PUBLISHED BY AUTHORITY Imphal, 'uesday, September 14, 2010 GOVERNMENT OF MANIPUR SECRETARIAT: LAW & LEGISLATIVE AFFAIRS 1 Imphal, the 14 2010 (Bhadra 23, 1932) following Act of the Legislature, Manipur which received assent of the Governor of Manipur on 8—9—2010 is hereby published in the Manipur Gazette. THE MANIPUR MUNICIPALITY COMMUNITY PARTICIPATION ACT, 2010 (Manipur Act No- .7 of 2010) An Act to institutionalise citizens' participation in znunicipal fianctions, .e.g- setting priorities, budgeting provisions, etc. by setting up Of Ward Developrnent Cornmittee and to provide for matters corinected there•rith or incidental thereto. Be it enacted by the Legislature of Manipur in •the Sixty—first Year of the Republic Of India as follows: CHAPTER 1 1 Short title, extent and commencement. •— (1) This Act rmay be called the Manipur Municipality Community Participation Act, 2010. (2) It extends to the whole Of the Of Manipur where the Manipur Municipalities Act, 1994 (No-43 Of 1994) extends- (3) It shall come into force on •such •date as the State Government may, by notification in the official appoint. 2- Definitions— In this Act, unless there is anythinß repugnant in the subject or context — (a) "'Budget year" meü•s the period for which the State Government lays d0*tn the annual financial sutement; (b) "Chairperson" the Chairperson Of the Ward Developrnent Corn ittee ; (c) "Councillor" means the Councillor of ene Municipality; (d) "Executive Officer" means the Executive Officer of the Municipality; (e) G Crnen*ber" means the member Of the Ward Development Committee; (f) e 'Municipality" means Che Municipality constituted under the Manipur Municipalities Act, 1994 (No. 43 of 1994); (g) ' "State Comrn ission" means the State Election Commission constituted under section 98 of the Manipur Panchayati RAj Act, 1994 (No-26 Of 1994); (h) ' "Ward" means a municipal ward constituted under section 1 8 of the Manipur Munieipalities Act, 1994; (i) "Ward Infrastructure Index" means a composite index generated by taking into account the condition of all public infrastructure elernents in that Ward; G) "Ward Development Committee" means the Ward Development Cornmiüee constituted under section 3 ; Q«) the wrords and expressions used in the Act but not defined herein shan have the, sarne rmeanings assigned to them in the Manipur Municipalities Act, 1994. Ward Development Committee Disqualifications for being a member of Ward Development Committee -2- WARD Constitution and — t —tee 3. (1) There shall be a Ward Ward in a Municipality to be be the corstttuöm of (2) Ward Cat—e of — (a) the me Ward, shan be azirperson the Ward Development Committee; (b) two persons to be eleæd from the Ward; (c) two persons representing the civil society from the Wardr nominated by the State Government. Explanation. - For the purposes of this section, 'civil society' means any non-government organisation or association or persons, established, constituted, or registered under any law for the time being in force and working for social welfare, and includes any community-based organization, professional institution and civic, health, educational, social or cultural body or any trade or industrial organization and such other association or body as the State Government may dédde. (3) A person shall be disqualified to conänue as Such member, if under the provisions of this Act or any other law Por the time being in force, he would be disqualified for being elected as a member of a Municipality. (4) The Executive OMcer shall be enätled to take part in the meetings and deliberations of the Ward Development Committee. The Chairman of the Ward Development Committee may request the representatives of concerned municipa[departments as special invitees to participate in the meetings whenever problems respecting their departments are to be discussed. (5) Any official of the Municipality nominated by the Executive Officer of the Municipality shall be the Secretary of the Ward Development Committee. All minutes of the proceedings of the meeting of the Ward Development Committee shall be recorded by the Secretary and copy of minutes of the proceedings of each meeting shall be forwarded by him to the Municipality. (6) The term of office of the Ward Development Committee shall be co- extensive with the duration of the Municipality, 4,(1) A person shall be disqualified for being chosen as, and for being a membér of the Ward Development Committee if he is so disqualified for the purpose of election to the Municipality: Provided that no person shall be disqualified on the ground that he is less. than twenty five years of age, jf he has attained the age of eighteen years. (2) If any question attes as to whether a person has become subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the Election Tribunal In such manner as may be prescribed. or—ember of to

the Office Of the members of Üle Wad Development Ward Development Committee shall be held In acmrdance with the rules made by the State Committee Govemnt in this behalf. The elections to the office of members of the Ward Development Committee shall be •held simultaneously with the election to the Municipality. (2) The election to the omce of the Ward Development Committee shall be conducted under the aegis of the State Election Commission

6. The member of the Ward Development Committee shan ordinarily Term of office hold office for a duration that is co-terminus with that of the Municipality concerned : Provided that no person shall continue to hold omce as a member of the Ward Development Committee if, at any time during his tenure, he incurs any of the disqualifications prescribed by or under any law for the time being in force for the purpose of elections to the Legislature of the State concerned: Provided further that no persoo shall be entitled, or continue to be entitled, to hold office.as a -member of the .Ward Development Committee of the Ward In which he is not ordinarily resident. Chapter-lil Righ& and Duties of Ward Development Committee

7. The Ward Development Committee shall discharge the following functions, namely:-

- e Ward (a) to provide assistance In solid waste management in the Ward; (b) to supervise of sanitation work in the Ward; (c) to provide for the prepari•ation and encouragement of the development sdleme for the Ward; (d) to encourage harmony and unity among various groups of people in the Ward; (e) to mobilize voluntary labour and donation by way of goods or money for soda} programs; (f) to provide assistance In the Implementation of development schemes reiatjng to the Ward; (g) to provide assistance for identification of beneficiaries for the implementation of development and welfare schemes; (h) to encourage art and cultural activities and activities of sports and games; -4- (i) to ensure people's in the voluntary activities necessary for successful Implementation of the developmental activities of the Municipality; (j) to assist In tie timely collecöon of uxes, fees and other sums due to the Municipatltly; (k) to ensure maintenance of, parks In the Ward; (l) to ensure maintenance of street lighting in tte Wardi (m) to perform such other functions as may be assigned to it by the Municipality.

8. (1) The Chairperson and the membes of the Ward Development Committee shall have the right to seek information from the Executive Officer regarding any matter relating to the Ward. Rigbts of the Ward Development Committee Duties or the Ward Development Committæ

9. (2) Every Ward Development Committee shall have the right to:

- (a) obtain full information about Municipal Plans; '(b) obtain the full Municipal Budget, within such time as may be reasonable, to verify, seek clarifications and suggest changes that need to be incorporated; (c) obtain the requisite financial and administrative support from the Municipality in managing Bank aecounts; (d) be consulted In the development of land use and zoning regulations within its jurisdiction; (e) obtain full details on all revenue items Including taxes and budgetary allocations which should be pregented In a simplified manner which is manageable by Ward Development Committee; (f) retain up to 50% of the Ward Revenues for local development, until a predefined minimum level of Ward Infrastructure Index, . whidl shall be notified by the State Govemnt, has been in the Ward; (g) have a proportionate daim on Development expenditures, based on tie Ward Infrastructure Index of that Ward compared to the oö•er Wards in the Municipality. Every Ward Development Committee shall have the duty to:

- (D produce the Ward Plans in a manner consistent with the Municipal Plans within tie time specified by the State Government; (it) prepare the Budget in accordance with the Ward Plans and complete this exercise within the time specified by the Municipality; (iii) encourage local-level alternatives for implementation in ail the areas that the Ward Development Committee has responsibility for; of •e Ward -5- (iv) ensure optimal collecäon of all revenue sources; (v) map the Ward Infrastructure Index for that Ward.

Chapter-W Actlvæes• of the Ward. Development Committee IOD The activities of the Wqrd Development Committee are as follows :

- (a) Preparatlon ot:a Caleiäü:. .At the first meeting cf the Ward Development Committee for. •each. budget year, • the Ward Develoöment Committee . shali .;decide upon specific Obligatory agenda for each' of the monthly meetings of the Ward Development Committee, remaining in that caiendar year, in addition to the specific obligatory agenda for the first meeting of the following budget year. Nothing in sub-section (a) shall prevent: (1) the convenor of a Ward Development Committee from adding additional agenda for any meeting of the Ward Development Commilttee; (2) any other member of the Ward Development Committee may, at a meeting of the Ward Development Committee, move a resolution to add to the specific obligatory agenda decided upon for the meeting In question or apy subsequent meeting.

(b)Preparation and compilation of plans: The Ward Development committee shall prepare the Annual Ward and forward the same to the concerned Plan Municipality for

integration with the Annual Municipal Plan. (c) Preparation of Ward budget: (1) A Ward level budget calendar shall be prepared annually in accordance with Schedule appended to this Act. The Ward Development Committee shall ensure that the budget calendar is strictly adhered to and prepare the budget for their Ward six weeks before the Municipal Budget. The Municipality may suggest changes that may be effected into the Ward level Budget after discussion with the Ward Development Committee. (2) The Municipality Budget shall - (i) aggregate all the Ward Budgets which have been prepared in accordance with sub-section (1) of this section; (ii) have additional account heads for specific receipts and/ expenditures at the Municipality level. Maintenance of Accounts: (1) Constitution of the Ward Finance Committee - A committee of three persons shall be constituted in every Ward as the Ward Finance Committee. -6- (i) The constitution of the Ward Finance Committee shall be through nomination held within one month of the constitution of the Ward Development Committee. The Chairperson shall nominate the Ward Finance Committee members. (11) The Ward Finance Committee shall also appoint from amongst themselves, one person as the Chairperson, who shall be the authorized, signatory for maintenance and use of accounts. (2) Functions and Duties of Ward Finance Committee — (i) The Ward Finance Committee shall prepare the annual budget for the Ward and place it before the meeting of the Ward Development Committee which will deliberate upon, approve the budget, the approved Budget shall be presented by the Ward Finance Committee to the Municipality within seven months from the closure of the previous financial year. (n) The Ward Finance Committee shall also maintain Ward-level bank accounts for all the receipts and expenditure activities of the Ward, (ii) The Ward Finance Committee shall ensure that all fund transfers shall be made out of this account to appropriate account heads of the Municipality. (iv) The Ward Finance Committee shall present every three months at the meeting of the Ward Development Committee, (v) The Ward Finance Committee shall prepare a quarterly report of the financial transactions of the Ward Development Committee, which shall include details of its receipts and expenditures and also the projections and suggestions for the next quarter. This report shall be made available to every member of the Ward Development Committee one week before the date fixed for meeting of the Ward Development Committee for discussion of the report. (VI) The report of the Ward Finance Committee shall be made available for public scrutiny. (e) Supervisory Mechanism: (1) The Municipality shall take up the responsibility of providing administrative and infrastructural support to the Ward Development Committee for proper functioning. (2) The Ward Development Committee shall create mechanisms for checks and balances over the Government personnel in their Ward. The Ward Development Committees shall have the power to recommend to the competent authority for imposition of penalties in respect of a Government employee for misconduct and negligence of duties. (f) Ward Development: There shall be a Ward information and Committee which shall be formed for various developmental and planning works. The constitution and functions of the Committee are given below:- (1) Constitution of the Ward Information and Statistics Committee: (i) A committee of three persons shall be constituted in every Ward as the Ward Information and Statistics Committee. (i) The constitution of the Ward Information and Statistics Committee shall be through nominations by the Chairperson held within one month of the constitution of the Ward Development Committee: Provided that members of the Ward Finance Committee shall not be members of the Ward Information and Statistics Committee: Provided further that the members of the Ward Information and Statistics Committee shall also appoint from amongst themselves, one person as the presiding member who will preside over the meetings of the Ward Information and Statistics Committee. (2) Duties of the Ward Information and Statistics Committee: (i) it shall be the duty of the Ward Information and Statistics Committee to compile, maintain and update annually the following information about the Ward in the format prescribed by the concerned Municipality for this purpose. Such information shall include: (A) Economic Information: including the number and nature of commercial establishments in the Ward and employment data in these establishments; (B) Information relating to Land Use: includes the changes in patterns of land use, relating public spaces and CMC amenity sites, traffic patterns and public transportation hubs and preservation and restoration of environment, natural resources and heritage sites. (C) Infrastructure Index Including the extent of infrastructural development, current and pending projects, and the infrastructural requirements of the Ward. (11) The report prepared in accordance with sub-clause (B) of clause (D(2) shall be used by the Ward Development Committee in determining and enforcing the Zoning provisions. It shall be made available on a quarterly basis to the meetings of the Ward Development Committee, reflecting changes since the

presentation of the previous report. (iii) The report prepared in accordance with sub-clause (C) of clause (02) above shall be used by the Ward Development Committee in allocation of development expenditure by the Ward Finance Committee. It shall be made available on a quarterly basis to the meetings of the Ward Development Committee, reflecting changes since the presentation of the previous report. (iv) Spatial Planning: The Ward Development Committee shall: (A) participate in all development plans of the city; (B) enforce zoning and land use regulations; (C) participate in the creation and enforcement of new instruments like transferable development rights, etc, (g) Comprehensive Intervention for urban poor activities: The Ward Development Committee shall be responsible for: (i) Integrating all existing activities undertaken by the State Government; (ii) preparing and maintaining beneficiary list for all the programmes and schemes undertaken by the State Government in co-ordination with the relevant Government agencies; (iii) preparing a report on the housing and public distribution system in each Ward. (h) Ensure Universal access for selected public services: The Ward Development Committee shall be responsible in ensuring universal access in selected public services like education, health care, water supply and sanitation. (O) Alternative Options: Without prejudice to the generality of the foregoing provision, (a) The Ward Development Committee shall be responsible for decentralized management of the following functions: (i) primary of Solid Waste Management and decentralized management of solid waste; (i') dealing of drains; (ii) maintenance of street-lights; (iv) maintenance of parks; (v) de-weeding of paths; (vi) road works including construction maintenance and restoration hereof; and (vii) general beautification of the locality, (P) the Ward Development Committee shall be specifically empowered to examine various alternative implementation options in the above mentioned areas; And the Member of Council for the Ward shall submit to the Ward Development Committee and shall be taken up for discussion at the next meeting of the Ward Development Committee. Functioning of Ward Development Committee 11. it shall be the duty of the Chairperson of the Ward Committee to conduct the Ward Development Committee meeting for discussion of the following matters:- (i) Preparation of Ward map; (ii) Preparation of Ward Budget; (iii) Preparation of Ward maps, Ward Infrastructure Index and other alternative functions

12. The Chairperson shall set the for each Ward Development Committee meeting. 13. To facilitate the proper preparation of the budget, a Ward Development Committee meeting shall compulsorily be held at least three weeks before the date of the Ward Budget. All reports presented by the Ward Finance Committee for the past year shall be discussed. 14- Following procedure shall while conducting meetings of the Ward Development Committee: (i) Reasonable notice of the Ward Development Committee meetings should be given at least one week in advance and placed in the notice boards of all municipal offices in the Ward. All residents of the Ward shall be entitled to participate in the Ward Development Committee meetings. The media will be encouraged to actively participate in the proceedings. (ii) Minutes of Ward Development Committee meetings shall be maintained. These minutes shall be made available to the general public for perusal. They shall be kept at the office of the Ward Development Committee, (iv) These minutes shall be presented at the next meeting of the Ward Development Committee and this information shall be made use of by the appropriate sub-committees in their functions. (v) Grievances: Grievance for not holding or improperly conducting Ward Development Committee shall be addressed to the Chairperson of the Ward Development Committee. The Chairperson shall take appropriate action, including penalty to the Ward Development Committee member after giving adequate notice in writing and reasonable opportunity to be heard to the member: Power to make -10- Provided that, if the Chairperson deems it necessary to impose a fine or other such penalty, the decision shall come into force only upon it being approved by a majority vote at the meeting of the Ward Committee: Provided further that the power to impose penalty shall not extend to the dismissal of the concerned Ward Development Committee member 15.(1) The State Government may, by notification in the Gazette, make rules to carry out the purposes of this Act. (2) In particular and without to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:- (a) Procedure for election of the Ward Development Committee; (b) Convening and conducting the meetings of the Ward Development Committee; (c) Preparation and compilation of development plans for the Ward; (d) Preparation of annual report of the Ward; (e) Maintenance of and (f) Any other matter which has to be, or may be prescribed. (3) Every rule made under this Act shall be made as soon as may be, after it is made, before the Legislative Assembly of Manipur, while it is in session for a total period of fourteen days which may be comprised of one session or in two or more successive sessions, and

If, before expiry of the session immediately following the successive sessions aforesaid, the House agrees In making modification in the rules or that the rules 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 sudl modlflaäon or annulment shall be without prejudice to the validity of anything done under that tules. Month A ril May June August • September October November December January Februa March -11- SCHEDULE [see section IO(c) PRIMARY ACTIVITY Area Plan Ward Plan Ward Pfan Area Bud et Area .Budget Ward Budget Ward Bud et Municipalities Bud et Municipalities Bud et Works Review Works Review Works Review SECONDARY ACTIVITY TH. KAMINI KUMAR SNGH, Deputy Secretary (Law), Govenmmait ofMm)iptm fre Directorate of Prinüng & Stationery, Government of Manipur/305-C/14-9-2010.

