

MANIPUR RURAL LOCAL BODIES OMBUDSMAN ACT, 2013

MANIPUR GAZETTE No. 2 EXTRAORDINARY PUBLISHED BY AUTHORITY Imphal, Monday, April 1, 2013 GOVERNMENT OF MANIPUR (Chaitra 11, 1935) SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT NOTIFICATION Imphal, the 26th March, 2013 No. 2/19/2013-Leg/L : The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on 26th March, 2013 is hereby published in the Official Gazette : THE MANIPUR RURAL LOCAL BODIES OMBUDSMAN ACT, 2013 (MANIPUR ACT NO. 4 OF 2013) AN ACT to a A..æuse OF in rura/ in Sete æ. it 'in the Yeat- of Republic Of India by Of Manipur .as and — (I) -This r•nay be the Maripear R'ural 2013* (2) it exænds all a re—s Of the State Of (3) • It inm. on sudt the State rr•ay, by in the Gaætte, appdnt- 2.- In. this there is any&ing in or : (a) rr•earss acöon by way Of or or in. in •exerciæ of in. any rnanner a.nd &fault in æ-ä,on or ormission and atl ott-æer acaon shall cons&ued accordir•æly-. (i) in relation a see-vant such pnÄic - (a) (d) [2] has any gain to hirrxsdf or to any other pz-sor• or to ez.,zse bar-rn or hardship to any other was ace.zated in of his functions as s.t.xzt-r publäC servant by personal or corrupt rno•äves•; is guilty or lack Of integrity; any servant -which cat...æ any or of or the any in rnezns. ü•at or acted in in Of on it law in and (c) a that a servant or a -Cour•dl or ar•d any an in Of which suo rnotD enquiry has been or has been -rnaæ (d) X the Penal 45 or ur•ær Prevenöon Corruption Act. 1988 (C—rtrat 49 of 1m);« an E*strict Council unde- Marüpt..m (Hili Act* 1971 as Erne u-ne; -rrt—ns Raj of Sute; adon or have (g) in tt•te furEBon in any case, - (i) where procedure or sud' and r—ult in gain in dz•Mng or (ii) is de'ay in or the or unda..æ delay waste or fin-td •by to in 3; (h) C) [3] *patEhayæ mearE a under tte Manipur Panchayati Raj Act, 1994 as from time to time and includes gram panchayat and parishad; means as \$x-escribed by rules under -Wiis Act; pubüc servant' mears an employee, officer under the District Coundl/Panchayat or an dected a or an ex-ofiöo member of District Council/Panchayat pradhan or adhyaksa and an or offiær on temporary, permanent, casual, ad-hoc, con&act daily wage bæis and also incll..*des an errWoyee or omce* of any office or institution transferred to One District Council/Panchayat of any office or irsöWtjon to atad-ted witi tie District Council/Pand-tayat under the of e-te Manipur (Hill Areas) Dis&ict Act* 1971 and the Manipur Pandnayati Raj Act, 1994 as amended from time to time and tie rulz framed and under any other law for tte üme being in includng Mahatna Gandhi Natic:rtal Rural Employment Act, 2005 as amended frun time to time; *rural I mears be gram panchayat and the zilla parishad as under tree Maripar Pand-tayaö Raj Ag 1994 as from ume to üne and the Autonomot-s District Council stablished under Manipur (Hill Areas) Councns Act. 1971 as amended from Ume to time; (m) means Wie Ombu&nan referred to in secäon 6; (n) Governnænt• means the of Manipur; (o) mearE the SEte of Mani\$xar. 3. and of (1) -mere shdl an au&turity for Councils æ-astituted for a group of districts mown as for makirtg in respect of charges on any actioni involving or or irregularities in One dis&arge of adminGb-ative funcäors by ParKhayats/Ds&ict Councils and puNic servanG working under in æcordanæ with \$x-ovisicx•s of Manipur Panchayaö Raj Act* 1994 and the Manipur (HEW Areaæ) District Coundls Act, 1971 for the of complair& in accordance with secuon 17. [4] (2) The a single member appointed by the on the recommexiaäon of a commitæe consisting of tte Ministe- of State, the Sfkaker of me Legislative and tre Leader of tie Oppositi0fÉ in the Assembly. (3) The Ombudsman shali be selected from a panel of retired Judges of High (4) A persa• apcx*næd to une Ombudsmal before he enters upon officer make and 5Jbscribe the Governor or some in by him f an amrrnation according the form tyescribed-4, Term omce and Änditions of Se•viæ of — (1) A as Ombuds-nan shall hold for a term of five years from tte date which he his office: Provided that, (a) the Ombu&nnan maye by writing to Governor, resign from his omce; and (b) the person as may be from his omræ in in section 5. (2) as shalt be a-iätfed fa- %lary and aftowances as by tie -State Gove-nment,, (3) On expiry of his term of omce Ombudsrnan. shalt not be eligible for reappointment as Ombu&man or for further to any office of profit unda- the State Government' or in corporaöon, company, sodety university by or ur-xier of the Sbte Governmelt, 5- Removal of Ombudsman — (1) The Ombu&cnan not. be removed fr*x-n his omce, by an order of passed after an address by tte State Legisaative Assembly. by a maja-ity• of of e-te House. hæ been prese-ited to the in same for removal, tie ground of proved or (2) The procedure of the an address under sub-secaon (I) and for the invesägaäon and proof of the or of Ombuds•nan shall as provided in the (Inquiry) Act, 1968 in rdaäon the removal of a Judge and accordingly tfr'ie provisions of Hnat Act shall, mutatis muencß in relation to

the re-nomination shall apply in relation to the removal of a [5] 6. of — (1) The Commission shall have a Secretary, and such officers employed as the State may in consultation with the Ombudsman. (2) The appointment of the Secretary and the Commission shall be such as may be specified by the State and far as on front the State shall do. (3) The Ombudsman may at the request of any Government in to ascertain the veracity of an allegation under investigation and such shall be in accordance with the provisions of the Act. (4) The Commission may utilise the services of any person having experience in any particular in deciding the questions before it.

7. Functions Of the Ombudsman (I) The Ombudsman perform all or any of the following namely, -
(a) investigate into any allegation in a or on a reference from the State Government, or that has notice of the
enquire into any in corruption or (b) of a public servant is alleged; (c) pass an order on in manner,
namely, - (iii) where the irregularity or offence of a public servant, namely, shall be the appropriate
authority for where the causes or inconvenience to a citizen, direct the Commission, as may be, him
concerning and reimburse the person for the irregularity; where the investigation or
waste or misuse of the fund of the State the case may be, realise such loss from those who are re-
sponsible for such and [6] (W) where one is due to or inaction, cause to the Commission and rectify the (2) In to
functions in (1), may pass an order and restrain the Commission from inaction of the State if it is satisfied that
the loss or injury due to the Act. (3) The Commission may by order, impose in addition to if it is of opinion that irreg-
ularity corrupt for gain. 8- limit of A time limit may fix the Commission to complete into the Commission, as may be
the State Government

9. Powers the —(1) The Commission shall, for the purpose of any investigation or enquiry under this Act, have the same powers as in a Civil Court a suit under the Civil Procedure Code of 1908 (Act V of 1908) in the following matters, namely, - (i) summoning and attendance of any witness and him; (ii) requiring the discovery and production of any document; (iii) receiving evidence on affidavits; (iv) requisitioning any records, or copy thereof from any court or officer; (v) issuing commissions for the examination of witnesses; (vi) such other powers as may be conferred by the Act; (2) Where the Commission finds that the loss or damage is any or wholly in the State it may by order direct the complainant to pay to the opposite party so much of the amount in the order by way of cost. (3) Where the allegation contained in a complaint is of waste or of misfeasance of the Commission or of the loss or inconvenience caused to a citizen, the Ombudsman may, during enquiry, collect evidence, (iv) direct the loss or damage to be realised by the State (4) If the amount paid as per the order by the Commission (2) is not paid within the period specified by it, the same shall be recoverable by revenue recovery proceedings if it were an arrear of land revenue. [8] after recording its findings the reason and (iv) direct the same to the State (2) If, the Commission is of opinion that the State is a facie case against the State or the Commission of, it shall record to that effect. and order of the enquiry to the complainant and to the opposite party. (3) The Commission shall, subject to the provisions of the Act and the rules made thereunder have power to fix the time and place of (4) In any the legal be to any unless authorised by an order, a by a legal practitioner to be read

13. Existing —(1) Notwithstanding anything contained in any other law, if any filed and not disposed of under said Act, the Commission of the Ombudsman as per the provisions of the Act to a public servant concerned as the provisions of the Act, all cases with regard to such proceedings shall be to the State to decide in accordance with the provisions of this Act. (2) All with regard to the loss, and of any land of the State Council. pending before the State authority and of just before the Ombudsman, the Ombudsman shall dispose of the cases in accordance with this 14. Power to and in the State The Ombudsman shall have the power to investigate and recommend action in cases of complaints or grievance abuse of office, corruption, misadministration the Panday District Council or members is In all such cases, shall send his report to the State for further action

15. Government places reminder Ombudsman in If the State Government feels that it is need to take immediate action against Pandayat/District Council or elected representatives on one or more of grounds of abuse of office, it should place the records before the State for urgent investigation. In all cases, the Ombudsman shall send his report to the State in a specified period. [9] 16. In addition of the provisions (1) If, an investigation or the findings at a prima facie against the State involving a criminal offence the State may refer the complaint to a competent authority (2) The Commission shall conduct a detailed enquiry if necessary and (3) 17. (I) The Commission may and of than involving criminal in following manner, - (a) award compensation to a citizen in case of or grievance; (b) order recovery of the State from the person (c) of or of defec due inaction; (d) of from the failing to order the State through the State (e) order other and circumstances of

case. (2) Where the Commission finds that there is any irregularity in the administration of the Panchayat, it may give to the State Government or the District Council a report containing the reasons for the complaint. (3) The Commission may refer any complaint to the State Government or the District Council for their consideration. 18. In cases of complaints regarding the functioning of the Panchayat/District Council in general and the members thereof, the Commission shall refer the matter to the State Government or the District Council. If there is any disagreement between the Commission and the State Government or the District Council in case of complaints and regarding the functioning of the Panchayat/District Council in general, the Commission may refer the matter to the State Government or the District Council for their consideration. 20. The Commission may make rules in the following matters: (a) The conditions of service of the members; (b) the manner of filing the complaints and the manner of dealing with the cases; (c) the manner of investigation; (d) the manner of initiation of inquiry; (e) the manner of summary proceedings; (f) the manner of order of the Commission and the manner of appeal; (g) any other matter which the Commission may deem necessary to prescribe. TH. KAMINI KUMAR SINGH, Joint Secretary (Law), Government of Manipur. Printed at the Directorate of Printing & Stationery, Govt. of Manipur/305-C/I -4-2013.

