

MANIPUR STATE COMMISSION FOR THE SCHEDULED TRIBES ACT, 2014

MANIPUR I GAZETTE No. 487 EXTRAORDINARY PUBLISHED BY AUTHORITY Imphal, • Saturday, March 29, 2014 GOVERNMENT OF (Chaitra 8, 1936) SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT CAT 1 0•N Imphal, the 27th 2014 No. 21.1-2/2014-L.egL: following Act of the Manipur which r.uæi•ved aseat of Gov.ernor on 25-03-2014 is hereby published in the official MANIPUR. STAT.ECONßfiSSION FOR SCHEDULED TRIBES A.CT, 2014 (Manipur Act No. 5 of ZU14) Act to provide.for constitution of the Man*.ur State Commission for the Scheduled Tribes and to provide for (Tatters •canr•rected therewith or inciden&l thereto. Be it enacted by the Legislature af Manipur in the Sixty-fifth: Year of the Republic of India as fQI.bws: CHAPTER-I PRELIMINARY 1. Short and commencement-(1•) This Act Frey be caked me Manöpur State Commission for the Scheduled Tribes Act, mt4•.. (2) It shap extend to the whole of the Stae <Mäfiipor. (3) shali come into force on such date as the State Government may, by notification in the official Gazette, appoint

2. DefinitionsAn this Act, UfiÉSS the context otherwise (.e) "ChairpersonE means the Chairp.erson of the Manipur Sate Commission for the Scheduled Tribes; (b) (c) (d.) 2 "Commission" means the Manipur State Commission fu- the Scheduled Tribes co.nstituted under 3; "Member?" means a Member of the Commission; "prescribed" means •prescribed by rules made under this Act;. "Sched.uled Tribes" means the Scheduied Tribes as notified for the State of Manipur by the President under artic{e 342 of the Constitution of India. CHAPTER-I [State Commision toc tte Scheduled Tribes •3. Constitution af the Manip.ur State f.or the Scheduled Tribes--(1) The State Government Shafi cons&ute a body to be caned as the Manipur Commission for the Scheduled Tribes to exeæise the powers and to perform the functions assigned to it by or undec this Act with its headquarters at imphal - (2) The Commission shali consist af the fallowing Memb.ers, namely- (a) a Chairp.eson to be nominaæd by the State Government from amongst the Scheduled Tribes having. special •knowledge in matter reiating tribal affairs; (b) two Members to be na;ninated by the State Goyemnt from amongst the Scheduled Tribes having special knowledge in matters relating to, tribal affairs; (c) The Principaã Sectefa•ry/Commissioner (Tribal Affairs and Hills) to the Government of Manipur shall be the ex-officio Member Secretary of the Commission

4. Term af office and conditions.of setx.qce of the Chairperson and The Chairperson and every Member except the ex•-oficão Member. shad hold omce for a tern-t of three years from the date he assumes his office. Chairperson 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 Goern•ment shali remove Mie Chairpetsan or a Member, the case may be, from his office, i.i 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 morai turpitude; or 3 (c), becomes of unsourrd mind -and stands' so •declared by a competent court; ar {d) refuses to act or bazoenes incapable •of acting;. or (e) obtaining leave of absence u;e Commission, absents himself from three consecüive meetings af fr3e Commission; or (f) has in of the Government so abusei PCSiãOF1 of the Chairperson or Mernber,as rerceder that his in office is to the Scheduled Tribes: Provided that no• under &use strai! be made. UFÉSS he has given an opportunity cf'being heard matter. (4) Euery to fie office of the C?zirperson or a Member. as the case may be, shan be filled by fresh nomirzfioa. (5) Tie .sæties and and he terms and conditions of of tae Chairperson and tee Merr±a-s shall be such as may be prescribed. Staff of the Tie Sute Gevemnen•t shall make avaAaãe fo the 5. Commission wit such ,officeF\$ and empyoyeæ as may be required for an functioning of tie COCf8MiSSEn • under Vacancæs eÉ., •to invalidate af the N:o ad or 6. proceedings of Commission shau be or invalidated rrzereW on he ground of t-je any vaency irr office of • mernbership af Ehe Commission or defect in âne coasf±uãOR •f the Commission

7. Proceduæ to regt-fi&d by, tie Commission.-(1) Thé Carnmission shall meet as and when neæssary at such bme and at such *ces as the rmay think fit. (2) The Commission she}} have power to regulate its præedure. (3) Al orders and decisia-s •at. the Commission shall be eumenticated by the Memær Sæætary or arty other the Commission düfry al.åhorised by the Member in fris behar. CHAPTER-UI FUNCTIONSAND POWE-RS OF THE COMMISS&ON g. Funcäons af Camm:sien- The of the Comqisäon shah be as foibß,- (a) to inves6gete and examine tie af various safeguads ovided in the Constitution jädia or any other taw for the æng in force or under any order of the for the weEfare and

protection: of the Scheduled Tribes of Manipur and; (b) to inquire into special with to the deprivation of and safeguard of the Tribes of Manipur and to take up such matter with the appropriate authorities; (c) to participate and advise in the planning process of socio-economic development of the Scheduled Tribes to evaluate the progress of their in time (d) to make as the treasures that be taken up by the State for the effective implementation of the safeguards and other measures for the protection, 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 Legislature of the State; (f) The Commission would also make the following to the State Government- (a) measures that need to be taken over conflicting ownership in respect of forest lands belonging to Scheduled Tribes 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 Tribes and to work for more (d) measures to improve the efficacy of relief and measures for tribal groups displaced development projects- (e) measures to be taken to prevent alienation of people and to effectively rehabilitate such people in whose alienation has already taken place; (f) measures to be taken to elicit maximum involvement of Tribal Communities for protecting forests undertaking social afforestation; by from case 4 and 5 (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 a suit and in particular in respect of the 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 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 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- 6 (3) The Commission may spend such sums out of the grants as it thinks fit for performing the under this Act; and such sums shall be treated as expenditure payable out of the grants to in 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 Comptroller and Auditor General of India at such intervals as may be specified by him. The expenditure incurred in such audit shall be paid by the Government of India. (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 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 to inspect the office of the Commission. (6) 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 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 consulting the Commission, 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 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; and 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 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. •TH. SINGH, Joint Secretary (Law), Government of Manipur. Printed at the Directorate of Printing & Stationery, Govt. of Manipur/305-C/29-3-2014.

