

MANIPUR



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GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, February 20, 2023

2/20/2022-Leg/L: The following Act of the Legislature, Manipur which received assent of Governor of Manipur on February 15, 2023 is hereby published in the Official Gazette:

THE MANIPUR PANCHAYATI RAJ (EIGHTH AMENDMENT) ACT, 2023
(MANIPUR ACT NO. 1 OF 2023)

An

Act

further to amend the Manipur Panchayati Raj Act, 1994 (Act No. 26 of 1994).

BE it enacted by the Legislature of Manipur in the Seventy-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Manipur Panchayati Raj (Eighth Amendment) Act, 2023.

Short title and commencement.

(2) It shall come into force on the date of its publication in the Official Gazette.

Act No. 26 of 1994

2. After Section 109 of Chapter V of the Manipur Panchayati Raj Act, 1994, the following Chapter shall be added, namely:-

Addition of Chapter VI.

“ CHAPTER VI PANCHAYAT SAMITI

For the purposes of this Chapter,-

- (a) “Panchayat Samiti” means the Panchayat Samiti established under sub-section (1) of section 110 of this Act;
- (b) “Pramukh and Up-Pramukh” means a Pramukh and a Up-Pramukh of a Panchayat Samiti elected under sub-section (1) of section 116 of this Act;

110. (1) The State Government shall by notification in the Official Gazette and with effect from such date as may be specified in notification, establish a Panchayat Samiti for each Block bearing the name of the Block and having jurisdiction over it.

Establishment of Panchayat Samiti.

(2) Every Panchayat Samiti shall be a corporate body by the name of its Block having perpetual succession and common seal and subject to such restrictions as are imposed by or under this or any, other enactment, shall be vested with the capacity of suing or being sued in its corporate name of acquiring, holding and transferring property movable, whether without or within the limits of the area over which it has authority of entering contracts and of doing all things necessary proper or expedient for the purpose for which it is constituted.

Composition
of Panchayat
Samiti.

111. The Panchayat Samiti shall consist of-

- (a) the members directly elected from the territorial Constituencies as determined under Section 112 of this Act;
- (b) the members of the House of the People and the members of the State Legislative Assembly representing constituencies which comprises wholly or partly Panchayat Samiti; and
- (c) ten percent of the Pradhans of the Gram Panchayats in the Block:

Provided that all the members of the Panchayat Samiti whether elected or not from the territorial constituencies in the Panchayat Samiti area shall have the right to vote in the meeting of the Panchayat Samiti except in the election of Pramukh and Up-Pramukh, in case of which only the direct elected members shall have right to vote.

Elected
Members.

112. (1) The Government may, by notification in the Official Gazette determine the number of directly elected members from the territorial constituencies keeping in view the overall population of the Block at a rate of one member for every twenty thousand population or part thereof.

(2) For conduct of the election, the prescribed authority shall, in accordance with such rules as may be prescribed in this behalf by the Government divide the area of Panchayat Samiti into territorial constituencies.

(3) Each territorial constituency shall elect one member by direct election to the Panchayat Samiti.

Filling of
casual
vacancy.

113. If vacancy of a member of Panchayat Samiti occurs by reason of resignation, death, removal or otherwise, it shall be filled by election in the prescribed manner:

Provided that no election for filling the casual vacancy shall be held if the vacancy is for a period of less than six months.

114. (1) Seats shall be reserved for

Reservation.

- (a) the Scheduled Castes; and
- (b) the Scheduled Tribes-

in every Panchayat Samiti and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat Samiti as the population

of Scheduled Castes in that Panchayat Samiti or Scheduled Tribes in that Panchayat Samiti area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Panchayat Samiti in such manner as may be prescribed.

(2) Not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election to every Panchayat Samiti shall be reserved for women and such seats may be allotted by rotation to different constituencies in the Panchayat Samiti in such manner as may be prescribed.

115. (1) Every Panchayat Samiti shall continue for five years from the date of its first meeting.

Term of
Panchayat
Samiti.

(2) An election to constitute a Panchayat Samiti shall be completed-

- (a) before the expiry of its duration specified in sub-section (1) and,
- (b) in case of dissolution, before the expiry of period of six months from the date of such dissolution:

Provided that where the remainder of the period for the dissolved Panchayat Samiti would have continued is less than six months, it shall not be necessary to hold any election under this clause for such period.

(3) A Panchayat Samiti constituted upon the dissolution of a Panchayat Samiti before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat Samiti would have continued under sub-section (1), had it not been so dissolved.

Election of
Pramukh and
Up-Pramukh.

116. (1) The elected members of the Panchayat Samiti referred to in Section 112 shall, as soon as may be, elect two members from amongst themselves to be respectively Pramukh and Up-Pramukh thereof and so often as there is a casual vacancy in the office of the Pramukh and Up-Pramukh, they shall elect another member from amongst themselves to be Pramukh or Up-Pramukh, as the case may be:

Provided that no election shall be held if the vacancy is for a period less than six months.

(2) Subject to the general or special order of the Government, the Deputy Commissioner shall reserve-

- (a) Such number of offices of the Pramukh of Panchayat Samiti in the district for persons belonging to the Scheduled Castes and the Scheduled Tribes and the number of offices so reserved shall bear as nearly as may be the same proportion to the total number of population of the Scheduled Castes or the Scheduled Tribes in the Panchayat Samiti areas in the district bears to the total population of the Panchayat Samiti area in the district.
- (b) not less than one-third of the total number of offices of the Pramukh for women:

Provided that the offices reserved under this Section shall be allotted by rotation to different Panchayat Samiti.

(3) Save as otherwise provided in this Act, the Pramukh and the Up-Pramukh shall hold office for the term of office of the members of Panchayat Samiti.

Salary and allowances of the Pramukh and Up-Pramukh.

117. (1) The salary and allowances of the Pramukh and the Up-Pramukh shall be such as may be prescribed.

(2) Every member of Panchayat Samiti other than the Pramukh and the Up-Pramukh shall be entitled such sitting fee, honorarium and allowances as may be prescribed.

Power, function and duties of the Pramukh and the Up-Pramukh.

118. (1) The Pramukh shall-

- (a) perform all the duties imposed and exercise all the power conferred on the Pramukh under this Act and rules made thereunder;
- (b) convene, preside over and conduct meetings of the Panchayat Samiti;
- (c) exercise administrative supervision and control over the Executive Officer and through him, all the officers and other employees of the Panchayat Samiti and the officers and employees whose services may be placed at the disposal of the Panchayat Samiti by the Government.
- (d) exercise such other powers, perform such other functions and discharge such other duties as the Panchayat Samiti may, by general resolution direct as the Government may, by rules made in this behalf prescribe;
- (e) exercise over all supervision over the financial and executive administration of the Panchayat Samiti and placed before the Panchayat Samiti all question connected therewith which shall appear to him to

require its orders and for this purpose may call records of the Panchayat Samiti.

(2) The Up-Pramukh shall-

- (a) in the absence of the Pramukh, preside over the meeting of Panchayat Samiti;
- (b) exercise such powers and perform such duties of the Pramukh as the Pramukh from the time to time may, subject to the rules as may be prescribed, delegate to him by order in writing; and
- (c) pending the election of Pramukh or during the absence of the Pramukh from the block by reason of leave, exercise the powers and perform the duties of the Pramukh.

119. (1) The Pramukh may resign his office by writing under his hand addressed to the Deputy Commissioner and the Up-Pramukh may resign his office by writing under his hand addressed to the Pramukh.

Resignation or removal of the Pramukh and the Up-Pramukh.

(2) Every resignation under sub-section (1) shall take effect on the expiry of fifteen days from the date of its receipt by the prescribed authority, unless within the period of fifteen days he withdraws such resignation by writing under his hand addressed to the prescribed authority.

(3) Every Pramukh or Up-Pramukh shall vacate the office if he ceases to be a member of the Panchayat Samiti.

(4) Every Pramukh or Up-Pramukh shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the territorial constituencies of the Panchayat Samiti at a meeting specially convened for the purpose. The requisition for such a special meeting shall be signed by not less than one-third of the total elected members of the Panchayat Samiti and shall be delivered to the Deputy Commissioner. The Deputy Commissioner shall, within seven days from the date of receipt of the requisition, convene a special meeting of the Panchayat Samiti. The meeting shall be held on a day not later than fifteen days from the date of issue of the notice of the meeting. The meeting shall be presided over by the Pramukh, if the motion is against the Up-Pramukh and in case of Pramukh against the Up-Pramukh shall preside over the meeting, if it is against both, a member nominated from amongst themselves by the members present in such meeting shall preside over the meeting.

(5) If the motion of no confidence against the Pramukh or Up-Pramukh or both is once defeated, no fresh motion of no confidence against the Pramukh or Up-Pramukh or both, as the case may be brought before the Panchayat Samiti within a period of one year.

Resignation
of Member of
the
Panchayat
Samiti.

120. A member of a Panchayat Samiti may resign his membership by writing under his hand addressed to the Pramukh of the Panchayat Samiti and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Pramukh.

Meeting of
Panchayat
Samiti.

121. (1) Every Panchayat Samiti shall hold meeting at least once in three months on such date, at such time and at such place within the local limit of the Block concerned as the Panchayat Samiti may fix at the immediately preceding meeting:

Provided that the first meeting of the newly constituted Panchayat Samiti shall be held on such date, at such time and at such place within the local limits of Block concerned as the prescribed authority may fix:

Provided further that the Pramukh when required in writing by one-fifth of the members of the Panchayat Samiti to call a meeting he shall do so within ten days, failing which the aforesaid members may call a meeting after giving intimation to the prescribed authority and seven clear days notice to the Pramukh and the other members of the Panchayat Samiti.

(2) One-third of the total number of members of the Panchayat Samiti shall form a quorum for transacting the business at the meeting of Panchayat Samiti.

(3) All question coming before the Panchayat Samiti shall be decided by a majority of votes and in case of equality of votes, the Pramukh or the member presiding shall have a casting vote.

(4) Every meeting shall be presided over by the Pramukh or if he is absent by the Up- Pramukh and if both the Pramukh and the Up-Pramukh are absent or if the Pramukh is absent and there is no Up-Pramukh the members present shall elect one from amongst themselves to preside over the meeting.

122. (1) Minutes shall be kept by the names of the members and of the officers, if any, present and of the proceeding at each meeting of the Panchayat Samiti and if any member present at the meeting so desires of the name of the members voting respectively for or against any resolution, in a book to be provided for the purpose and

Minutes.

after they are read over and agreed to shall be signed by the Pramukh and Up-Pramukh or person presiding at such meeting, and shall at all reasonable time be open to inspection by any member of the Panchayat Samiti. Any person may inspect the copy of the minutes of the meeting. The minute book shall always be kept in the office of the Panchayat Samiti and shall be in the custody of the Executive Officer of the Panchayat Samiti.

(2) A copy of every resolution passed by Panchayat Samiti shall within ten days from the date of its passing in the meeting, be forwarded to the Chief Executive Officer of the Zilla Parishad.

123. The Panchayat Samiti shall perform such functions with such powers and authority as may be specified therein by the State Government in the Official Gazette in respect of items enumerated in the Eleventh Schedule to the Constitution of India.

Function and powers of Panchayat Samiti.

124. A Panchayat Samiti shall have powers to do all acts necessary for or incidental to the carrying out of the functions entrusted, assigned or delegated to it and in particular and without prejudice to the foregoing powers, to exercise all powers specified under this Act and the rules made thereunder.

General powers of Panchayat Samiti.

125. (1) The State Government may assign functions to Panchayat Samiti in relation to any matters to which the executive authority of the Government extent or in respect of functions which have been assigned to the State Government by the Central Government.

Assignment of functions.

(2) The Government may, by notification, withdraw or modify the functions assigned under sub-section (1).

126. The Panchayat Samiti, by notification, delegate the Executive Officer or other officers any of the powers conferred by or under this Act on the Panchayat Samiti.

Delegation of powers.

Standing Committees.

127. (1) The Panchayat Samiti shall have following Standing Committees namely: -

- (a) General Standing Committee;
- (b) Finance, Audit and Planning Committee;
- (c) Social Justice Committee;
- (d) Education, Social Welfare and Health Committee;
- (e) Agriculture and Industries Committee; and
- (f) Works Committee.

(2) Each Standing Committee shall consist of such number of members not exceeding five including the Chairman elected by the members for Panchayat Samiti from amongst the elected members.

(3) The Pramukh shall be the ex-officio member and Chairman of the General Standing Committee. The Up-Pramukh shall be the ex-officio member and Chairman of the Social Justice Committee. The other standing committees shall elect the Chairman from amongst their members.

(4) No member of the Panchayat Samiti shall be eligible to serve not more than two Standing Committees.

(5) The Block Development Officer shall be the ex-officio Secretary of the General Standing Committee and the Finance, Audit and Planning Committee and he shall nominate one of the officers not below the rank of Executive Officer of the Panchayat Samiti or the Block as ex-officio Secretary for each of the Standing Committee. The Executive Officer shall be entitled to attend the meeting of all the Standing Committees.

Functions of
Standing
Committees.

128. (1) The General Standing Committee shall perform functions relating to the establishment matter and functions relating to communication, building, rural housing, village extensions relief against the nature calamities and allied matters and all other matters.

(2) The Finance, Audit and Planning Committee shall perform the functions relating to:-

(a) the finances of Panchayat Samiti, framing of Budgets, scrutinizing proposals for increase of revenue, examination of receipts and expenditure statement, consideration of all proposals affecting the finance of the Panchayat Samiti and general supervision of the revenue and expenditure of the Panchayat Samiti;

(b) the plan priorities, allocation of outlays to developments, sectors following guidelines issued by the Government preparation of development plans, regular review of planning programmes evaluation of important programmes as assigned by the Government from time to time.

(3) Social Justice Committee shall perform functions relating to:-

(a) promotion of education, economic, social, cultural and other interests of Scheduled Castes, Scheduled Tribes and Other Backward Classes.

(b) protection of Scheduled Castes, Scheduled Tribeswomen and other weaker section of the society from social injustice and any form of exploitation; and

(c) welfare of women and children.

(4) The Education and Health Committee shall perform functions relating to:-

- (a) all educational environmental and sports activities of Panchayat Samiti;
- (b) the planning of education in the block within the frame work of the national policy and the national and state plans;
- (c) survey and evaluation of educational activities of the Panchayat Samiti;
- (d) such other duties pertaining to education, adult literacy and culture activities as the Panchayat Samiti may assign to it; and
- (e) health services, hospital, family welfare, water supply and other allied matters.

(5) The Agriculture and Industry Committee shall perform functions relating to:-

- (a) agriculture production, animal husbandry, fisheries contour bunding and reclamation;
- (b) village cottage industries;
- (c) promotion of industrial development of the block
- (d) promotion of sericulture; and
- (e) promotion of handloom and handicrafts.

(6) The Works Committee shall perform functions relating to:-

- (a) road including Block road, bridges, culverts;
- (b) maintenance of building under its control or transferred by Government or any public authority; and
- (c) maintenance of boats, ferries and water ways.

(7) The Standing Committee referred to in sub-section (1) to (6) shall perform the functions referred to above to the extent the powers are delegated to them by the Panchayat Samiti.

Procedure for Committees.

129. (1) The Panchayat Samiti may frame regulation relating to election of the members of Committees conduct of business therein and all other matters relating to the Committee.

(2) The Chairman of every Standing Committee shall in respect of the work of that committee be entitled to call for any information, return statement or report from the officer of the Panchayat Samiti and to enter on and inspect any immovable property of the Panchayat Samiti or any work in progress concerning the Committee.

(3) Each Standing Committee shall be entitled to require attendance at its meeting of any officer of the Panchayat Samiti who is connected with the work of the Committee. The Executive Officer shall, under instruction of the Committee, issue notices and secure the attendance of the officer.

Power to hold and dispose of property.

130. A Panchayat Samiti shall have the power to acquire, hold and dispose of property and to enter into contracts.

Panchayat Samiti Fund.

131. (1) For every Panchayat Samiti, there shall be constituted a Panchayat Samiti Fund bearing the name of the Panchayat Samiti and there shall be placed to the credit thereof :-

- (a) contributions and grants, if any made by the Central and State Government, including such part of the land revenue collected in the state as may be determined by the State Government;
- (b) contribution and grants, if any made by the Zilla Parishad or any other local authority;
- (c) loans, if any granted by the Central or State Government, or raised by the Panchayat Samiti on security of its assets;
- (d) the proceeds of road-cess and public and public work-cess levied by the Panchayat Samiti;
- (e) all receipts on accounts of taxes, tolls, rates and fees levied by the Panchayat Committee;
- (f) all receipts in respect of schools, hospitals, dispensaries, buildings, institution or works vested in, constructed by or placed under the control and management of the Panchayat Samiti;
- (g) all sums received as gift or contributions and all income from any trust or endowment made in favor of the Panchayat Samiti;
- (h) such fines or penalties imposed and raised under the provisions of this Act or of the bye-laws made thereunder as may be prescribed; and
- (i) all other sums received by or on behalf of the Panchayat Samiti.

(2) Every Panchayat Samiti shall set apart and apply annually such sums as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees. The total expenditure on

establishment shall not exceed one third of the total expenditure of Panchayat Samiti.

(3) Panchayat Samiti shall have power to spend such sums as it thinks fit for carrying out the purposes of this Act.

(4) The Panchayat Samiti Fund shall be vested in the Panchayat Samiti and the balance to the credit of the fund shall be kept in such custody as the Government may from time to time, direct.

132. (1) Subject to maximum rates as the Government may Taxation. prescribe, a Panchayat Samiti may-

- (a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a kutchra road or any bridge vested in it or under its management;
- (b) levy tolls in respect of any ferry established by it or under its management;
- (c) levy road-cess and public works-cess;
- (d) levy the following fees and rates, namely:-
 - (i) fees on registration of boats or vehicles;
 - (ii) a fee for providing sanitary facilities at such places or pilgrimage, fairs and melas within its jurisdiction as may be specified by the Government, by notification;
 - (iii) a fee for license for fair or mela;
 - (iv) a lighting rate where arrangement or public streets and places is made by the Panchayat Samiti within its jurisdiction; and
 - (v) water rate where arrangement for supply of water for drinking, irrigation or any other purposes is made by the Panchayat Samiti within its jurisdiction.

(2) The Panchayat Samiti shall not undertake registration of any vehicle or levy fee thereof and shall not provide sanitary arrangements at the place of worship of pilgrims, fairs and melas within its jurisdiction or levy fee thereof, if such vehicle has already been registered by any other authority under any law for the time being in force or if such provisions for sanitary arrangement has already been made by any other local authority.

(3) The scales of tolls, fees or rates and the term and conditions for the imposition thereof shall be such as maybe provided by regulation. Such regulation may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

Financial
management
of Panchayat
Samiti.

133. (1) A Panchayat Samiti may subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the State Government, loans for the purpose of this Act and create a sinking fund for the repayment of such loans.

(2) A Panchayat Samiti may borrow money from the State Government or, with the previous sanction of the State Government, from the Central Government or the banks or other financial institution, for furtherance of its objective on the basis of specific schemes, as may be drawn up by the Panchayat Samiti for the purpose.

Budget.

134. (1) Every Panchayat Samiti shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year and submit it to the Zilla Parishad.

(2) The Zilla Parishad, within such time as may be prescribed, shall either approve the budget or return it to the Panchayat Samiti for such modification as it may direct on such modification being made, the budget shall be resubmitted within such time as may be fixed by the Zilla Parishad. If the approval of the Zilla Parishad is not received by the Panchayat Samiti by the last date of the financial year, the budget shall be deemed to be approved by the Zilla Parishad.

(3) No expenditure shall be incurred unless the budget is approved by the Zilla Parishad.

(4) The Panchayat Samiti may prepare in each year supplementary estimate providing for any Zilla Parishad for approval within such time and in such manner as may be prescribed.

135. A Panchayat Samiti shall keep accounts in such manner as may be prescribed.

Accounts

136. (1) The Audit of the accounts of the Panchayat Samiti shall be carried out by the authority as may be prescribed by Government and copy of the audit note shall be forwarded to the Panchayat Samiti within one month of the completion of the audit.

Audit.

(2) On receipt of the audit report referred to in sub-section (1), the Panchayat Samiti shall either remedy any defects or irregularities which have been pointed out in the audit and send to the Government within the said period and supply any further explanation to the prescribed authority in regard to such defects or irregularities as it required to furnish.

137. (1) There shall be an Executive Officer or Secretary for every Panchayat Samiti. The Block Development Officers shall be the ex-officio Executive Officer or Secretary of Panchayat Samiti.

Staff of
Panchayat
Samiti.

(2) The State Government shall post from time to time in every Panchayat Samiti such number of officers or officials of Group B, C and D Services as the Government considers necessary and as may be specified by the Government.

(3) Notwithstanding anything contained in this Act or any other law for the time being in force the Government or any other officer or other authority authorized by it shall have the power to effect transfer of the officers and officials so posted from one Samiti or posting place to another.

138. (1) Save as otherwise expressly provided by or under this Act, the Executive Officer shall-

Powers and
functions of
Executive
Officer and
other officers.

- (a) carry out the policies and directions of the Panchayat Samiti and take necessary measures for the speedy executive of all works and development scheme of Panchayat Samiti;
- (b) discharge the duties imposed upon him by or under this Act or the rules and regulation made thereunder;
- (c) control the officers or officials of the Panchayat Samiti subject to the general superintendence and control of the Pramukh and under such rules as may be prescribed;
- (d) have custody of all papers and documents relating to Panchayat Samiti;
- (e) draw and disburse money out of the Panchayat Samiti Fund and exercise such other functions as may be prescribed.

(2) The Executive Officer shall attend meeting of the Panchayat Samiti and may take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Executive Officer any proposal before the Panchayat Samiti is violative of or is inconsistent with the provisions of this Act or any other law or the rules made there under, it shall be his duty to bring the same to the notice of the Panchayat Samiti.

(3) Subject to the provisions of this Act, the rules framed thereunder and to any general or special directions given by the State Government in this behalf, the officers and employees posted or placed at the disposal of Panchayat Samiti shall exercise such powers, perform such functions and discharge such duties as the Panchayat Samiti may determine.

Right to
requisition
records,
recovery
money etc.

139. (1) Every person in possession of money, accounts, record or other property pertaining to a Gram Panchayat or Panchayat Samiti shall on the requisition in writing of the Executive Officer for this purpose, forth with hand over such money or deliver up such accounts, records or order property to the Executive Officer or the person authorized in the requisition to receive the same.

(2) The Executive Officer may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the relevant land revenue Act in force, for the recovery of the arrears of land revenue from defaulting and for the purposes of requisitioning the accounts, records or for recovering of any other property pertaining to the Gram Panchayat or Panchayat Samiti, may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure 1973.

(3) Every person knowing where any money, account, record or other property pertaining to a Gram Panchayat or a Panchayat Samiti are concealed shall be bound to give information of the same to the Executive Officer.

(4) An appeal shall be made from an order of the Executive Officer under this section to the Government."

NUNGSHITOMBIATHOKPAM,
Commissioner (Law),
Government of Manipur.