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सत्यमेव जयते

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GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS
DEPARTMENT

NOTIFICATION
Imphal, the 7th March, 2013

No. 2/18/2013-Leg/L: In pursuance of rule 150 of the Rules of Procedure and Conduct of Business in Manipur Legislative Assembly, the following Bills as introduced in the Manipur Legislative Assembly, in its sitting held on March 6, 2013 are hereby published in the Manipur Gazette:

1. The Manipur Municipality Ombudsman Bill, 2013.
2. The Manipur Rural Local Bodies Ombudsman Bill, 2013.

TH. KAMINI KUMAR SINGH,
Joint Secretary (Law),
Government of Manipur.

THE MANIPUR MUNICIPALITY OMBUDSMAN BILL, 2013

A

BILL

to provide a Local Government Ombudsman for the purpose of investigating charges of corruption and maladministration against the functionaries of urban local bodies, both elected members and officials and recommend suitable action in the State of Manipur.

Be it enacted by the Legislature of the State of Manipur in the Sixty-fourth Year of the Republic of India as follows:

1. Short title, extent and commencement:

(1) This Act may be called the Manipur Municipality Ombudsman Act, 2013.

(2) It extends 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 there is anything repugnant in the subject or context:

(1) **"action"** means administrative action taken by way of decision, recommendation, resolution or finding or in execution thereof or in exercise of administrative or legal functions in any other manner and includes wilful failure in taking action or omission to act and all other expressions relating to such action shall be construed accordingly;

(2) **"allegation"**

(a) in relation to a public servant means, any affirmation that such public servant,

- (i) has abused his position for any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person; or
 - (ii) was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motives; or
 - (iii) is guilty of corruption, favouritism, nepotism or lack of integrity;
 - (iv) is guilty of any action as public servant which facilitates or causes to make any loss, waste or misapplication of money or other property of the municipality.
- (b) In relation to a municipality means any affirmation that such municipality has defaulted or acted in excess of its powers in the discharge of its functions imposed on it by law or in implementing the lawful orders and directions of the Government;
- (3) "**complaint**" means a statement of allegation that a public servant of a municipality is guilty of corruption or maladministration and includes any reference to an allegation in respect of which *suo moto* enquiry has been proposed or recommendation for enquiry has been made by Government;
- (4) "**corruption**" includes anything punishable under Chapter X of the Indian Penal Code (Central Act 45 of 1860) or under the Prevention of Corruption Act, 1988 (Central Act 49 1988);
- (5) "**maladministration**" means action taken or purporting to have been taken in the exercise of administrative function in any case where
- (i) such action, administrative procedure or practice governing such action is unreasonable, unjust, oppressive, discriminatory or nepotistic and will make illegitimate gain or loss or will deny deserving benefits; or
 - (ii) there is wilful negligence or delay in taking such action, or the administrative procedure or method regulating such action will cause undue delay and includes the action leading to loss or waste or misuse of fund by malfeasance or misfeasance.
- (6) "**ombudsman**" means the Ombudsman referred to in section 3.
- (7) "**public servant**" means an elected member of the municipality including its Chairperson or an employee or officer under the municipality and

includes an employee or officer of any office or institution transferred to the municipality;

- (8) **"Secretary"** means the Secretary of the Ombudsman referred to in section 6;
- (9) **"Investigating Officer"** means an officer authorised by the Ombudsman to conduct investigation in respect of an allegation or complaint.

3. Appointment of Ombudsman:

- (1) The Governor shall, on the advice of the Chief Minister, appoint a person as Ombudsman:

Provided that the person appointed as Ombudsman should have held the post of a Judge of a High Court:

Provided further that the Chief Minister before tendering advice to the Governor shall consult with the Speaker of the Legislative Assembly of the State and the Leader of Opposition in the Legislative Assembly of the State.

- (2) A person appointed to be the Ombudsman shall, before entering upon office, make and subscribe before the Governor an oath or affirmation according to the form as prescribed.

4. Term of office and conditions of service of Ombudsman :

- (1) Persons appointed as Ombudsman shall hold office for a term of five years from the date on which he enters upon his office:

Provided that-

- (a) the Ombudsman may, by writing under this hand addressed to the Governor, resign his office; and
 - (b) the persons appointed as Ombudsman may be removed from office in the manner prescribed in Section 5.
- (2) The salaries and allowances payable to, and other terms and conditions of the service of the Ombudsman shall be, such as, may be prescribed by the State Government.

- (3) On expiry of his term of office as Ombudsman, he shall not be eligible for re-appointment as Ombudsman.

5. Removal of Ombudsman :

- (1) The Ombudsman shall not be removed from his office except by an order of the Governor, passed after an address by the State Legislature, supported by a majority of the total membership of the House, has been presented to the Governor in the same session for such removal, on the ground of proved misbehaviour or incapacity.
- (2) The procedure of the presentation of an address under sub-section (1) and for the investigation and proof of the misbehaviour or incapacity of the Ombudsman shall be as provided in the Judges (Inquiry) Act, 1968 in relation to the removal of a Judge and accordingly the provisions of that Act shall, mutatis mutandis, apply in relation to the removal of the Ombudsman as they apply in relation to the removal of a Judge.

6. Staff of the Ombudsman:

- (1) The Ombudsman shall have a Secretary, and such other officers and employees as the Government may determine to assist the Ombudsman in the exercise of its powers and discharge of its functions under this Act.
- (2) The appointment and conditions of service of the Secretary and the employees shall be such as may be specified by the Government.
- (3) The officers and other employees referred to in sub-section (1) shall be under the administrative and disciplinary control of the Ombudsman.
- (4) Without prejudice to the provisions of sub-section (1), the Ombudsman may for the purpose of conducting investigations under this Act utilize the service of:
 - (a) any officer or investigating agency of the State Government; or
 - (b) any other agency.
- (5) The Ombudsman may requisition the services of any person having experience and expertise in any particular subject in deciding the questions before it.

* This Gazette contains 26 pages, the remaining pages may kindly be obtained from the Library of this Directorate.