

MANIPUR



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1299

Imphal, Wednesday, March 16, 2016

(Phalguna 26, 1937)

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, the 16th March, 2016

No. 2/11/2016-Leg/L : The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on March 11, 2016 is hereby published in the Official Gazette:

THE MANIPUR MUNICIPALITIES (TENTH AMENDMENT) ACT, 2016
(MANIPUR ACT NO. 6 OF 2016)

AN
ACT

further to amend the Manipur Municipalities Act, 1994.

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

1. (1) This Act may be called the Manipur Municipalities (Tenth Amendment) Act, 2016.

Short title and commencement.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Manipur Municipalities Act, 1994 (hereinafter referred to as the Principal Act),-

Amendment of section 2.

(a) in clause (9), for the words "Municipal Council or Nagar Panchayat", the words "Municipal Council or Nagar Panchayat or Municipal Corporation" shall be substituted;

(b) in clause (34), for the words "the Nagar Panchayat or the Municipal Council", the words "the Nagar Panchayat or the Municipal Council or the Municipal Corporation" shall be substituted.

Insertion of new
Chapter IIIA.

3. After Chapter III of the Principal Act, the following new Chapter IIIA shall be inserted, namely:-

**"CHAPTER IIIA
MUNICIPAL CORPORATION**

Incorporation of
Municipal
Corporation.

12A. A Municipal Corporation shall be a body corporate by its name, having a perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract, and shall sue and be sued in its name.

Municipal
administration.

12B. Except as otherwise provided in this Act, the municipal administration of a Municipal Corporation shall vest in the Municipal Corporation.

Composition of
Municipal
Corporation.

12C. (1) Every Municipal Corporation shall consist of such number of Councillors as may be fixed by the State Government from time to time by notification.

(2) Save as provided in sub-section (3), all the seats in a Municipal Corporation shall be filled by persons chosen by direct election from the territorial constituencies to be known as wards in the municipal area.

(3) The State Government may appoint a person having special knowledge or experience in municipal administration for representation in the Municipal Corporation.

Provided that such person shall not have the right to vote in the meetings of the Municipal Corporation.

Every Municipal
Corporation to
have a Mayor
and a Deputy
Mayor.

12D. For every Municipal Corporation, there shall be a Chairperson and a Vice-Chairperson who shall be known respectively as Mayor and Deputy Mayor for the Municipal Corporation.

Election of
Mayor.

12E. (1) Save as otherwise provided in this Act, the Councillors at the first meeting of the Municipal Corporation to be called at the instance of the Deputy Commissioner after a general election shall elect one of them to be the Mayor in accordance with rules made in this behalf.

(2) Such election shall take place within forty-five days from the date of notification of the result under section 22; and in the case of vacancy in the office of the Mayor on account of any reason other than expiry of the term of office of the Mayor, within twenty-one days from the date of the occurrence of the vacancy.

(3) The State Government shall, appoint a person to preside over

the meeting convened for the purpose of the business mentioned in sub-section (1).

12F. The Councillors shall, elect a Deputy Mayor either in the meeting referred to in sub-section (1) of section 12E. or in a subsequent meeting but within thirty days from the date of the first meeting referred to in sub-section (1) of section 12E.

Election of
Deputy Mayor.

12G. When a Councillor who holds the office of Mayor or the Deputy Mayor ceases, for any reason whatsoever, to be a Councillor he shall, at the same time, cease to hold office of the Mayor or the Deputy Mayor, as the case may be.

Mayor or the
Deputy Mayor
ceases to hold
office as such.

12H. (1) The Mayor may resign his office by writing a letter of resignation addressed to the Deputy Mayor, who shall deliver it within seven days from the date of its receipt to the Municipal Commissioner, or to the Municipal Commissioner if the office of the Deputy Mayor is vacant.

Resignation by
Mayor, Deputy
Mayor and
Councillor.

(2) The Deputy Mayor or a Councillor may resign his office by writing a letter of resignation addressed to the Mayor, who shall deliver it within seven days from the date of its receipt to the Municipal Commissioner or, to the Municipal Commissioner if the office of the Mayor is vacant.

(3) The resignation under sub-section (1) or sub-section (2) shall take effect from the date on which it is accepted by the State Government.

(4) The Municipal Commissioner shall forthwith intimate the fact of resignation received under sub-section (1) or sub-section (2) to the Municipal Corporation and the State Government.

(5) On receipt of the intimation under sub-section (4), the State Government shall notify in the Official Gazette the fact of the resignation and occurrence of casual vacancy consequent thereon.

12-I. No Councillor of a Municipal Corporation who has been removed from his office under sub-section (1) or under clause (b), (c), (d) or (e) of sub-section (2) of section 29 shall be eligible for election or re-election as a Councillor for such period as may be prescribed.

Effect of
removal of a
Councillor.

12J. (1) The State Government may remove by a notification in the Official Gazette, from office, the Mayor or the Deputy Mayor, in pursuance of a resolution passed by a majority of the total number of the Councillors and supported by not less than two-third of the Councillors present and voting at a meeting specially convened for the purpose under sub-section (2).

No-confidence
motion against
Mayor or
Deputy Mayor.

(2) For the purposes of sub-section (1) a meeting of the Municipal Corporation shall be held in the following manner, namely:

- (i) the meeting shall be convened by the Municipal Commissioner on a requisition signed by not less than one-third of the total number of Councillors constituting the Municipal Corporation for the time being;
- (ii) the notice of such a meeting specifying the time and place thereof shall be dispatched by the Municipal Commissioner to every Councillor ten days before the meeting;
- (iii) the Mayor or the Deputy Mayor, as the case may be, against whom the resolution referred to in sub-section (1) is to be moved, shall not preside over the meeting;
- (iv) a copy of the notice shall be sent to the State Government;
- (v) no such meeting convened under sub-section (2) shall be adjourned for any reason except on the ground of natural calamities affecting the meeting.

(3) Notwithstanding anything contained in this Act, where the Mayor or the Deputy Mayor or a Councillor is one of the signatories to the requisition for such meeting, the Mayor or the Deputy Mayor or the Councillor as the case may be, shall not preside over such meeting and in such eventuality, the Deputy Commissioner of the concerned district shall preside over such meeting.

(4) If the office of the Mayor becomes vacant all powers and duties of the Chairperson, may, until the election of a new Mayor, be exercised and performed by the Deputy Mayor.

(5) The removal of the Mayor or the Deputy Mayor under sub-section (1) shall be effective from the date of its resolution in this regard.

Restriction on
motion of no-
confidence.

12K. If the motion of no-confidence against the Mayor or the Deputy Mayor, as the case may be, is defeated, no fresh motion of no confidence against the Mayor or the Deputy Mayor or both, as the case may be, shall be brought before the Municipal Corporation, within a period of one year from the date of such defeat of the motion.

12L. (1) The Municipal Corporation may, from time to time, grant such leave of absence to the Mayor or the Deputy Mayor as it may deem fit.

Grant of leave of absence to Mayor or the Deputy Mayor.

(2) If a Mayor or a Deputy Mayor remains absent from office owing to illness or any other cause for a period exceeding three months without the leave of the Municipal Corporation, he shall cease to be the Mayor or the Deputy Mayor, as the case may be, and his office shall become vacant.

(3) During the absence on leave of the Mayor, the Deputy Mayor and in the like event in the case of a Deputy Mayor such one of the Councillors, as may be elected by them to act as Deputy Mayor, shall discharge the functions of the Mayor or the Deputy Mayor, as the case may be.

(4) The Deputy Mayor or the Councillor shall, during and in respect of the period in which he is acting as, or discharging the function of Mayor or the Deputy Mayor, as the case may be, exercise the powers conferred and perform the duties imposed on a Mayor or a Deputy Mayor by or under this Act or by any other law for the time being in force.

12M. It shall be the function of the Mayor -

Power and function of Mayor.

- (a) to preside, unless prevented by reasonable cause over all meetings of Municipal Corporation and subject to the provision of the bye-law for the time being in force, to regulate the conduct of business at such meeting;
- (b) to watch over the financial and executive administration of the Municipal Corporation and perform such executive function as may be allotted to him by or under this Act and rules or bye laws framed there under;
- (c) to exercise supervisory and executive control over acts and duties of all officers and employees of the Municipal Corporation, as the case may be, in matters respecting their executive functions and the accounts and records of the Municipal Corporation;
- (d) to direct, in case of emergency, the execution or stoppage of any work or doing of any act which requires the sanction of the Municipal Corporation and the immediate execution or doing of which is, in his opinion necessary for the service or safety of the public, and the expenses incurred in the execution of such work or doing of such act shall be paid from Municipal Fund:

Provided that -

- (i) he shall not act under clause (d) in contravention of any order of the Municipal Corporation prohibiting the execution of any particular work or the doing of any particular act; and
- (ii) he shall report forthwith the action taken under clause(d) and the reasons thereof to the Municipal Corporation at its next meeting.

Function of Deputy Mayor.

12N. It shall be the function of the Deputy Mayor -

- (a) in the absence of the Mayor and unless prevented by reasonable cause, to preside over the meetings of the Municipal Corporation and he shall, when so presiding exercise the same authority as is vested in the Mayor under section 12M; and
- (b) pending the election of a Mayor, or during the absence of the Mayor to exercise the powers and perform the duties of the Mayor.

Remuneration of Mayor, Deputy Mayor and Councillors of a Municipal Corporation.

12-O. The Mayor, the Deputy Mayor or any other Councillor of a Municipal Corporation may be granted by the Municipal Corporation such remuneration of such allowance as may be prescribed:

Provided that the expenditure to be incurred under this section shall without prejudice to the provisions of section 71, be paid out of the Municipal Fund.

Executive Officer for a Municipal Corporation

12P. (1) There shall be a Municipal Commissioner for the Municipal Corporation who shall be the Executive Officer of the Municipal Corporation. He shall function as the Secretary to the Municipal Corporation and all other officers and employees of the Municipal Corporation shall be subordinate to him.

(2) The Municipal Commissioner shall be appointed by the State Government under the terms and conditions as may be prescribed.

Application of certain provisions relating to Nagar Panchayat and Municipal Council in the case of Municipal Corporation.

12Q. Save as otherwise provided in this Act, the provisions of this Act, as are applicable to the Nagar Panchayat or the Municipal Council, as the case may be, shall apply mutatis mutandis in the case of the Municipal Corporation."

4. For sub-section (4) of section 100B of the Principal Act, the following shall be substituted, namely:-

Amendment of
Section 100B

"The Chairperson and the members of the Board other than ex-officio member shall hold office for a period of five years or until he attains the age of 65 years, whichever is earlier and the terms and conditions of their service, including salaries and allowances, shall be such as may be prescribed by the State Government."

5. In section 100C of the Principal Act,

Amendment of
Section 100C.

(a) sub-section (1) shall be substituted by the following namely:-

"(1) The Chairperson and members of the Board other than ex-officio member shall be appointed by the Governor on the recommendation of a Committee consisting of, -

- (i) the Chief Minister - Chairperson;
- (ii) Speaker of the Legislative Assembly - Member;
- (ii) Leader of the Opposition in the Legislative

Assembly - Member."; and

(b) after sub-section (1) so substituted, the following new sub-section (1A) shall be inserted, namely:-

"(1A) No appointment of a Chairperson or a member of the Board shall be invalid merely by reason of any vacancy of any Member in the Committee referred to in sub-section (1)."

6. In sub-section (2) of section 208 of the Principal Act, wherever the words "a Nagar Panchayat or a Council" occur, the words "a Nagar Panchayat or a Council or a Municipal Corporation" shall be substituted.

Amendment of
Section 208.

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