

The Manipur Legislative Assembly (HILL AREAS COMMITTEE) ORDER, 1972

In exercise of the powers conferred by Article 371 -C of the Constitution, I, V.V. Giri, President of India, hereby make with respect to the State of Manipur, the following order, namely :-

1. Short title and commencement-(1) This order may be called the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972.

(2) It shall come into force at once.

2. Definitions - In this Order, -

(a) "Assembly" means the Legislative Assembly of the State;

(b) "Governor" means the Governor of the State;

(c) "Hill Areas" means the areas specified in the First Schedule;

(d) "Hill Areas Committee" means the Hill Areas Committee constituted by paragraph 3 of this Order;

(e) "Schedule" means a schedule appended to this Order;

(f) "Scheduled matters" means the matters specified in the Second Schedule;

(g) "Speaker" means the Speaker of the Assembly;

(h) "State" means the State of Manipur.

3. Constitution of the Hill Areas Committee -

(1) There shall be a Hill Areas Committee of the Assembly consisting of all members of the Assembly who, for the time being represent the Assembly constituencies situated wholly or partly in the Hill Areas of the State :

Provided that the Chief Minister of the State and the Speaker shall not be members of the Hill Areas Committee.

(2) Every Minister (including a Minister of State or Deputy Minister) of the State shall have the right to speak in, and otherwise take part in the proceedings of the Hill Areas Committee, but shall not, by virtue of such right, be entitled to vote at any meeting of the Committee if he is not a member thereof.

4. Function of the Hill Areas Committee :-

(1) All Scheduled matters in so far as they relate to the Hill Areas shall be within the purview of the Hill Areas Committee.

(2) Every Bill, other than a Money Bill, affecting wholly or partly the Hill Areas and containing mainly provisions dealing with any of the Scheduled matters shall, after introduction in the Assembly, be referred to the Hill Areas Committee for consideration and report to the Assembly

Provided that if any question arises whether a Bill attracts the provisions of this sub-paragraph or not, the question shall be referred to the Governor and his decision thereon shall be final:

(3) The Hill Areas Committee shall have the right to consider and pass resolutions recommending to the Government of the State any legislation "or executive action affecting the Hill Areas with respect to any Scheduled matter, howsoever that the executive action relates to general questions of policy and the legislation or executive action is in conformity with the overall financial provisions for the Hill Areas made in the Annual Budget or contemplated in the Plans of the State.

(4) The Hill Areas Committee shall have the right to discuss the Annual Financial Statement in so far as it relates to the Hill Areas and to facilitate such discussion the said statement shall, as far as may be practicable, show separately the estimates of receipts and expenditure pertaining to the Hill Areas which are to be credited to, or is to be met from the Consolidated Fund of the State.

(5) In its functioning, the Hill Areas Committee shall endeavour to :-

(a) safeguard the interest of the people of the Hill Areas, particularly through accelerated development of these areas; and

(b) promote unity between the people of the Hill Areas and other areas of the State by aiming at an integrated and evenly based economic growth of those areas and augment the resources of the state as a whole.

5. Special provisions with regard to Bill affecting the Hill Areas - Any Bill referred to the Hill Areas Committee under sub-paragraph 2 of paragraph 4 may, if so recommended by the Hill Areas Committee, be passed by the Assembly with such variations as may be necessary in its application to the Hill Areas.

6. Development Plans-(1) Before the Five Year Plans and Annual Plans of the State are finalised by the Government of the State, proposals in this behalf, which shall show separately the Plan Schemes proposed to be taken up in the Hill Areas and the rest of the State, shall be placed before the Hill Areas Committee and the views of Committee shall be taken into account before the Plans are finalised.

(2) The Government of the State shall forward to the Hill Areas Committee quarterly reports showing the progress of implementation'of the Plan relating to the Hill Areas.

7. Modification in the Rules of Business of the Government of Manipur - The modifications directed in the Third Schedule shall be made in the Rules of Business of the Government of Manipur, 1972 and shall not in any way be affected by any amendments that may hereafter be made in the said Rules by the Government under Article 166 of the Constitution, otherwise than with the approval of the President.

8. Modification in the Rules of Procedure and Conduct of Business of the Manipur Legislative Assembly - The modifications directed in the Fourth Schedule shall be made in the Rules of Procedure and Conduct of Business of the Manipur Legislative Assembly, 1964, as adopted under sub-section (6) of Section 27 of the North Eastern Areas (Re-organisation) Act, 1971 (81 of 1971) and the modification so directed and the provisions of Rules 141 to 145 (i.e. 159 to 165 of the new Rules) and 170 to 184 (i.e. 218 to 232 of the new Rules) in the said Rules shall not in any way be affected by any amendments that may hereafter be made in the said Rules by the Assembly under Article 208 of the Constitution, otherwise than with the approval of the President.

9. Special responsibility of the Governor - The Governor shall have special responsibility for securing the proper functioning of the Hill Areas Committee in accordance with the provisions of this Order and shall, in the discharge of his special responsibility, act in his direction.

THE FIRST SCHEDULE

[See paragraph 2(c)]

HILL AREAS

(1)Manipur North, Manipur East, Manipur West and Manipur South revenue districts.

(2) Chandel, Chakpikarong and Tengnoupal revenue sub-divisions of the Manipur Central revenue district.

Explanation:- Any reference to a revenue district or revenue sub-division in this schedule shall be construed as a reference to the areas comprised within that district or sub-division, as the case may be, on the 1st day of April, 1972.

THE SECOND SCHEDULE

[See paragraph 2(f)]

Scheduled Matters

- (1) Development and economic planning within the Plan allocations of the Hill Areas.
- (2) Constitution and power and functioning of District Councils in the Hill Areas.
- (3) The allotment, occupation, or use, or the setting apart of land (other than any land which is reserved forest) for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interest of the inhabitants of any village or town situated within the Hill Areas :

Provided that nothing in this item shall apply to lands acquired for any public purpose or the acquisition of land, whether occupied or unoccupied, for any public purpose in accordance with any law for the time being in force authorising such acquisition.
- (4) The management of any forest not being a reserved forest.
- (5) The use of any canal or water course for purposes of agriculture.
- (6) The regulation of the practice of Jhum or other forms of shifting cultivation.
- (7) The establishment of Village Committees or Councils and their powers and other matter relating to village administration.
- (8) Public health and sanitation.
- (9) The appointment or succession of Chief or Head man.
- 10) The inheritance of property.
- (11) Marriage and divorce.
- (12) Social customs.
- (13) Any other matter which the Assembly may by resolution declare to be a matter which shall come within the purview of the Hill Areas Committee.

THE THIRD SCHEDULE

[See paragraph 7]

Modification in the Rules of Business of the Government of Manipur, 1972

(1) In Rule 2, after clause (c), insert -

(cc) "Hill Areas Committee" means the Hill Areas Committee constituted by paragraph (3) of the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972".

(2) After Rule 12, insert -

"12A. The Council shall normally give effect to the recommendation of the Hill Areas Committee under sub-paragraph (3) of paragraph 4 of the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972 but if the Council is of the opinion that it would not be expedient to do so or that the Hill Areas Committee was not competent to make any such recommendations, the matter shall be referred to the Governor whose decision thereon shall be final and binding on the Council and action shall be taken accordingly".

(3) In Rule 55 after Clause (XXII), insert -

"(XXIII), All matters relating to the Hill Areas Committee, including resolutions passed by it".

(4) In the Schedule, after entry 25, insert -

"26, All matters relating to the Hill Areas Committee including resolutions passed by it".

THE FOURTH SCHEDULE

[See Paragraph 8]

Modification in the Rules of Procedure and Conduct of Business of the Manipur Legislative Assembly, 1964.

(1) In Rule 3(1)-

(i) for the definition of the expression “Hill Areas,” substitute “Hill Areas” means the Hill Areas specified in the First Schedule to the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972.

(ii) after the definitions of expression “Hill Areas” insert “Hill Areas Committee” means the Hill Areas Committee constituted by paragraph 3 of the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972.

(iii) after the definition of the word “Resolution” insert-”Scheduled matters” means the matters specified in the Second Schedule to the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972.

(iv) omit the definition of the expression “Standing Committee”.

(2) In Chapter XIV and XV, for the expression “Standing Committee”, wherever it occurs substitute the expression “Hill Areas Committee”.

(3) In Rule 139, for “the provisions hereinafter made in relation to the Bills relating to Hill Areas shall apply to all such Bills”, substitute “the provisions hereinafter made in relation to the Bills, other than Money Bills, affecting the Hill Areas and containing mainly provisions dealing with any of the scheduled matters shall apply to all such Bills.”

(4) For Rule 140, substitute -

“140. Motion for introduction of Bills affecting the Hill Areas - When a Bill, other than a Money Bill, affecting the Hill Areas and containing mainly provisions dealing with any of the scheduled matters is introduced or on some subsequent occasion, the member-in-charge may make the following motion in regard to his Bill namely:-

“That it be referred to the Hill Areas Committee,” Provided that no such motion as aforesaid shall be made by any member other than the member-in-charge except by way of amendment to the motion made by the member in-charge.”

(5) After Rule 157, insert -

“157A(1). When a Bill as reported by the Areas Committee is not passed by the Assembly in the form in which it has been reported but is passed in a form which, in the opinion of the Speaker, is substantially different from that as reported by the Hill Areas Committee, or is rejected by the Assembly, the Speaker shall submit to the Governor;

(a) in any case where the Bill has been passed by the Assembly in a substantially different form, the Bill as passed by the Assembly together with the Bill as reported by the Hill Areas Committee.

(b) in any case where the Bill is rejected by the Assembly, the Bill as reported by the Hill Areas Committee.

(2) When a Bill is not approved by the Hill Areas Committee but is passed by the Assembly, the Speaker shall submit to the Governor the Bill as passed by the Assembly together with the report of the Hill Areas Committee. ;

(3) The Governor shall as soon as possible after the submission to him of the Bill, return the Bill to the Assembly with a message recommending either that the Bill be withdrawn or that it be passed in the form in which it has been reported by the Hill Areas Committee or in the form in which it has been passed by the Assembly and the message received from the Governor shall be reported by the Speaker to the Assembly and accordingly the Bill shall be deemed to have been withdrawn, or as the case may be, deemed to have been passed by the Assembly in the form recommended by the Governor”.