

THE PROTECTION OF MANIPUR PEOPLES BILL, 2015

(As introduced in the Manipur Legislative Assembly on 28/8/2015)

(Recommendations of the Governor of Manipur under clauses (1) and (3) of article 207 of the Constitution of India have been obtained)

THE PROTECTION OF MANIPUR PEOPLE BILL, 2015

A

BILL

to provide protection, maintenance of socio-economic and cultural balance of the Manipur People and for maintenance of peace and public order in the State of Manipur and regulation of entry into and exit from Manipur for Non Manipur persons and tenants in the interest of general public and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Protection of Manipur People Act, 2015.

(2) It shall extend 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.

Short title,
extent and
commencement.

Definitions

2. In this Act, unless the context otherwise requires, —

- (a) "Director" means the Director of Registration of Non-Manipur Persons and Tenants, appointed under sub-section (2) of section 3 of this Act;
- (b) "Manipur people" means Persons of Manipur whose names are in the National Register of Citizens, 1951, Census Report 1951 and Village Directory of 1951 and their descendants who have contributed collective social, cultural and economic life of Manipur;
- (c) "Non-Manipur person" means a person who is not covered by Clause (b) of Section 2, and who intends to visit the State of Manipur with a Pass issued under sub-section (4) of section 4;
- (d) "owner" means a person who owns land, building, hotel, motel or any other property in the State and includes a power of attorney holder or a person duly authorized to be in charge of the same;
- (e) "Pass" means an authorized document issued by the registration authority under this Act;
- (f) "prescribed" means as prescribed by rules made under this Act;
- (g) "registration authority" means the registration authority for registration of Non-Manipur persons designated under sub-section (3) of section 4 of this Act;
- (h) "State" means the State of Manipur;
- (i) "State Government" means the State Government of Manipur; and
- (j) "tenant" means a person to the State and who pays rent or hiring charges for temporary use and occupation of land, building, or other property and this definition shall confine to this Act only.

Directorate of
Registration of
Non-Manipur
Persons and
Tenants.

3. (1) For the purposes of this Act, the State Government shall establish a Directorate of Registration of Non-Manipur persons and tenants consisting of a Director and as many officers and staff as it may consider necessary.

(2) An officer not below the rank of Class-I Officer of the State Government shall be appointed as the Director by the State Government.

(3) The salaries and allowances and other conditions of service of the Director, shall be as permissible under the relevant service rules and salaries and allowances of other officers and staff shall be such as prescribed by and the officials and officers of the Directorate shall be under the administrative control of the Home Department of the Government of Manipur, which shall open a special cell for the purpose.

(4) Every officer and staff of the Directorate of Registration of Non-Manipur persons and tenants shall be subordinate to the Director.

(5) The Director shall supervise the registration and issue of passes to the Non-Manipur persons and receipts to the owners hosting the tenants and he shall have other administrative powers and functions as prescribed.

4. (1) At the commencement of this Act, every Non-Manipur person entering the State shall register himself with the registration authority designated under sub-section (3) of this section.

Registration of Non-Manipur persons and establishment of registration centres.

(2) For the purpose of sub-section (1), the State Government shall establish registration centres for Non-Manipur persons at such places as may be notified in the Official Gazette by the State Government from time to time.

(3) The State Government shall designate as many officers of the State Government as the registration authority at every registration centre for registering the Non-Manipur persons entering the State.

(4) The registration authority shall, if he is satisfied that the Non-Manipur person is a bona fide citizen of India, issue a Pass to the Non-Manipur person, in such form and in such manner as may be prescribed, specifying his place of origin and the period of stay which shall not be more than six months from the date of issue:

Issue of Pass

Provided that the period of stay may be extended from time to time by the Director:

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Provided further that when a Non-Manipur person is denied to the issue of a Pass by the registration authority, he may make an application to the Director for redressal of his grievances and to enable such person to approach the Director for the purpose, a temporary Pass may be issued.

Explanation.— For the purposes of this section, a Non-Manipur person shall be deemed to be a citizen of India on production of his voter's identity card issued by the Election Commission of India or ration card issued by a competent authority or such other documents as may be prescribed.

(5) The registration authority shall maintain a register containing the passes issued to the Non-Manipur persons, and shall submit a report of such registration to the Director.

Compulsory registration of Non-Manipur persons and tenants.

5. Every owner who lets out accommodation to a Non-Manipur person shall maintain a register in such form as may be prescribed and enter the name and particulars of every Non-Manipur person as tenant, and particulars of such entries shall be submitted by the owner to the Director for every fortnight.

Issue of receipt to the owner.

6. The Director shall enter the name and particulars of the Non-Manipur person furnished under section 5 by the owner in a register to be maintained in such form and in such manner as may be prescribed, and shall issue a receipt to the owner in such form and in such manner as may be prescribed, to the effect that the tenant has been registered by the owner of the premises.

Offence and penalty.

7. Any owner who fails to furnish the names and particulars of the tenants to the Director within the period specified in section 5 shall be punishable with fine up to a minimum of two thousand rupees but not exceeding five thousand rupees.

Persons to be exempted.

8. The provisions of this Act shall not apply to—

(a) the native people of the State of Manipur;

(b) persons employed in connection with affairs of the Union Government, the State Government, Public Undertaking, and persons employed by a local authority or a body established by law with the approval of the State Government, high dignitaries, students of educational institutions situated in the State or such other persons as may be determined by the State Government from time to time.

Explanation.— For the purpose of this section, production of a valid identity card issued by the concerned authority of the employee or the educational institution or such other documents as may be prescribed shall constitute sufficient documentary evidence for such employment or studentship.

9. No suit, prosecution or other legal proceedings shall lie against any officer of the State Government for anything which is in good faith done or intended to be done under this Act.

Protection of
action taken in
good faith.

10. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make
rules.

(2) In particular and without prejudice to the generality of foregoing powers, such rules may provide for all or any of the following matters, namely, —

- (a) the salaries and allowances and conditions of service of the officers and staff under sub-section (3) of section 3;
- (b) to establish registration centres for Non-Manipur persons under sub-section (2) of section 4;
- (c) form and manner of issue of Pass to be issued to the Non-Manipur persons under sub-section (4) of section 4;
- (d) form and manner of renewal of Pass issued under this Act under sub-section (4) of section 4;
- (e) forms and manner of issue of the receipts to be issued to the owners under sections 6;
- (f) form and manner of maintenance of the register under sub-section (5) of section 4 and section 6; and
- (g) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Manipur Legislative Assembly, while it is in session, 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 session of the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees 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, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to
remove
difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

Manipur is one of the small hill States in the North-Eastern region of India. Manipur has a geographical area of 22,327 sq km which constitutes 0.7% of the total land surface of India. 90% of the total geographical area of the State, i.e., 20,089 sq km is covered by hills and the remaining area is a small valley covering only 2,238 sq km. According to 2011 Census, the population of the State is 28.56 lakhs approximately. The density of population of Manipur as per 2011 Census was 128 per sq km as against 103 per sq km in 2001 Census. The population growth rate of Manipur is found to be higher than that of India.

Before the merger of Manipur to India on 15-10-1949, the entry into Manipur was regulated by imposition of a permit system. That permit system was abolished w.e.f. 18-11-1950 by a notification issued by the then Chief Commissioner of Manipur. Since then, there is no restriction on the entry by the citizens of India. The increase in the population has caused a panic in the mind of the people of Manipur. Of late, a mass movement by the people of Manipur arose demanding to enact a law similar to the earlier permit system so that by imposition of such a permit system, the fear of the people of Manipur of losing their existence can be done away with a reasonable restriction in the influx of Non-Manipur people. Further, the Non-Manipur people who intend to stay in the State as tenants need to be regulated with certain reasonable restrictions.

It has become therefore, expedient to enact a law to maintain tranquility and public order in the interest of general public by registering the Non-Manipur people and the owners who provide accommodation to the tenants.

The Bill proposes to establish a Directorate for effective supervision to the implementation of the issue of Pass to the Non-Manipur people and issue of receipts to the owners hosting the tenants in the State of Manipur.

Hence the Bill.

Imphal

Okrum Ibobi Singh

August , 2015

MEMORANDUM ON DELEGATED LEGISLATION

Sub-clause (3) of Clause 1 of the Bill proposes to empower the State Government to appoint the date for coming into force of the proposed law.

Sub-clause (3) of Clause 3 of the Bill seeks to empower the State Government to prescribe the salaries, allowances and conditions of service of officers and staff of the Directorate of Registration of Non-Manipur persons and tenants.

Sub-clause (2) of Clause 4 of the Bill proposes to empower the State Government to determine places for establishment of the registration centres.

Sub-clause (3) of Clause 4 seeks to empower the State Government to designate as many officers of the State Government as the registration authority.

Sub-clause (4) of Clause 4 of the Bill seeks to empower the State Government to prescribe the form and manner of issue of the pass.

Clause 5 empowers the State Government to prescribe the form of register to be maintained by the owner for entering the names and particulars of the tenants.

Clause 6 empowers the State Government to prescribe the form and the manner for maintenance of the register and the receipt by the Director.

Clause 8(b) empowers the State Government to determine other persons to be exempted from the application of this proposed law.

Clause 10 provides the general rule making power to carry out the purposes of this proposed law.

Clause 11 of the Bill empowers the State Government to remove difficulties for a period of two years from the date of the commencement of the proposed law.

The delegations are not excessive and are normal in character

FINANCIAL MEMORANDUM

As and when the proposed law is enacted and implemented, to enable the proposed Directorate and its sub-ordinate offices function fully, there will be an approximate non-recurring expenditure of Rs. 10.00 crores for the development of infrastructure and an approximate recurring expenditure of Rs. 80.00 lakhs per annum on account of salaries, maintenance etc, from the Consolidated Fund of the State for running the Directorate of Registration of persons and tenants.