

MANIPUR  **GAZETTE**

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**GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT**

NOTIFICATION

Imphal, February 28, 2023

No. 2/6/2023-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 February 25, 2023 are hereby published in the Manipur Gazette Extraordinary:

1. The Kaina Temple Board Bill, 2023 (Bill No. 4 of 2023).

NUNGSBITOMBI ATHOKPAM,
Commissioner (Law),
Government of Manipur.

THE KAINA TEMPLE BOARD BILL, 2023

A

Bill

to provide for the preservation of cultural tradition and for the maintenance and better administration of the Kaina Temple in Kaina, Imphal.

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 Kaina Temple Board Act, 2023.

Short title,
extent and
commence-
ment.

(2) It shall extend to the whole of the State of Manipur.

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

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

Definition.

(a) "Board" means the Kaina Temple Board established and constituted under this Act;

(b) "Kaina Temple" includes the Kaina Temple, its complex and Sacred Jack Tree Site;

(c) "Member" means a member of the Kaina Temple Board and includes the President and the Vice-President;

(d) "Official Gazette" means the Manipur Gazette;

(e) "prescribed" means prescribed by rules made under this Act;
and

(f) "State Government" means the State Government of Manipur.

- Prohibition of alienation of land and structure, etc.** **3.** No part of land of Kaina Temple or any structure whatsoever standing within the Kaina Temple Complex with all additions thereto or alterations thereof which may be made after the commencement of this Act, shall be sold out or leased out or let out on hire or exchanged or mortgaged or otherwise transferred or conveyed or allotted or converted in any form whatsoever to any person or organisation or society or agency or trust.
- Kaina Temple Board.** **4.** (1) The administration and control of the Kaina Temple shall be vested in a Board by the name of Kaina Temple Board constituted by the State Government in the manner hereinafter provided.
- (2) The Board shall be a body corporate and shall have perpetual succession and a common seal and shall by the said name sue and be sued through its Member Secretary.
- (3) The constitution of the Board shall be notified by the State Government, in the Official Gazette.
- Composition of the Board.** **5.** (1) The Board shall consist of the following members, namely:-
- | | | |
|--|---|------------------|
| (a) The Chief Minister, Manipur | - | President |
| (b) Minister in-charge (Art & Culture), Manipur | - | Vice-President |
| (c) Member of the Manipur Legislative Assembly (Andro AC) | - | Member |
| (d) Two members from amongst Hindu Members of the Manipur Legislative Assembly to be nominated by the Speaker of the Manipur Legislative Assembly | - | Members |
| (e) Chief Secretary, Government of Manipur | - | Member |
| (f) Director General of Police, Manipur | - | Member |
| (g) Commissioner/Secretary (Finance), Government of Manipur | - | Member |
| (h) 2 non-official Hindu members possessing such experience and qualification or expert knowledge in the field of Hindu culture of Manipur to be nominated by the State Government | - | Members |
| (i) Commissioner/Secretary, (Art & Culture), Government of Manipur | - | Member Secretary |
- (2) The term of the office of a member nominated under clause (d) of sub-section (1) shall come to end as soon as he ceases to be a member of the House from which he was elected.

(3) A non-official member of the Board shall hold office for a term of 5 years from the date on which he was appointed as Member and shall be eligible for re-appointment for another term.

6. No act or proceedings of the Board shall be deemed to be invalid merely by reason of any vacancy in, or any defect in the constitution of the Board.

Validity of acts of the Board not be questioned by reason of vacancy, etc.

7. A person shall be disqualified for being chosen as and for being a member of the Board,-

Disqualifications for Membership.

- (a) if he hold any office of profit under the administrative office of the Board or receives any emoluments or perquisites from the Kaina Temple Fund; or
- (b) if he is interested in the contract for making supplies to or executing any work on behalf of the administration of the Board; or
- (c) if he is of unsound mind and stands so declared by a competent authority; or
- (d) if he is an undischarged insolvent; or
- (e) if he is not a citizen of India; or
- (f) if he has been convicted of an offence which involves moral turpitude; or
- (g) if he has, in the opinion of the State Government, acted in a manner prejudicial to the interest of the Kaina Temple Board.

8. (1) A non-official Member may at any time, by writing under his hand addressed to the President of the Board, resign his office.

Resignation.

(2) The Board shall, as soon as it is received, inform such resignation to the State Government.

9. The State Government may, at any time, suspend or remove a non-official Member from being a Member of the Board on any of the following grounds, namely:-

Removal.

- (a) that he has been guilty of corruption or misconduct in the administration of the Board; or
- (b) that being a legal practitioner, he has acted or appeared on behalf of any person against the Board in any legal proceedings; or
- (c) that he is or has become subject to any of the disqualifications mentioned in section 7; or

(d) that he has absented himself from more than three consecutive meetings of the Board and fails to explain such absence to the satisfaction of the Board.

- Filling up of vacancies. **10.** Casual vacancies of non-official Members of the Board shall be filled up by the State Government for the remainder of the term.
- Travelling Expenses etc. **11.** The non-official Members of the Board shall be entitled to receive from the Kaina Temple Fund such travelling and sitting allowances as may be prescribed.
- Preservation and protection of the Kaina Temple etc. **12.** The Board shall make necessary arrangements for preservation and protection of the Kaina Temple in recognition of the sanctity of the historical monuments, within the Kaina Temple Complex immediately after the commencement of this Act, in consultation with the State Government.
- Power and functions of the Board. **13.** Subject to such rules as may be made under this Act, the powers and duties of the Board shall be-
- (a) to administer the affairs of the Kaina Temple and to keep the Kaina Temple in proper order and in the state of good repaired;
 - (b) to organize and regulate such periodical seasonal functions in the Kaina Temple;
 - (c) to do such other things as may be incidental or conducive to the efficient administration of the affairs of the Kaina Temple;
 - (d) to raise resources for maintenance of Kaina Temple including levy of entry fee and such other fees as considered necessary;
 - (e) to undertake any construction related activities for the benefit of the worshippers/safeguard the temple complex.
- Officer and Staff. **14.** (1) The Member Secretary of the Kaina Temple shall exercise such powers and perform such duties under the President of the Board as may be delegated to him by the Board.
- (2) The Superintendent of State Archaeology shall be a responsible officer to assist the Member Secretary for the execution of daily affairs of the Kaina Temple.
- (3) The State Government shall make available necessary staff for providing secretariat support to the Board for efficient discharge of its functions under the Act, out of its own establishment.
- (4) All order and decisions of the Board shall be authenticated by the Member Secretary or any other officer of the Board for specific assignment, duly authorized by the President of the Board.

- 15.** The State Government shall, after the appropriation made by the Manipur Legislative Assembly by law in this behalf, pay to the Board, by way of grants, such sums of money as the State Government may think fit for being utilized for the purpose of this Act. Grant by the State Government.
- 16.** (1) The Board shall establish a fund to be called the Kaina Temple Fund and there shall be credited there to - Kaina Temple Fund.
- (a) all sums of money given as grants by the State Government under section 15;
- (b) any grants or donations that may be made to the Board by any other persons for the purpose of this Act;
- (c) any amount received by the Board from any other source;
- (2) The Kaina Temple Fund shall be applied for meeting any other expenses which are required to be met by the Board.
- 17.** The Board shall, subject to previous sanction of the State Government, be competent to undertake and execute Plans, Scheme and construction relating to or in connection with the matter to be financed wholly or partly by the State Government. Development under Plan Scheme etc.
- 18.** No part of the Kaina Temple Fund shall be transferred or converted for any other purposes without the previous sanction of the State Government except those specified for the purpose of this Act. Alienation of Kaina Temple Fund.
- 19.** The Board shall not borrow or lend money out of the Kaina Temple Fund. Bar to borrowing and lending of fund.
- 20.** (1) The Board shall, for every financial year, prepare or cause to be prepared an annual budget containing a statement of the estimated receipts and expenditure of the administration of the Board for the financial year. Budget.
- (2) The Board shall consider and pass the budget with alterations, if any, at a meeting or meetings before the commencement of that year, and a copy of the budget shall be sent to the State Government as soon as it is so passed.
- 21.** The Board shall prepare and submit to the State Government an annual administrative report on the administration of the affairs of the Board at such time as may be prescribed. Administrative Report.
- 22.** (1) Matter connected with the seva and pujah and other ceremonies in the Kaina Temple shall be under the supervision of the Board. Celebration of ceremony and religious festivals.
- (2) The expenditure to be incurred in such celebrations shall be provided for in the annual Budget of the Board:

Provided that in exceptional circumstances when the Kaina Temple Fund is not adequate for such ceremonies and or festivals, the State Government may extend grants-in-aid to the Board therefor.

General
superintendence
and direction of
the State
Government.

23. (1) Notwithstanding any other provisions in this Act, the State Government shall have superintendence and direction over the Board in relation to the affairs of the Kaina Temple.

(2) The State Government may depute a person to inspect any movable or immovable property, records, correspondence, plans, accounts and other documents relating to the Board.

(3) The person deputed under this section may also inspect whether a specific endowment, if any, is administered according to the wishes of the donor of such an endowment.

(4) The Board and its employees shall for the purposes of inspection, render all facilities to the person deputed under this section.

(5) The Manipur State Archaeology, Art & Culture Department of the Government of Manipur shall be the Nodal Agency of the Kaina Temple Board.

Accounts and
Audit.

24. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance sheet in such form and in such manner as may be prescribed by the State Government in consultation with the Accountant General, Manipur.

(2) The accounts of the Board shall be audited by the Accountant General, Manipur at such interval as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Accountant General, Manipur.

(3) The Accountant General, Manipur and any other person appointed by him in connection with the auditing of the account of the Board under this Act shall have the same rights and privileges and the Board in connection with such audit as the Accountant General, Manipur has in connection with the auditing of the Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board under this Act.

(4) The accounts of the Board, as certified by the Accountant General, Manipur or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Board to the State Government.

(5) The State Government shall cause the accounts and audit reports received by it under sub-section (4) to be laid, as soon as may be after they are received, before the Manipur Legislative Assembly.

- 25.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty. Power to remove difficulties.
- (2) Every order under this section shall, as soon as may be after it is made, be laid before the Manipur Legislative Assembly.
- 26.** (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power of the State Government to make rules.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-
- (a) all matters expressly required or allowed by this Act to be provided for by rules;
 - (b) the qualification for other officers and staff of the Board, the establishment of provident fund for them and the conditions of their service;
 - (c) the payment of travelling allowances and sitting allowances of the other non-official members of the Board;
 - (d) preparation of the budgets, returns, accounts, reports and any other information to be submitted by the Board to the State Government; and
 - (e) any other matter which is required to be, or may be, prescribed.
- 27.** The Board may, by notification in the Official Gazette, make bye-laws not inconsistent with this Act and rules made there under subject to prior concurrence of the State Government to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act: Powers of the Board to make bye-laws.
- (a) the procedure and conduct of business including quorum at meetings of the Board, the manner in which notice of its meetings shall be given and the manner in which proceedings of its meetings shall be recorded and published;
 - (b) (i) the formation of committee, for exercise of such functions assigned by the Board under the Act;
(ii) number, experience and qualification of Member of the Committee;
 - (c) the books and accounts to be kept at the office of the Board;
 - (d) the custody and investment of the Kaina Temple Fund;
 - (e) the collection of the daily offerings to the deities worshipped in the Kaina Temple;

- (f) the maintenance of order inside the Kaina Temple and regulation for the entry of person therein; and
- (g) the performance of its functions.

Laying of rules and bye-laws. **28.** Every rule made under this Act by the State Government and every bye-law made by the Board thereunder shall be laid as soon as may be after it is made, before the House of 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 or the successive sessions aforesaid, the House agrees in making any modification in the rule or bye-law, or the House agrees that the rule or bye-law should not be made, the rule or bye-law shall thereafter 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 the rule or bye-law.

STATEMENT OF OBJECTS AND REASONS

The Sacred Jack Tree located within the Kaina Temple Complex, Kaina is a State Protected Monument under the Manipur Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1976. Kaina Temple is becoming one of the important pilgrim sites of Manipur. In this regard, it is proposed to constitute a Board herein called as “Kaina Temple Board” under the Department of Art & Culture, Government of Manipur to safeguard and for effective management of the Kaina Temple Complex.

Hence, the Kaina Temple Board Bill is introduced on the table of the House.

Place : Imphal

Date : , 2023

**N. Biren Singh
Chief Minister (i/c Art & Culture),
Manipur**

FINANCIAL MEMORANDUM

As and when the proposed law is enacted, there will be financial involvement from the Consolidated Fund of the State.

MEMORANDUM OF DELEGATED LEGISLATION

1. Clause 9 seeks to empower the State Government to suspend or remove a non-official Member from being a Member of the Board.
2. Clause 10 seeks to empower the State Government to fill up casual vacancies of non-official Members of the Board.
3. Clause 14 seeks to empower the State Government to make available necessary staff for providing secretariat support to the Board.
4. Clause 15 seeks to empower the State Government to pay to the Board by way of grants.
5. Clause 22 seeks to empower the State Government to extend grants-in-aid to the Board for celebration of ceremony and religious festivals in exceptional circumstances.
6. Clause 23 seeks to empower the State Government for general superintendence and direction over the Board in relation to the affairs of the Kaina Temple.
7. Clause 24 (5) seeks to empower the State Government to cause the accounts and audit reports received by it.
8. Clause 25 seeks to empower the State Government to remove inconsistencies with the provisions of the proposed law.
9. Clause 26 seeks to empower the State Government to make rules to carry out the purposes of the proposed law.