

MANIPUR STATE COMMISSION FOR THE SCHEDULED TRIBES (MSCST)

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ACT & RULES OF PROCEDURE

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Acknowledgement

Publication and compilation of Manipur State Commission for the Scheduled Tribes (MSCST) Act & Rules in a book form has been a felt need for preserving the same for posterity of the Scheduled Tribes populace in particular and the state citizens in general. Publication of the same has an aim of providing the members of the Scheduled Tribes of the state of Manipur facilitating them with essential informations which are enshrined in the constitution of India.

This publication was possible only because the State Government who perceived the need of having an Act & Rules for safeguarding the Scheduled Tribes population under the constitution of India within the jurisdiction of the State of Manipur. In this, framers of the Act & Rules has a place of appreciation and high esteemed acknowledgement.

Publication of this compilation involves dedication and utmost care so that every possible error is avoided.

For successful publication I am grateful to Dr. Lamtinthang Haokip, Research Officer, MSCST and Michael Bonny Mutum, Office Assistant cum Computer Operator, MSCST for their pains taking in the work.



(R.H. Gonmei), IAS Retd.

First Chairperson,
Manipur State Commission for the
Scheduled Tribes

FOREWORD

The Constitution of India seeks to secure for all its citizens, among other things, social and economic justice, equality of status and opportunity and assures the dignity of every individual. Several provisions and welfare measures have been adopted, incorporated and promulgated from time to time by the Union and State government for safeguarding and promoting the interests of the Scheduled Tribes (STs) in various spheres and to bring them up at par with the mainstream society. To monitor all matters and ensure effective implementation of various safeguards provided in the Constitution for the STs, the Union Government set up a separate National Commission for the Scheduled Tribes by inserting a new Article 338A in the Constitution through the Constitution (Eighty-ninth Amendment) Act, 2003.

In order to effectively facilitate safeguard measures enshrined in the Constitution for the STs in Manipur, the Manipur State Commission for the Scheduled Tribes was also set up by the State Government through The Manipur State Commission for the Scheduled Tribes Act, 2014 (Manipur Act. No. 5 of 2014) after receiving assent from the Governor of Manipur on 25-03-2014 and, subsequently the Act was published in the official Gazette on 27th March, 2014 & came into effect on March 31, 2016. Sub-Clause (2) of Section-7 of the Manipur State Commission for the Scheduled Tribes (also read with Clause-4 of Article 338A of the Indian Constitution) provides that the Commission shall have the power to regulate its own procedure. Accordingly, the Commission notified the Rules of Procedure on 15th June, 2017 and the same was published in the official Gazette on 4th August, 2017 after receiving the assent from the Government.

To create awareness among various Institutions/organizations and general public about the duties, functions, powers and roles of the Commission, the Manipur State Commission for the Scheduled Tribes has taken up the task for compiling both the Act and Rules of Procedure of the Commission. I hope it will be of immense help to serve as useful information for providing better services to the noble cause of the Scheduled tribes in the state.



(Leikhogin Haokip)

Addl. Chief Secretary, TA & Hills

&

Member Secretary,

Manipur State Commission for the Scheduled Tribes.

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MANIPUR GAZETTE

EXTRAORDINARY
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No. 487 Imphal, Saturday, March 29, 2014 (Chaitra 8, 1936)

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION
Imphal, the 27th March, 2014

No. 2/12/2014-Leg/L: The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on 25-03-2014 is hereby published in the official Gazette.

THE MANIPUR STATE COMMISSION FOR THE SCHEDULED TRIBES ACT, 2014
(Manipur Act No. 5 of 2014)

An
Act

to provide for constitution of the Manipur State Commission for the Scheduled Tribes and to provide for matters connected therewith or incidental thereto.

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

CHAPTER-I

PRELIMINARY

1. Short title and commencement.-(1) This Act may be called the Manipur State Commission for the Scheduled Tribes Act, 2014.
- (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.
2. Definitions.-In this Act, unless the context otherwise requires,-
 - (a) "Chairperson" means the Chairperson of the Manipur State Commission for the Scheduled Tribes;



- (b) "Commission" means the Manipur State Commission for the Scheduled Tribes constituted under section 3;
- (c) "Member" means a Member of the Commission;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "Scheduled Tribes" means the Scheduled Tribes as notified for the State of Manipur by the President under article 342 of the Constitution of India.

CHAPTER-II

State Commission for the Scheduled Tribes

3. Constitution of the Manipur State Commission for the Scheduled Tribes.-(1) The State Government shall constitute a body to be called as the Manipur Commission for the Scheduled Tribes to exercise the powers and to perform the functions assigned to it by or under this Act with its headquarters at Imphal .

(2) The Commission shall consist of the following Members, namely-

- (a) a Chairperson to be nominated by the State Government from amongst the Scheduled Tribes having special knowledge in matter relating tribal affairs;
- (b) two Members to be nominated by the State Government from amongst the Scheduled Tribes having special knowledge in matters relating to tribal affairs;
- (c) The Principal Secretary/Commissioner (Tribal Affairs and Hills) to the Government of Manipur shall be the ex-officio Member Secretary of the Commission.

4. Term of office and conditions of service of the Chairperson and Members.-(1) The Chairperson and every Member except the ex-officio Member shall hold office for a term of three years from the date he assumes his office.

(2) The Chairperson or a Member of the Commission may, at any time by writing under his hand addressed to the State Government, resign his office.

(3) The State Government shall remove the Chairperson or a Member, as the case may be, from his office, if he-

- (a) becomes an un-discharged insolvent; or
- (b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or



(c) becomes of unsound mind and stands so declared by a competent court; or

(d) refuses to act or becomes incapable of acting; or

(e) without obtaining leave of absence from the Commission, absents himself from three consecutive meetings of the Commission; or

(f) has in the opinion of the State Government so abused the position of the Chairperson or Member as to render that his continuance in office is detrimental to the interest of the Scheduled Tribes:

Provided that no removal under this clause shall be made unless he has been given an opportunity of being heard in the matter.

(4) Every vacancy to the office of the Chairperson or a Member, as the case may be, shall be filled by fresh nomination.

(5) The salaries and allowances and the terms and conditions of service of the Chairperson and the Members shall be such as may be prescribed.

5. Staff of the Commission.- The State Government shall make available to the Commission with such officers and employees as may be required for an efficient functioning of the Commission under this Act.

6. Vacancies etc., not to invalidate proceedings of the Commission.- No act or proceedings of the Commission shall be questioned or invalidated merely on the ground of the existence of any vacancy in the office of membership of the Commission or defect in the constitution of the Commission.

7. Procedure to be regulated by the Commission.-(1) The Commission shall meet as and when necessary at such time and at such places as the Chairperson may think fit.

(2) The Commission shall have power to regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member Secretary or any other officer of the Commission duly authorised by the Member Secretary in this behalf.

CHAPTER-III

FUNCTIONS AND POWERS OF THE COMMISSION

8. Functions of the Commission.- The functions of the Commission shall be as follows,-

(a) to investigate and examine the working of various safeguards provided in the Constitution of India or under any other law for the time being in



force or under any order of the Government for the welfare and protection of the Scheduled Tribes of Manipur and;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguard of the Scheduled Tribes of Manipur and to take up such matter with the appropriate authorities;

(c) to participate and advise on the planning process of socio economic development of the Scheduled Tribes and to evaluate the progress of their development in the State;

(d) to make recommendations as to the measures that should be taken up by the State for the effective implementation of safeguards and other measures for the protection, welfare and socio economic development of the Scheduled Tribes and to make report to the State Government annually and at such other time as the Commission may deem fit;

(e) to discharge such other functions in relation to the Scheduled Tribes as required under any law made by the State Legislature or Parliament;

(f) The Commission would also make the following recommendations to the State Government-

(a) measures that need to be taken over conferring ownership rights in respect of minor forest produce to the Scheduled Tribes living in forest areas;

(b) measures to be taken to safeguard rights of the tribal communities over mineral resources, water resources etc. as per law;

(c) measures to be taken for the development of Tribals and to work for more viable livelihood strategies;

(d) measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.

(e) measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place;

(f) measures to be taken to elicit maximum cooperation and involvement of Tribal Communities for protecting forests and undertaking social afforestation;

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- (g) any other matters that the Commission feels is of utmost importance for the tribal community of the State in matters of protecting and preserving their tribal identity and values:

Provided that the Commission shall have no jurisdiction on any matter dealt with by the National Commission for the Scheduled Tribes established under Article 338A of the Constitution of India.

9. Laying of Report.-The State Government shall cause the recommendations of the Commission to be laid before the State Legislature with a memorandum explaining action taken or proposed to be taken on such recommendations and the reasons, if any, for non-acceptance of the recommendations.

10. Powers of Commission.- The Commission shall, while performing any function under section 8, have the powers of a civil court in trying a suit and in particular in respect of the following matters, namely-

- (a) summoning and enforcing the attendance of any person from any part of the State and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

CHAPTER – IV FINANCE, ACCOUNTS AND AUDIT

11. Grants by the State Government.-(1) The State Government shall, after due appropriation made by the State Legislature by law in this behalf, make to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

(2) All administrative expenses of the Commission including the salaries and allowances payable to the Chairperson, the Members and the officers and employees of the Commission shall be paid out of the grants paid to the Commission by the State Government.



(3) The Commission may spend such sums out of the grants as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section(1).

12. Budget.- The Commission shall prepare, in such form and on such date, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Commission and shall forward it to the State Government.

13. Accounts and Audit.- (1) The Commission shall maintain proper accounts and other relevant records in such manner as may be prescribed by the State Government in consultation with the Accountant General, Manipur.

(2) The accounts of the Commission shall be audited annually by the Accountant General, Manipur at such intervals as may be specified by him. The expenditure incurred on such audit shall paid by the Commission.

(3) The Commission shall prepare an annual statement of accounts, in such form and at such time in a financial year as may be prescribed by the State Government in consultation with the Accountant General, Manipur.

(4) The Accountant General, Manipur and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights, privileges and authority in connection with such audit, as the Accountant General, Manipur has, in connection with the audit of the State 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 of the office of the Commission.

(6) The accounts of the Commission, 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 to the State Government and the State Government shall cause the same to be laid before the House of State Legislature.

CHAPTER – V MISCELLANEOUS

14. Chairperson, Members and employees of the Commission to be public servants.- The Chairperson, Members and officers and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860)

15. Power to make rules.- (1) The State Government may, after its previous publication by notification in the official Gazette, make rules for the purposes of carrying out the provisions of this Act.



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

- (a) salaries and allowances payable to and the terms and conditions of service of the Chairperson and to Members under sub-section(5) of section 4;
- (b) the form in which the annual statement of accounts shall be prepared under sub-sections (2) and (3) of section 13;
- (c) any other matter which is required to be, or may be, specified under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature 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 successive session aforesaid, the House agrees that in making modification in the rule or 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.

16. Power to remove difficulties.-(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 be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature.

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




MANIPUR GAZETTE

EXTRAORDINARY
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No. 198

Imphal, Friday, August 4, 2017

(Sravana 13, 1939)

OFFICE OF THE
MANIPUR STATE COMMISSION FOR THE SCHEDULED TRIBES
ADC BHAVAN, CHINGMEIRONG, IMPHAL

NOTIFICATION

Imphal, the 15th June, 2017

No. 2/1/2017-MSCST(Rules): In pursuance of Government letter No. 35/3/2017-TA & H (MSCST) dated 13/6/2017 and in exercise of the powers conferred by Section 7(2) of the Manipur State Commission for Scheduled Tribes Act, 2014, the Commission makes the following Rules of procedure.

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**MANIPUR STATE COMMISSION FOR THE SCHEDULED TRIBES
RULES OF PROCEDURE, 2016**

In pursuance to the power conferred on the Manipur State Commission for the Scheduled Tribes (MSCST) under Section 7(2) of the *Manipur State Commission for the Scheduled Tribes Act, 2014*, to regulate its own procedure, the Commission hereby adopts the following *Rules of Procedure* comprehensively for empowering it to function and discharge its responsibilities smoothly and effectively in the interest of the Scheduled Tribes of Manipur.

The said *Rules of Procedure* may be called as the *Manipur State Commission for the Scheduled Tribes Rules of Procedure, 2016* and be followed by the Commission in exercising and discharging its powers, functions and responsibilities as is intended under the *Manipur State Commission for the Scheduled Tribes Act, 2014*.

The said *Rules of Procedure* shall come into force on the date of publication in the State Gazette.



CHAPTER I
FUNCTIONS AND RESPONSIBILITIES OF THE COMMISSION IN RELATION TO THE
PROTECTION AND WELFARE OF THE SCHEDULED TRIBES

I. Function of the Commission:

In pursuance to Section 8 of the *Manipur State Commission for the Scheduled Tribes Act, 2014*, it shall be the function of the Commission:

- (a) to investigate and examine the working of various safeguards provided in the Constitution of India or under any other law for the time being in force or under any order of the Government for the welfare and protection of the Scheduled Tribes of Manipur and;
- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguard of the Scheduled Tribes of Manipur and to take up such matter with the appropriate authorities;
- (c) to participate and advise on the planning processes of the socio-economic development of the Scheduled Tribes and to evaluate the progress of their development in the State;
- (d) to make recommendations as to the measures that should be taken up by the State for the effective implementation of safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes and to make report to the State Government annually and at such other time as the Commission may deem fit;
- (e) to discharge such other functions in relation to the Scheduled Tribes as required under any law made by the State legislature or the Parliament.
- (f) The Commission would also make the following recommendations to the State Government:
 - i. Measures that need to be taken over conferring ownership rights in respect of minor forest produce to the Scheduled Tribes living in forest areas;
 - ii. Measures to be taken to safeguard rights of the Tribal communities over mineral resources, water resources, etc. as per law;
 - iii. Measures to be taken for the development of the Tribals and to work for more viable livelihood strategies;
 - iv. Measures to be taken to improve the efficacy of relief and rehabilitation measures for the Tribal groups displaced by development projects.
 - v. Measures to be taken to prevent alienation of the Tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place;



- vi. Measures to be taken to elicit maximum cooperation and involvement of the Tribal Communities for protecting forests and undertaking social afforestation;
- vii. Any other matter that the Commission feels is of utmost importance for the Tribal community of the State in matters of protecting and preserving their Tribal identity and values.

Provided that the Commission shall have no jurisdiction on any matter dealt with by the National Commission for the Scheduled Tribes established under Article 338A of the Constitution of India.



CHAPTER II

DIVISION OF RESPONSIBILITIES AND ALLOCATION OF WORK

2. The Chairperson:

The Chairperson shall be the head of the Commission and shall have power to decide on all questions and matters not specifically provided for in these rules of procedure.

- 2.1. The Chairperson shall allocate subjects and responsibilities among the Members of the Commission. The Orders allocating the subjects and responsibilities shall be notified to all concerned by the Secretariat of the Commission.
- 2.2. The Chairperson shall be the authority to sanction leave and approve tours of the Members, Member Secretary and Officers or Staffs of the Commission.
- 2.3. The Chairperson shall preside over the meetings of the Commission.
- 2.4. All important decisions on the Commission about its functioning shall be taken with the approval of the Chairperson.
- 2.5. The Chairperson may call for any records on any matter which he or she considers important and may take a decision on it himself or herself or, if necessary, place it at the meeting of the Commission.
- 2.6. The Chairperson shall be the authority to approve Annual Report, Special Report and communication to the Ministries or Departments of the Government of India or State Government or Media.
- 2.7. The Chairperson shall take decision to conduct specific studies in the areas on the safeguards provided to the Scheduled Tribes and shall sanction the budget required for such studies.

3. Members:

- 3.1. The Members of the Commission shall have collective responsibility and shall function by participating in the 'meetings' and 'sittings' of the Commission and looking after the subjects allocated to them. Important actions and decisions of a Member may be brought at a meeting of the Commission which may review the same.
- 3.2. Any Member may suggest items for inclusion in the agenda of a meeting of the Commission and the same shall be so included after obtaining the consent of the Chairperson.
- 3.3. Each Member shall have overall responsibility of subjects as may be allocated to him or her.



- 3.4. The Members shall play the role of advising the State Governments on matters of planning and development relating to the welfare of the Scheduled Tribes in accordance with the decision taken in the meetings of the Commission or with approval of the Chairperson.

4. Member Secretary:

- 4.1. The Member Secretary shall be the administrative head of the Secretariat of the Commission and shall assist the Chairperson or Commission in the discharge of its functions with the assistance of the officers of the Commission.
- 4.2. All important administrative matters shall be placed before the Member Secretary who may pass general or specific orders on such matters with the approval of the Chairperson only.
- 4.3. The Member Secretary shall be responsible for having the agenda prepared for the meetings of the Commission and for circulating the minutes with prior approval of the Chairperson.
- 4.4. The Member Secretary shall be responsible to assist and monitor preparation of Annual Report, Special Reports and ensure proper liaison with the Ministries or Departments of the Government of India or the State Government.
- 4.5. The Member Secretary shall be accountable to the Commission and shall be responsible to update the Commission with all relevant information relating to safeguards provided for the Scheduled Tribes under the Constitution, under any other law for the time being in force or under any order of the Government.
- 4.6. The Member Secretary may, in his discretion, delegate any of his functions or authority to a subordinate officer of the Secretariat.
- 4.7. The Member Secretary shall be Chief Vigilance Officer of the Commission and shall report all important matters to the Chairperson pertaining to vigilance cases.
- 4.8. The Member Secretary shall be responsible for updating the website of the Commission and shall function as an Appellate Authority for disposal of cases relating to *the Right to Information Act, 2005*.

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CHAPTER III

INVESTIGATION AND INQUIRY BY THE COMMISSION

5. The Commission shall function by holding 'sittings' and 'meetings' at the Headquarter or at any other places as it may deem fit. The Members of the Commission including the Chairperson shall function in accordance with the procedure prescribed under these rules.

5.1. The Commission may adopt any one or more of the following methods for investigating or inquiring into the matters falling within its authority, as it may deem fit:

(a) by the Commission directly;

(b) by an Investigating Team constituted at the Headquarters of the Commission;

5.2. Investigation and Inquiry by the Commission directly:

5.2.1. The Commission may hold sittings for investigation into matters relating to safeguards, protection, welfare and development of the Scheduled Tribes for inquiry into specific complaints for which the Commission decided to take up investigation or inquiry directly. Such sittings may be held either at the Headquarter of the Commission or at any other place as is specified by the Commission.

5.2.2. The sitting(s) of the Commission shall be held after giving due notice to the parties intended to be heard and also due publicity or notice to the general public. Due care shall be taken to see that the members of the Scheduled Tribes who are affected or likely to be affected in the matter under investigation or inquiry are given due information through notice or publicity.

5.2.3. When a decision for direct investigation by the Commission is taken, an officer not below the rank of an Investigator or Research Officer or Legal Expert along with necessary staff(s) may be attached to the Member(s) entrusted with such investigation or inquiry and they shall take all steps to arrange such sittings.

5.2.4. In accordance with Section 10 of the *Manipur State Commission for the Scheduled Tribes Act, 2014*, while investigating or inquiring into any complaint as is referred to under sub-clause (b) of Section 8 of the same Act, the Commission shall have all the powers of a Civil Court trying a suit and in particular in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person from any part of the State and examining him on oath;

(b) requiring the discovery and production of any document;



- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any Court or Office;
- (e) issuing commissions for the examination of witnesses and documents;
- (f) any other matter which the State Government may prescribe.

5.2.5. The Commission for the purpose of taking evidence in the investigation or inquiry, if considered necessary, may issue summons to any person with the approval of the Chairperson for his or her presence. The summons for enforcing attendance of any person from any part of Manipur or India and examining him or her during the course of investigation and inquiry by the Commission shall provide at least 15 days prior notice to the person directed to be present before the Commission from the date of receipt of the summons.

However, in serious cases of atrocities, three day notice shall be given to the person directed to be present before the Commission from the date of receipt of the summons by him or her.

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5.2.6. Where the property, service or employment of the Scheduled Tribes and any other related matters are under immediate threat and prompt attention of the Commission is required, the matter shall be taken cognizance by issue of notice through the fastest means to the concerned authority for making it known to them that the Commission is seized of the issue and that authority will be prohibited to take any action till the completion of the inquiry in the matter by the Commission. Urgent reply shall be called from the concerned authority. In case no reply is received within three working days, the authority concerned may be required to appear before the Commission at a three day notice for enquiry.

5.2.7. The Commission may issue commissions in pursuance to its power under Section 10(e) of the *Manipur State Commission for the Scheduled Tribes Act, 2014* to take evidence or for examination of any witnesses or documents in any matter under investigation or inquiry and for this purpose appoint any person(s) by an order in writing. The Commission may make further rules for payment of fees and travelling and other allowances to person(s) appointed to take evidence on commission.

5.2.8. After holding the required sittings, the Member(s) who conducted the investigation shall make a report, which shall be sent to the Officer or any other person specifically authorized by the Commission to receive the report. Such report shall be forwarded within 3 days to the Chairperson for examination. After examination, such report shall be sent, if necessary, to the concerned authority to rectify or solve the issue within reasonable time frame as the Commission may determine depending upon the



circumstances of the case. The concerned authority shall also be required to report back to the Commission on the action taken by it to rectify or solve the issue made known to it.

5.3. Investigation or Inquiry by an Investigation Team constituted at the Headquarter of the Commission:

- 5.3.1. The Commission may decide about the matter that is to be investigated or inquired into by an Investigating Team of officials of the Commission, provided that in case the matter is urgent, the decision for such investigation or inquiry may be taken by the Chairperson.
- 5.3.2. The Investigating Team shall hold the investigation or inquiry, as the case may be, promptly and for this purpose, may initiate necessary correspondence including issuance of notices for summoning of witnesses or production of documents.
- 5.3.3. The Investigating Team may visit the area concerned after observing due formalities for obtaining approval of tours and other administrative requirements and after giving information to the concerned local authorities regarding the matter, purpose, scope and procedure of the investigation or inquiry. The Investigating Team may enlist the help of the officers and staff(s) of the concerned state government office but the responsibility of preparing and presenting the report shall rest with the head of the Investigating Team.
- 5.3.4. The Investigating Team shall submit the report of the investigation or inquiry, as the case may be, to the Commission within the stipulated time as may be directed by general or specific orders by the Chairperson. If the time limit stipulated is likely to be exceeded, the head of the Investigating Team shall obtain the orders of the Chairperson through the Officer-in-Charge of the matter. The report shall be examined thoroughly by the Commission for a decision and appropriate action to be taken on the report.
- 5.3.5. The report shall be sent to the concerned authority, if necessary, to rectify or solve the issue within reasonable time frame as the Commission may determine depending upon the circumstances of the case. The concerned authority shall also be required to report back to the Commission on the action taken by it to rectify or solve the issue made known to it.

Procedure for Inquiry:

6.1. Inquiry into Specific Complaints:

The Commission is required under Section 8(b) of *the Manipur State Commission for the Scheduled Tribes Act, 2014* to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes of Manipur. In order to enable the



Commission to perform this function effectively and efficiently, the Commission would make the members of the Scheduled Tribes aware that it will be helpful to inquire into their grievances if they substantiate their complaints with supporting documents and quote the relevant provisions of the Act or Rules or directions which is alleged to have been violated.

6.2. The following aspects may be kept in mind while filing complaints before the Commission:

- (a) The complaint should be directly addressed to the Chairperson of the Manipur Commission for the Scheduled Tribes constituted under Section 3 of the *Manipur State Commission for the Scheduled Tribes Act, 2014*.
- (b) The complainants should disclose his/her full identity and give his/her full address, contact details and should sign the representation.
- (c) Complaints should be legibly written or typed and, where necessary, supported by authenticated documents.
- (d) Complaints should clearly disclose the deprivation of rights or interests under specific provisions of the Constitution of India or any enactments of the State government or under any order or schemes, etc. of the State government which are aimed at safeguarding the interests of the Scheduled Tribes of Manipur.
- (e) No cognizance of complaints shall be taken by the Commission on matters which are *Subjudice* and pending in the court of law or wherein a final verdict has already been given by the court of law or wherein the matter has already been taken up for consideration by the *National Commission for the Scheduled Tribes* constituted under *Article 338A* of the Constitution of India.

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6.3. Inquiry into Cases of Atrocities:

Whenever information is received by the Commission about any incident of atrocity against any person(s) belonging to the Scheduled Tribes, the Commission would immediately get in touch with the law enforcing machinery of the State to ascertain the details of incident and the action taken by the concerned authority. If after detailed inquiry or investigation, the Commission finds substance in the allegation or complaint on the matter, the Commission may recommend filing an FIR against the accused with the concerned law-enforcing agency of the State. In such cases, the Commission may follow up the progress of the actions taken up by the concerned authority on the basis of the FIR lodged.

6.4. The Commission shall also monitor that:

- (a) the victims are provided with suitable medical assistance on time;



- (b) adequate protection is arranged for the victims of such incidents by providing police protection by stationing a police party, by patrolling, etc
- (c) to ensure that suitable compensation is paid to the victims as per relevant provisions of law.

6.5. The Commission will, wherever possible depending upon the gravity and circumstances of the case, visit the place of incident to oversee the arrangements and to console and infuse confidence among the victims.

6.6. Confidentiality of Certain Reports:

The Commission may, through a decision at a meeting or otherwise, direct that the contents of any report made on any matter being investigated by it or the identity of the complainant shall be kept confidential and shall not be revealed to any person including the media, other than those who have been specifically authorized access to such report or information.

6.7. Legal Processes:

All summons and warrants that are required to be issued in pursuance of the exercise of the powers of a Civil Court by the Commission shall be written in the prescribed form appended to these **Rules of Procedure** and shall bear the seal of the Commission. The legal process shall be issued from the Legal Cell of the Commission and shall bear its seal. The provisions of the *Code of Civil Procedure* of 1908 applicable for the service of the legal processes shall be followed by the Commission.

6.8. Issue of Letters and Notices:

Letters and notices requiring production of documents which are issued without exercising the powers of a Civil Court by the Commission may be signed by an officer not below the rank of Research Officer or Legal Expert or Senior Investigator as the case may be.

CHAPTER IV MEETINGS AND SITTINGS OF THE COMMISSION

7. Meetings of the Commission:

7.1. Frequency of Meetings:

The Commission shall meet at least once in a month. The notice for a meeting shall normally be issued two weeks in advance. Emergent meetings may also be called by the Chairperson either on his/her own or on the request of a Member(s) for disposing of important matters requiring urgent consideration by the Commission.



7.2. Quorum:

Presence of at least two members including the Chairperson shall constitute the Quorum for holding meeting of the Commission.

7.3. Matters Requiring Decisions by the Commission in its Meetings:

The following matters shall be brought up before the Commission at a meeting for consideration and decision:

- (a) any amendment to these Rules of Procedure;
- (b) matters to be investigated by the Commission directly;
- (c) all reports that are required to be considered by the Commission as provided in these rules;
- (d) any matter(s) that a Member may like to bring up in the meeting, with the approval of the Chairperson;
- (e) important matters relating to planning and development for the welfare and advancement of the Scheduled Tribes of Manipur; and
- (f) any other matter that the Chairperson may direct to be placed in a meeting of the Commission.

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7.4. Agenda for the Meeting:

Agenda for any meeting will normally be circulated to all the Members at least seven days before the date of the meeting, provided that for an Emergent Meeting, this time limit may not apply.

- 7.5.** The minutes of a meeting shall be recorded precisely and circulated as soon as possible to all the Members.

7.6. Place of Meeting of the Commission:

Normally the place of meeting of the Commission shall be at the Headquarter of the Commission in Imphal. The Commission may, however, decide to hold a meeting at any convenient place other than its Headquarter.

7.7. Fees and Allowances:

The Chairperson, the Members and other officer or staff(s) of the Commission shall not be entitled to any fees or allowances for sitting in the meeting of the Commission. The same



may however be reconsidered if the meetings/sittings is/are held in any location other than the Commission Headquarter.

8. Sittings of the Commission:

8.1. Need for Sittings:

Whenever a matter is to be investigated into directly by the Commission, it may do so by holding sittings of the Commission. In the case of such sittings, the presence of all Members may not be necessary.

8.2. Officers to be Present:

Whenever a Member(s) is holding a sitting, an officer of the Commission, not below the rank of Research Officer or Legal Expert, duly deputed for the purpose, shall be present to assist the Member(s) holding the sitting to discharge the functions properly and promptly. It shall be the duty of the Officer(s) to assist the Member(s) in preparing the report if called upon to do so. The said officer shall also be responsible for assisting the Member(s) in following the prescribed procedure.

8.3. Frequency of Sitting(s):

Sittings of the Commission may be held as and when necessary and as may be decided by the Commission.

8.4. Programme of the Sittings:

The programme of the sittings, at the Headquarter or at any other places, would normally be worked out in advance and duly circulated.

8.5. Defraying Expenses to Witnesses:

8.5.1. The Commission may defray travelling expenses to persons who have been called through summons to appear before the Commission in a sitting, provided that the place of residence of the person/s is more than 08 Kms. from the place of the sitting of the Commission. The amount so defrayed shall be limited to the actual travelling expenses plus daily allowance for the number of days that the person has appeared before the Commission in its sitting, provided that the person is not entitled to travelling and daily allowance from any other source. Persons who are employees of the Government or Public Sector Undertaking shall be deemed to be on duty if they are summoned to depose before the Commission or produce documents. The limit of travelling expenses shall be determined on the basis of the rail fare and road mileage calculated on the basis of the rates that may be prescribed by the Commission. In the



case of any doubt regarding the entitlement of the person, the decision of the Chairperson of the Commission shall be final.

- 8.5.2. The person responsible for handling the accounts of the Commission shall take steps to ensure that sufficient cash amount as reasonably determined by the Commission is made available to it if the sitting is held at a place other than the Headquarters of the Commission. The Secretariat of the Commission may devise a suitable procedure to ensure that such claims are paid on the spot and in cash to the person(s) so appearing.
- 8.5.3. The claim for travelling expenses shall not be admissible in the case of a person who appears before the Commission during any investigation or enquiry on his own accord or in response to a communication or notice which is not a summon issued by the Commission.



CHAPTER V

ADVISORY ROLE AND OTHER FUNCTIONS OF THE COMMISSION

9. Interaction of the Commission with the State Government:

- 9.1. The Commission shall work in a manner so as to keep itself informed about the various undertakings taken up by the State Governments which may directly or indirectly affect the interests of the Scheduled Tribes. For this purpose, the Commission may send communications to the State Governments suggesting that the Chairperson or any Member of the Commission may be taken on important Planning, Evaluation and Advisory bodies including Corporations concerned with the welfare, protection and development of the Scheduled Tribes.
- 9.2. The Commission may convey to the State authority its formal views, opinion or approach on any specific or general matter or issue arising at any meeting or deliberation.

10. Research/Studies/Surveys/Evaluation:

- 10.1. The Commission may undertake studies to evaluate the impact of development schemes on Socio-economic development of the Scheduled Tribes taken up by the Union or State Governments. For this purpose, the Commission may constitute Study Team of its own. The Study Team may undertake Investigations, Surveys or Studies either in collaboration with the State Government or Universities or Research Bodies, as the case may be, or may do so independently.
- 10.2. The Commission may entrust Surveys or Evaluation Studies to any Professional Bodies or Person/s considered suitable and competent to undertake such work and, for this purpose, may make any reasonable payment to such Bodies or Person/s towards the cost of the study by way of Fee or Grant.
- 10.3. The Studies so undertaken or their gist may form part of the Annual or Special Report of the Commission to be presented to the State government or may be published separately by the Commission.
- 10.4. The Commission may organize Seminars, Conferences, Workshops, etc. either on its own or in collaboration with any Institutions or Organizations, or may be entrusted to it by the State Government from time to time.
- 10.5. The commission shall prepare and maintain a comprehensive and up-to-date database of the Scheduled Tribes Population, Education, Development, etc. in the State.



11. Monitoring Functions of the Commission:

11.1. The Commission to Determine Subjects for Monitoring:

The Commission may determine from time to time the subjects or matters and areas that it would monitor relating to safeguards and other socio-economic development measures provided for the Scheduled Tribes under the Constitution or under any other law enacted by the State Government or the Central Government for the time being in force.

11.2. Prescribing Returns and Reports:

The Commission may prescribe periodical Returns or Reports to be furnished by any authority responsible for or having control of the subject matter of which monitoring is being done by the Commission. Such Returns or Reports shall be analysed by the Commission to arrive into conclusion regarding the implementation of the safeguards or any Socio-economic development measures undertaken by the government under relevant law for the time being in force.

11.3. Follow-Up Action:

- 11.3.1. In order to ensure that monitoring is done effectively, the Commission, after acquiring the information as prescribed in these Rules and after reaching conclusions, may as early as possible, send out communications to the concerned authority describing the shortcomings that have been noticed in the implementation of the safeguards or Socio-economic development measures and suggesting corrective steps.
- 11.3.2. The Commission may ask for comments of the concerned authority on the action taken in pursuance of the communications sent under Rule 11.3.1.
- 11.3.3. The Commission may include in its Annual Report or any Special Report, findings and conclusions arrived at through the process of monitoring of the subjects relating to the safeguards and Socio-economic development measures provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Union or State Government.

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CHAPTER VI

MISCELLANEOUS

12. Use of Staff Cars:

The Staff Car Rules of the Government of Manipur shall apply for the purposes of utilization of staff cars in the Commission.

13. Decision on matters not specified in these Rules:

If a question arises regarding any such matter for which no provision exists in these rules, the decision of the Chairperson shall be sought. The Chairperson may, if he deems fit, direct that the matter may be considered at a meeting of the Commission.

14. The Commission can sue or be sued through its ex-officio Member Secretary.

T. PAMEI,
Member Secretary,
Manipur State Commission for the ST



FORM-I
THE MANIPUR COMMISSION FOR SCHEDULED TRIBES
(A Statutory body exercising powers of a Civil Court under Section 10 of the *Manipur State Commission for Scheduled Tribes Act, 2014*)

ADC Bhavan, Chingmeirong
Imphal- 795010

(Notice for collecting basic facts)

To,

.....

Whereas a Petition/complaint/information has been received by the Manipur Commission for Scheduled Tribes from _____ or press news under caption _____ appearing in _____ dated _____ as enclosed and the Commission has decided to investigate/inquire into the matter in pursuance of the powers conferred upon it under Section 8 of the *Manipur Commission for Scheduled Tribes Act, 2014*. You are hereby requested to submit the facts and information pertaining to the said allegations/matters to the undersigned withinday/s of receipt of this notice either by post or in person or by any other means of communication.

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Please take notice that in case the Commission does not receive reply from you within the stipulated time, the Commission may exercise the powers of a Civil Courts conferred on it under Section 10 of the said Act and issue summons for your appearance in person or by a representative before the Commission.

Signature
Manipur Commission for the Scheduled Tribes

Dated :



FORM-II
BEFORE THE MANIPUR COMMISSION FOR SCHEDULED TRIBES
(A Statutory body exercising powers of a Civil Court under Section 10 of the *Manipur State Commission for Scheduled Tribes Act, 2014*)

SUMMON

File No.:

ADC Bhavan, Chingmeirong
Imphal- 795010

To,

.....

Whereas the Manipur Commission for Scheduled Tribes has decided to investigate into the following matter in pursuance of powers conferred upon it under Section 8 of the *Manipur State Commission for the Scheduled Tribes Act, 2014*, your attendance is hereby required in person to appear before the Commission on the _____ of _____ 20____ at _____ hours at _____. You are required to bring with you the relevant documents for examination by the Commission.

Case reference

In case of failing to comply with this order without lawful excuse, you shall be subjected to the consequences of non-attendance laid down in rule 12 of Order XVI of the *Code of Civil Procedure, 1908*.

Given under my hand and seal of the Manipur Commission for Scheduled Tribes exercising powers of Civil Court this _____ of _____ 20_____.

Dated:

Signature
(Chairperson/Member)
SEAL



FORM-III
(Warrant of arrest of witness)

BEFORE THE MANIPUR COMMISSION FOR SCHEDULED TRIBES
(A Statutory body exercising powers of a Civil Court under Section 10 of the Manipur
***State Commission for Scheduled Tribes Act, 2014*)**

ADC Bhavan, Chingmeirong
Imphal- 795010

To,

.....

Whereas _____ r/o _____ was duly served with a summon but has failed to attend (absconds and keeps out of the way for the purpose of avoiding service of a summons), the Manipur Commission for Scheduled Tribes in exercise of its powers of a Civil Court under Section 10 of the Act, 2014 hereby order you to arrest and bring the said _____ before the Commission at its Headquarter in Imphal.

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You are further ordered to return this warrant on or before the _____ day of _____ 20_____ with an endorsement certifying the day and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hands and the seal of the Commission exercising powers of Civil Court, this _____ of _____ 20_____

Signature
SEAL

Dated:

