

MANIPUR



GAZETTE

EXTRAORDINARY

No. 150

Imphal, Tuesday, September 2, 2014 (Bhadra 11, 1936)

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, the 2nd September, 2014

No. 2/38/2014-Leg/L : The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on 29-08-2014 is hereby published in the official Gazette.

**THE MANIPUR CONSERVATION OF PADDY LAND AND WETLAND ACT, 2014
(MANIPUR ACT NO. 10 OF 2014)**

An
Act

to conserve the paddy land and wetland and to restrict the conversion or reclamation thereof in order to promote growth in the agricultural sector in the State of Manipur.

BE it enacted by the Manipur Legislative Assembly in the Sixty-fifth Year of the Republic of India as follows:

1. (1) This Act may be called the Manipur Conservation of Paddy Land and Wetland Act, 2014

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Manipur where the Manipur Land Revenue and Land Reforms Act, 1960 (No. 33 of 1960) is extended.

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

Definitions.

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

- (a) "agricultural officer" means the agricultural officer of the Department of Agriculture designated by the Government for the purposes of this Act;
- (b) "Committee" means the Local Level Monitoring Committee constituted under section 4;
- (c) "conversion" means the situation whereby land that has been under paddy farming and its allied constructions like drainage channels, ponds, canals, bunds and ridges are put to use for any other purpose;
- (d) "Deputy Commissioner" means the Deputy Commissioner of the district concerned and includes any other officer authorised by the Government to perform the functions of the Deputy Commissioner;
- (e) "district" means a revenue district;
- (f) "District Agricultural Officer" means the District Agricultural Officer of the District designated by the State for the purpose of this Act;
- (g) "District Level Committee" means the District Level Committee to be constituted under section 7;
- (h) "drainage channel" means the inlets or outlets for the flow of water to or from a paddy land;
- (i) "Government" means the Government of Manipur;
- (j) "holder of paddy land" means a person holding any paddy land whether as owner or under a legal right;
- (k) "local bodies" means a Panchayat as defined in the Manipur Panchayati Raj Act, 1994 (Act No. 26 of 1994) or a Municipality as defined in the Manipur Municipalities Act, 1994 (Act No. 43 of 1994);
- (l) "paddy land" means all types of land in the State where paddy is cultivated at least once in a year or suitable for paddy cultivation but uncultivated and left fallow, and includes its allied constructions like drainage channels, ponds, canals, bunds, ridges;
- (m) "prescribed" means prescribed by rules made under this Act;
- (n) "public purpose" means public purpose specified by the Government by notification in the Official Gazette;

- (o) "reclamation" means such act or series of acts whereby a paddy land is converted irreversibly and in such a manner that it cannot be reverted back to the original condition by ordinary means;
- (p) "State" means the State of Manipur;
- (q) "State Level Committee" means the State Level Committee constituted under section 8;
- (r) "Sub-Divisional Officer" means the Sub-Divisional Officer of the sub-division concerned of the district;
- (s) "year" means the Gregorian Calendar year;
- (t) "wetland" means land lying between terrestrial and aquatic system where the water table is usually at or near the surface or which is covered by shallow water or characterized by the presence of sluggishly moving or standing after saturating the soil with water and includes fresh water lakes, marshes and swamp forest."

3. Notwithstanding anything contained in the Manipur Land Revenue and Land Reforms Act, 1960 (No. 33 of 1960), on and from the date of commencement of this Act, the holder of paddy land shall not undertake any activity for the conversion or reclamation of such paddy land except in accordance with the provisions of this Act.

Prohibition on conversion or reclamation of paddy land.

4. (1) The Government shall constitute a Local Level Monitoring Committee in each ward of Zilla Parishad or a Municipality, as the case may be, consisting of the following-

Constitution of Local Level Monitoring Committee.

- (a) Sub-Divisional Officer concerned - Chairperson
- (b) Sub-Deputy Collector concerned of the circle in the district - Member
- (c) Two representatives of farmers in the concerned Zilla Parishad ward or the concerned municipal area to be nominated by the Deputy Commissioner concerned - Member
- (d) The Agricultural Officer concerned - Member
Convenor

(2) The Committee shall have the following powers, namely-

- (a) to recommend to the District Level Committee for the reclamation of paddy land and wetland for public purpose or for construction of residential building for the owner of the paddy land:

Provided that the Committee shall not recommend for reclamation of paddy land of more than 0.20 acre (0.08093 hectare) in a Panchayat area or 0.10 acre (0.04046 hectare) in a Municipal area, as the case may be, for the construction of residential building for the owner of the paddy land;

- (b) to inspect the paddy land situated within the jurisdiction of the Committee to monitor whether the provisions of this Act are being complied with and to report to the Sub-Divisional Officer regarding violations, if any, of the provisions of this Act;
- (c) to consider the complaints received from the public regarding the allegations of violation of the provisions of this Act and to intervene in the issue to prevent such violation;
- (d) to examine the reason for keeping the paddy land fallow and to suggest remedial measures so as to persuade the holder of paddy land to use it for any intermediary crops.

(3) The Committee shall perform the following functions-

- (a) to prepare the data-bank with the details of the paddy land along with the survey numbers with the help of the map prepared on the basis of satellite pictures;
- (b) to make suggestions for framing detailed guidelines for the protection of the paddy land in the areas under the jurisdiction of the Committee;
- (c) to collect the details of the paddy land within the area of jurisdiction of the Committee, reclaimed in contravention of the provision of any law for the time being in force, before the date of commencement of this Act and to give the report to the Sub-Divisional Officer;

(d) to perform such other functions, as may be entrusted by the Deputy Commissioner concerned from time to time.

(4) The quorum for a meeting of the Committee shall be three and it shall meet as and when required at any venue as decided by the Chairperson;

(5) The Committee may decide the procedure for its meetings and the Agricultural Officer concerned shall keep the proper minutes of the meeting signed by every person attended.

(5) (1) The term of office of the non-official members of the Local Level Monitoring Committee shall be three years from the date of its constitution. After the expiry of the term of the Committee its non-official members may continue in office till the constitution of the next Committee.

The term of the Local Level Monitoring Committee and other related matters.

(2) A non-official member may resign from his office at any time by writing under his hand.

6. (1) The Agricultural Officers shall be the reporting officers, in respect of the paddy land in the area under their jurisdiction and it shall be their responsibility to report to the Sub-Divisional Officer regarding any act in violation of the provisions of this Act. Such reporting shall be made within a period of a fortnight from the date he receives such information.

Reporting Officers.

(2) Any omission to make a report under sub-section (1) shall be deemed to be an offence punishable under section 18 of this Act.

7. (1) Notwithstanding anything contained in section 3, the Government shall constitute for each District, a District Level Committee for considering the applications for conversion of paddy land for the construction of residential building to the owner of paddy land and for taking suitable decision:

Constitution of District Level Committee.

Provided that the District Level Committee shall not take any decision granting permission for the conversion of paddy land for the construction of residential building exceeding 0.20 acre (0.08093 hectare) in a Panchayat area or 0.10 acre (0.04046 hectare) in a Municipal area, as the case may be.

(2) The District Level Committee shall consist of the Deputy Commissioner, District Agricultural Officer and three agricultural farmers from the district to be nominated by the Deputy Commissioner and the Deputy Commissioner shall be its Chairman and the District Agricultural Officer shall be its Convenor.

(3) The term of office of the nominated members shall be three years from the date they enter upon their offices. After the expiry of the term, they may continue in office till the succeeding members are nominated.

(4) Nominated members may resign from the Committee at any time by writing under his hand to the Deputy Commissioner.

(5) The District Level Committee shall take decision on the recommendation of the Local Level Monitoring Committee made available to it within one month.

(6) Notwithstanding anything contained in sub-section (1), no application shall be considered by the District Level Committee unless the Local Level Monitoring Committee has recommended that:

(a) such reclamation shall not adversely affect the ecological condition and the agricultural activities in the adjoining paddy land;

(b) the owner of the paddy land or his family does not own a suitable land for this purpose in the State;

Explanation- For the purpose of this clause, 'family' in relation to a person, means the person, the wife or husband, as the case may be, the minor sons, the unmarried or minor daughters;

(c) the building to be constructed is for his own purpose; and

(d) such paddy land is not surrounded by other paddy land.

8. (1) The Government shall constitute a State Level Committee for furnishing report to the Government after the detailed scrutiny of the applications recommended by the District Level Committee regarding the conversion of paddy land for public purposes.

Constitution of
State Level
Committee.

(2) The Secretary in charge of the Department of Revenue, the Secretary in charge of the Department of Agriculture, an expert in the field of environment and a scientist in the field of agriculture to be nominated by the Government shall be the members of the State Level Committee and the Secretary in charge of the Department of Agriculture shall be its convenor.

(3) The State Level Committee shall scrutinize each application recommended by the District Level Committee for reclamation of paddy land for public purpose and shall examine in detail whether any alternate land, other than paddy land, is available in that area and the ecological changes that may occur due to such reclamation of paddy land and submit a report to the Government.

9. Notwithstanding anything contained in section 3, the Government may grant exemption from the provisions of this Act, if such conversion or reclamation is essential for any public purpose.

Power of
Government
to grant
exemption.

10. (1) The Government may, by notification in the Official Gazette, appoint such officers of the Revenue Department not below the rank of Sub-Divisional Officer as authorized officers and may determine the area of jurisdiction within which they shall exercise their powers under this Act.

Appointment
of Authorized
Officers and
their powers.

(2) An Authorized Officer may, on receipt of information from the reporting officer-

- (a) enter any premises or any place connected therewith with such preparation as he thinks necessary for the inspection or investigation into the alleged offence under this Act;
- (b) require any person to stop any act in contravention of section 3;
- (c) seize any vehicle or other conveyances or any implements used or purported to be used in contravention of the provisions of this Act and send a report to the Deputy Commissioner for initiating proceedings for their confiscation;

- (d) require any person to furnish such information as he may consider necessary;
- (e) take photographs, make inventories or do other things necessary for collecting evidence regarding the commission of the offence and send a report to the Court of competent jurisdiction in order to prosecute the accused.

(3) Any person required to produce any document or thing or to give any information to an Authorised Officer under this section shall be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

(4) Every Authorised Officer appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act, 45 of 1860).

(5) If an officer authorised under sub-section (1) fails to take action on the basis of the report regarding the violation of the Act submitted by the reporting officer under section 6, he shall be deemed to have committed an offence punishable under section 18.

**Power of the
Deputy
Commissioner.**

11. Notwithstanding anything contained in this Act, the Deputy Commissioner may take such action, as he deems fit, without prejudice to the prosecution proceedings taken under this Act, to restore the original position of any paddy land reclaimed in violation of the provisions of this Act, and realize the cost incurred in this regard from the holder of the said paddy land, as the case may be, so reclaimed after giving him a reasonable opportunity of being heard.

**Refusal of
licence by the
local
authority.**

12. Notwithstanding anything contained in the Manipur Panchayati Raj Act, 1994 (Act no. 26 of 1994), or in the Manipur Municipalities Act, 1994 (Act no. 43 of 1994), no local authority shall grant any licence or permit under the said Act for carrying out any activity or construction in a paddy land, converted or reclaimed in contravention of the provisions of this Act.

**Special power
of the Deputy
Commissioner.**

13. The Deputy Commissioner may take or cause to be taken proceedings as may, in his opinion, be reasonable for the compliance of an order issued under the provisions of this Act.

14. (1) Any officer of the Revenue Department not below the rank of a Sub-Divisional Officer or any Officer authorised by the Government in this behalf or any police officer not below the rank of a Sub-Inspector, with a view to ensure the compliance of the provisions of this Act, may enter and search any premises and seize any vehicle or any other conveyance or machinery used or deemed to have been used for any activity in contravention of the provisions of this Act, and a report regarding such seizure, whether prosecution proceedings have been initiated or not, shall be given to the Deputy Commissioner having jurisdiction over that area within forty eight hours of such seizure.

**Power of entry
and seizure.**

(2) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to search and seizure under this Act.

15. (1) After obtaining a report regarding seizure under section 10 or section 14, the Deputy Commissioner may, if he thinks fit, order confiscation of the object seized:

**Confiscation
of vehicle, etc.**

Provided that the owner or the person in custody of the object seized, shall be given an option to pay, in lieu of its confiscation, a sum equal to one and a half times the value of the seized articles, as may be determined by the Deputy Commissioner.

(2) No order of confiscation under sub-section (1) shall be made by the Deputy Commissioner unless the owner thereof has been given an opportunity of being heard in the matter.

(3) No order of confiscation under sub-section (1) shall be invalid merely by reason of any defect or irregularity in the notice given under sub-section (2), if the provisions have been substantially complied with.

16. Any person aggrieved by an order of confiscation under section 15 may, within thirty days from the date of communication to him of such order, appeal to the District Court having jurisdiction over the area in which the articles were seized and the District Judge shall, after giving the parties a reasonable opportunity of being heard, issue such order either confirming, modifying or setting aside the order appealed against.

**Appeal against
confiscation.**

17. The award of any confiscation under this Act by the Deputy Commissioner shall not affect the infliction of any punishment to which the person affected thereby is liable under this Act.

**Award of
confiscation
not to interfere
with other
punishments.**

- Penalty.** 18. Any person who, in violation of the provisions of this Act, converts or reclaims any paddy land shall on conviction be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also pay fine which shall not be less than fifty thousand rupees but which may extend to two lakhs rupees.
- Cognizance of offence.** 19. No Court below the Court of Chief Judicial Magistrate shall take cognizance of any offence punishable under this Act except on a complaint in writing of the fact constituting such offence by an officer authorised under sub-section (1) of section 10.
- Grant of injunction etc., by civil courts.** 20. No civil court shall grant an injunction or make any order for any other relief against the Government or any officer authorised under this Act, in respect of any act done or purporting to be done by the Government or such officer under this act or the rules or notifications made thereunder, unless notice of such injunction or other relief has been given to the Government or such officer, as the case may be.
- Sums due recoverable as arrears of land revenue to Government.** 21. Any amount due to the Government under the provisions of this Act shall be deemed to be arrears of revenue due on land and shall, without prejudice to any other mode of recovery, be recoverable under any other law for the time being in force.
- Revision.** 22. The Government may either suo moto or on application from any aggrieved party call for the records of any act or proceedings of the Deputy Commissioner in any case under this Act, and pass such orders thereon, as it may deem fit.
- Protection of action taken in good faith.** 23. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any provisions of this Act.
- (2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any provisions of this Act or the rules made thereunder.
- Power to make rules.** 24. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides 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.

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

