

THE KANGLA FORT ACT, 2004
(Manipur Act No. 3 of 2005)

An
Act

to provide for administration and control of the Kangla Fort in Imphal.

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

1. Short title and commencement: - (1) This Act may be called the Kangla Fort Act, 2004.

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

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

(a) "Board" means The Kangla Fort Board established and constituted under this Act;

(b) "Kangla Fort" means the Kangla Fort measuring an area of about 237.62 acres, bounded:

on the north by National Highway No.39 and road to Minuthong Bridge;

on the south by National Highway No.39 and road to Sanjenthong Bridge;

on the east by Imphal River ; and

on the west by National Highway No.39.

(c) "Member" means a member of the Kangla Fort 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;

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

3. Prohibition of alienation of land and structure, etc.: - No part of land of Kangla Fort or any structure whatsoever standing within the Kangla Fort together 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.
4. Kangla Fort Board: -(1) The administration and control of the Kangla Fort shall be vested in a Board constituted by the State Government in the manner hereinafter provided.
(2) The Board shall by the name of "The Kangla Fort Board", be a body corporate 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.
5. Composition of the Board: - (1) The Board shall consist of the following members, namely: -
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| (a) | The Chief Minister, Manipur. | - | President |
| (b) | Minister in-charge Art and Culture Department, Manipur. | - | Vice President |
| (c) | Leader of Opposition in the Manipur Legislative Assembly. | - | Member |
| (d) | 3 members of Manipur Legislative Assembly to be nominated by the Speaker of the Manipur Legislative Assembly. | - | Member |
| (e) | The Chief Secretary, Government of Manipur. | - | Member |
| (f) | Joint Secretary, Ministry of Home Affairs (North East), Government of India. | - | Member. |
| | Director General, Archaeological Survey of India, Government of India. | - | Member |

- (h) Director General of Police, Manipur. - Member
- (i) 2 other non-official members possessing such experience and qualification or expert knowledge in the field of archaeology or ancient history and culture of Manipur to be nominated by the State Government - Member
- (j) Commissioner/ Secretary, Art & Culture Department, Government of Manipur. - Member Secretary
- (2) All persons nominated by the State Government to be the Members of the Board shall hold office during the pleasure of this State Government.
- (3) The term of the office of a member nominated under clause (d) of subsection (1) shall come to an end as soon as he ceases to be a member of the House from which he was elected.
- (4) A non-official Member of the Board shall hold office for a term of five years from the date on which he was appointed as Member and shall be eligible for re-appointment for another term;
6. Validity of acts of the Board not to be questioned by reason of vacancy, etc. — 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.
7. Disqualifications for Membership: - (1) A person shall be disqualified for being chosen as and for being a member of the Board,-
- (a) if he/she hold any office of profit under the administrative office of the Board or receives any emoluments or perquisites from the Kangla Fort Fund; or
- (b) if he/ she 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/ she is of unsound mind and stands so declared by a competent authority; or
- (d) if he/she is an undischarged insolvent; or
- (e) if he/she is not a citizen of India.
- (f) if he / she has been convicted of an offence which involves moral turpitude;
- (g) if he/she has, in the opinion of the State Government, acted in a manner prejudicial to the interest of the Kangla Fort Board.

8. Resignation: - (1) A non-official Member may at any time, by writing under his hand addressed to the President of the Board, resign his office.
- (2) The Board shall, as soon as it is received, inform such resignation to the State Government.
9. Removal: - 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: -
- 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.
10. Filling up of vacancies:- Casual vacancies of non-official Members of the Board shall be filled up by the State Government for the remainder of the term.
11. Travelling Expenses etc.: - The non-official Members of the Board shall be entitled to receive from the Kangla Fort Fund such travelling and sitting allowances as may be prescribed.
12. Preservation and protection of the Kangla Fort, etc.: - The Board shall make necessary arrangements for preservation and protection of the Kangla Fort in recognition of the sanctity of the historical monuments, archaeological sites and remains within the Kangla Fort immediately after the commencement of this Act, in consultation with the State Government.
13. Power and duties of the Board: - 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 Kangla Fort and to keep the Kangla Fort in proper order and in the state of good repaired ;
 - (b) to organise and regulate such periodical seasonal functions in the Kangla Fort;

(c) to do such other things as may be incidental or conducive to the efficient administration of the affairs of the Kangla Fort;

(d) to rise resources for maintenance of Kangla Fort including levy of entry fee and such other fees as considered necessary.

14. Officer and Staff:

(1) The Member Secretary of the Kangla Fort Board 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 State Govt. 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.

(3) 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 authorised by the President of the Board.

15. Grant by the State Government: 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 utilised for the purpose of this Act.

16. Kangla Fort Fund: (1) The Board shall establish a fund to be called the Kangla Fort Fund and there shall be credited thereto

(a) all sums of money given as grants by the State Government under the section 15;

(b) any grants or donations that may be made to the Board by any other persons for the purposes of this Act;

(c) any amount received by the Board from any other source;

(2) The Kangla Fort Fund shall be applied for meeting any other expenses which are required to be met by the Board,

17. Development under Plan Scheme etc: The Board shall, subject to previous sanction of the 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.

18. Alienation of Kangla Fort Fund: No part of the Kangla Fort Fund shall be transferred or converted for any other purposes without the previous sanction of the State Government except those specified for the propose of this Act.
19. Bar to borrowing and lending of fund: The Board shall not borrow or lend money out of the Kangla Fort Fund.
20. Budget:
 - (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.
 - (2) The Board shall consider and pass the budget with alternations, 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. Administrative Report: 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.
22. Celebration of ceremony and religious festivals: (1) Matter connected with the seva and pujah and other ceremonies in the Kangla Fort shall be under the supervision of the Board.
 - (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 Kangla Fort Fund is not adequate for such ceremonies and or festivals, the State Government may extend grants-in-aid to the Board therefor.
23. General superintendence and direction of this State Government:
 - (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 Kangla Fort.
 - (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 Art & Culture Department of the Government of Manipur shall be the Nodal Department.

24. Accounts & Audit:

(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 the account of the Board under this Act shall have the same rights and privileges and the Board in connection with the 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. 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 it to be necessary or expedient for removing the difficulty.

(2) Every order under this section shall, as soon as may be after it is made, be laid before the Manipur Legislative Assembly.

26. Powers of the State Government to make rules:

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

(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; and

(c) the payment of travelling allowance and sitting allowances of the other non-official members of the Board; and

(d) preparation of the budgets, returns, accounts, reports and any other information to be submitted by the Board to the State Government.

(e) any other matter which is required to be, or may be, prescribed.

27. Powers of the Board to make bye-laws:

The Board may, by notification in the Official Gazette, make bye-laws not inconsistent with this Act and rules made thereunder 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 provision of this Act:

(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 Kangla Fort Fund;
 - (e) the collection of the daily offerings to the deities worshipped in the Kangla Fort;
 - (f) the maintenance of order inside the Kangla and regulation the entry of persons therein; and
 - (g) the performance of its functions.
28. Laying of rules and bye-laws: 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 that rule or bye-law.
29. Repeal and Saving :
- (1) The Kangla Fort Ordinance, 2004 is hereby repealed.
 - (2) Notwithstanding the repeal of this ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.