

Manipur Municipalities Act, 1994

Chapter I - Preliminary

- (1) This Act, may be called the Manipur Municipalities Act, 1994.
 - (2) It extends to the whole of the State of Manipur except the Hill Areas to which the Manipur (Hill Areas) District Council Act, 1971 extends or any area which is included in a Cantonment under the Cantonment Act, 1924(2 of 1924).
 - (3) It shall be deemed to have come into force on the 24th day of May, 1994.
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Section 2 - Definitions

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

- (1) "Adhyaksha" means an Adhyaksha of a Zilla Parishad elected under the provisions of the Manipur Panchayati Raj Act, 1994(26 of 1994);
- (2) "building" means a house, out house, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter;
- (3) "bye-law" means a bye-law made under this Act by notification;
- (4) "Committee" means a Committee other than a Ward Committee constituted under this Act;
- (5) "compound" means land whether enclosed or not, which is the appurtenance of a building or the common appurtenance of several buildings;
- (6) "conservancy" means the removal and disposal of sewage, offensive matter and rubbish;
- (7) "Corporation" means a Municipal Corporation;
- (8) "Council" means a Municipal Council;
- (9) "Councillor" means a member of a Municipal Council or Nagar Panchayat, as the case may be, elected or appointed under this Act;
- (10) "Deputy Commissioner" means the Deputy Commissioner of a district of Manipur having jurisdiction over the Municipality, or any other officer at any time appointed by the Government to perform, in any district or districts the functions of a Deputy Commissioner under this Act;
- (11) "Director" means the Director of Municipal Administration, Housing and Urban Development of the Government of Manipur or such other officer as may be appointed by the Government to exercise the functions of the Director of Municipal Administration, Housing and Urban Development of Manipur;
- (12) "district" means a district in the State of Manipur;
- (13) "District Magistrate" means the District Magistrate and includes the Additional District Magistrate or any such Magistrate as may be appointed in this behalf by the Government, having territorial jurisdiction over the Municipality;

(14) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, waste water, rain water or subsoil water;

(15) "Election Commission" means the State Election Commission constituted under section 98 of the Manipur Panchayati Raj Act, 1994;

(16) "Executive Officer" means Executive Officer of a municipality appointed under this Act;

(17) "financial year" means the year commencing on the 1st day of April of a year and ending on 31st day of March of the succeeding year;

(18) "food" includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enters into or used in the composition or preparation of human food and also includes confectionery, flavouring and colouring matter, spices and condiments;

(19) "Government" means the State Government of Manipur;

(20) "half-year" means a half-year commencing on the 1st day of April or the 1st day of October, or such other date as the State Government may by notification, appoint;

(21) "holding" means land held under one title or agreement and surrounded by one set of boundaries;

Provided that where two or more adjoining holdings form part and parcel of the site or premises of a dwelling-house, manufactory, warehouse or place of trade or business, such holdings shall be deemed to be one holding for the purposes of this Act:

Provided further that where land has been let out to occupants in separate parcels paying rent separately, each such parcel shall be treated as a distinct holding in spite of such parcels of land being held under one title.

Explanation I.--Holdings separated by a road or other means of communication shall be deemed to be adjoining within the meaning of this proviso.

Explanation II.--Any plot of land having clear boundaries and lying entirely vacant, if fit for building purposes or if yielding any income, shall when not appurtenant to any agricultural purposes, be regarded as a "holding";

(22) "house" means any hut, shop, warehouse, workshop, masonry or framed;

(23) "house-gully" or "service passage" means a passage or strip of land constructed, set apart or utilised, for the purpose of serving as or carrying a drain or affording access to a latrine, privy, urinal, cess-pool or other receptacle of filthy or polluted matter by municipal employees or other persons employed in the cleansing thereof or in the removal of such matter therefrom, and includes the air-space above such passage or land;

(24) "hut" means any building, which is constructed principally of wood, bamboo, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made;

(25) "infectious or contagious disease" means cholera, plague, small-pox, chicken-pox, kala-azar, tuberculosis, diphtheria and typhoid or enteric fever or such other dangerous disease as the Government may notify in this behalf;

(26) "inhabitant" used with reference to a local area means any person ordinarily residing or carrying on business or owning or occupying immovable property therein;

(27) "joint family" means a family of which the members live together, have a common mess and are descendants from a common ancestor and shall include wives or husbands, as the case may be, of its members, but shall exclude married daughters and their children;

(28) "land" includes benefits arising out of land, houses and things attached to the earth or permanently fastened to anything attached to the earth and also land covered by water;

(29) "Legislative Assembly" means the Legislative Assembly of Manipur;

(30) "Local Authority" includes District Council, Municipal Council, Nagar Panchayat, Municipal Corporation and Panchayat;

(31) "lodging house" means a house in which visitors or other persons are lodged on hire for a night or more;

(32) "market" or "bazar" means any place, by whatever name called, where persons assemble for the sale of meat, fish, fruit, vegetables, live stock or any other article of food or merchandise, declared and licensed by the municipality as a market;

(33) "municipal area" means the territorial area of a municipality as is notified by the Governor;

(34) "municipality" means the Nagar Panchayat or the Municipal Council, as the case may be, constituted under the provisions of this Act;

(35) "municipal market" means a market belonging to or maintained by the municipality;

(36) "notification" means notification in the Official Gazette of Manipur;

(37) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense or sight, smelling or hearing or disturbance to rest or sleep or which is or may be, dangerous to life or injurious to health or property;

(38) "occupier" includes--

(a) any person who is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(b) an owner in occupation of or otherwise using his own land or building;

(c) a rent free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner of land or building damages for the use and occupation of such land or building;

(39) "offensive matter" includes animal, carcasses, kitchen or stable refuse, dung, din, putrid, or putrefying substance and filth of any kind which is not included in sewage;

(40) "owner" includes--

(a) a person who for the time being is receiving or is entitled to receive, the rent of any land or building or of any part of any land or building whether on his own account or on account of himself and other or as an agent, trustee for any person or society or for any religious or charitable purpose, guardian or as a receiver or who would so receive such rent or be entitled to receive it if the land, building or part thereof were let to a tenant, and

(b) the head of a Government department in respect of properties under their respective control;

(41) "Panchayat" means an institution of self-government at the district or village level constituted under the Manipur Panchayati Raj Act, 1994;

(42) "platform" means any structure which is placed on or covers or projects over, any public road or any open drain, sewer or aqueduct;

- (43) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (44) "prescribed" means prescribed by rules made under this Act;
- (45) "private road" means any street, road, square, court alley or passage which is not a public road and includes a pathway made by the owner or premises on his own land to secure access to, or the convenient use of, such premises;
- (46) the expression "re-erect" when used with reference to building, includes--
- (a) the reconstruction of a building after more than one-half of its cubical extent has been taken down or burnt down or has fallen down;
 - (b) the conversion of one or more huts or temporary structures into a masonry or framed building;
 - (c) the conversion into place for human habitation of any building not originally constructed for such habitation; and
 - (d) the extension of a building;
- (47) "private slaughter house" means a slaughter house which is not a municipal slaughter house;
- (48) "public place" means a space, not being private property which is open to the use or enjoyment of the public whether such space is vested in a municipality or not;
- (49) "public road" means any street, road, square, court alley, passage or pathway over which the public have a right of way whether a thoroughfare or not, and includes--
- (a) the roadway over any public bridge or causeway;
 - (b) the footway attached to any such road, public bridge or causeway; and
 - (c) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, verandah or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or Government property;
- (50) "regulation" means a regulation made by the municipality under this Act, by notification;
- (51) "rubbish" means ashes, broken brick, mortar, broken glass, dust or refuse of any kind which is not filth;
- (52) "rule" means a rule made under this Act;
- (53) "Scheduled Castes" means such castes, races or tribes or parts of groups within such castes, tribes as are specified to be Scheduled Castes, in relation to the State of Manipur under article 341 of the Constitution of India;
- (54) "Scheduled Tribes" means such tribes or tribal communities or parts of groups within such tribes or tribal communities as are specified to be Scheduled Tribes in relation to the State of Manipur under article 342 of the Constitution of India;
- (55) "sewage" means night-soil and other contents of privies, latrines, urinals, cesspools and drains, and includes polluted water from sink, bathrooms, stables, cattle-sheds and other like places and also discharges from manufactories of all kinds;
- (56) "slaughter house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;
- (57) "urban areas" means the areas in the State of Manipur which are not rural areas;

(58) "vehicle" includes bicycles, tricycles and automotor cars and every wheeled conveyance whether a carriage, cart, van, dray which is used or capable of being used on a public road;

(59) "ward" means a municipal ward constituted under section 18;

(60) "water works" includes all tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, sluices mains, pipes, hydrants, stand pipes and conduits and all lands, buildings, machinery and things used for, or intended for the purpose of, supplying water;

(61) "Zilla Parishad" means a Zilla Parishad of a district constituted under the Manipur Panchayati Raj Act, 1994(26 of 1994).