

The Manipur Public Servants' Personal Liability Act, 2006

Act 8 of 2006

Keyword(s):

Irregular Actions, Liability, Public Servant, Un-authorized Liability

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MANIPUR



GAZETTE

**EXTRAORDINARY
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No. 23 Imphal, Thursday, April 13, 2006 (Chaitra 23, 1928)

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

NOTIFICATION

Imphal, the 12th April, 2006

No. 2/15/2006-Leg/L: The following Act of the Legislature of Manipur which received assent of the Governor of Manipur on 7-4-2006 is hereby published in the Official Gazette.

**THE MANIPUR PUBLIC SERVANTS' PERSONAL LIABILITY ACT, 2006
(Manipur Act No. 8 of 2006)**

An

Act

to provide for personal liability of the Public Servants of Manipur for creation of unauthorized liability through irregular actions in form of appointment or engagement of persons, award of works, supply orders, payment of bills, signing and execution of contracts, providing grants, benefits, compensation, and such other acts in the name of Government or its agencies and recovery of such amounts from the personal incomes including salary and other entitlements of the Public Servants responsible for creation of such liabilities.

Be it enacted by the Legislature of Manipur in the Fifty seventh year of the Republic of India as follows:-



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1. Short title, extent and commencement.-(1) This Act may be called the Manipur Public Servants' Personal Liability Act, 2006.

(2) It extends 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) "Chief Minister" means the Chief Minister of the State of Manipur;
- (b) "Competent authority" means the authority competent to approve and make payment on account of appointment, engagement, grant-in-aid, compensation, or other benefits and entitlement as per rules and existing instructions of the Government;
- (c) "Governor" means the Governor of Manipur;
- (d) "Irregular actions" means actions in form of appointment, engagement, work order, supply order, contract, Memorandum of Understanding, grant or commitment to grant a benefit, relief, grant-in-aid or compensation, whether in exercise of a statutory power or otherwise, that are not consistent with or in accordance with the rules, specific orders, and instructions of the Government and procedures as laid down and amended from time to time;
- (e) "liability" means the liability for payment of salary, wages, allowances, leave salary, leave encashment, medical benefits and other service entitlements, pension, gratuity, family pension, special pension and other retirement benefits, grant-in-aid, compensation for land, buildings, damages, injury & death, payment of bills, works, and supply orders from the Consolidated Fund of the State and the Public Account of the State or the Fund of the agencies set up by the Government;



- (f) "Person" means a person and his or her dependent(s) in cases where entitlements and benefits are admissible as per rules to dependent of a person, and includes an institution or a body of persons incorporated, registered or otherwise;
- (g) "public servant" means all functionaries, officers and employees of the State of Manipur appointed by and in the name of the Governor and includes Ministers, officers and employees of the State Government and its agencies and the autonomous bodies including statutory bodies, public sector undertakings, companies, aided institutions, societies and bodies receiving grant-in-aid from the Government;
- (h) "State" means the State of Manipur and includes the offices and establishments of the State of Manipur, situated in or outside the State;
- (i) "State Government" means the Government of Manipur and its agencies;
- (j) "un-authorized liability" means liability arising out of irregular actions as defined in section 2(d).

3. Measures to ensure Financial Discipline.- (1) With a view to avoiding accumulation of unauthorized liabilities and ensuring timely discharge of current liabilities, a Public Servant exercising delegated financial powers under the relevant rules, instructions, guidelines and orders of the Government shall, before appointing or engaging any person for any work in the name of Government, or awarding any work, or giving technical or financial sanction, or starting a construction work, or awarding an order of supply of goods and services, or entering into a contract or Memorandum of Understanding, or granting or committing to grant a benefit, relief, grant-in-aid or compensation to any person on behalf of the Government, whether in exercise of a power



conferred under a Statute or otherwise, which creates or has the implication of creating liability on the Consolidated Fund of the State or the Fund of its agencies, obtain prior approval for such appointment, engagement, technical or financial sanction, work order, supply order, contract, Memorandum of Understanding, grant, payment, benefit as the case may be or commitment for any of the foregoing, in compliance with the Rules, procedures, instructions and guidelines that may be prescribed by the Government from time to time.

4. Liability for irregular action of Public Servant.- Any Public Servant who appoints or engages a person or persons, enters into a contract or Memorandum of Undertaking with another person, awards a work, places a supply order, or grants or commits to grant a benefit, relief, grant-in-aid or compensation or payment of a sum for any bill, work, supply, entitlement, benefit, relief, grant-in-aid or compensation on behalf of the Government to any person or a body of persons whether in exercise of a power conferred

under a Statute or otherwise, in violation of the existing instructions and orders of the Government and procedures as laid down, and without approval of the competent authority will be entirely and personally liable for payment and liquidation of the financial liability arising out of his action.

5. Measures to provide for recovery of unauthorized liability:- (1) All moneys involved or incurred payment and/or liquidation of a liability on the part of the State Government arising from irregular action of a public servant shall be recovered from the salary and entitlements payable to or incomes of such public servant irrespective of the liability payable in pursuance of an order by any public servant or competent authority under a State law for the time being and law court.

(2) Nothing of the above sub-section shall apply to the case where such irregularity have been rectified by according ex-post facto approval by the State Government.



6. **Recommendation of High Powered Committee:-** No order imposing any penalty of the liability specified in section 5 of the Act, shall be made except on the recommendation of a High Powered Committee after an inquiry by affording the public servant an opportunity of explanation in that regard, in the manner as may be prescribed.

7. **Constitution of High Powered Committee:-** The State Government shall constitute the High Powered Committee consisting of the Chief Secretary, Government of Manipur as Chairman and four other officers as Members to be nominated by the State Government and it shall carry out such functions and duties as may be prescribed. In case the public servant is a Minister/MLA, the High Powered Committee shall be headed by the Chief Minister and shall consist of two other Ministers nominated by the Chief Minister.

8. **Protection of action taken in good faith.-** No suit, prosecution or other proceedings shall lie against the State Government or any officer or other employee of the State Government or public servant for anything done or in good faith purporting to be done under this Act or rules made there-under.

9. **Application of other laws not barred.-** The provision of this Act shall be in addition to and not in derogation of the provisions of any law for the time being in force.

10. **Power to remove difficulties.-** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by orders published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty.



11. **Power to make rules.**- (1) The State Government may, by notification in the Official Gazette make rules for carrying out the provision of this Act.

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

- (a) the determination of the irregularity of actions by which the unauthorized liability will be deemed to have been created;
- (b) procedure of the functions of the High Powered Committee;
- (c) the manner of deduction or recovery of sums from the salary and/or other incomes and entitlements of the Government officials for payment or liquidation of the unauthorized liability;
- (d) any other matter which is required to be, or may be, prescribed.

(3) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or successive session aforesaid, the State Legislature agree in making any modification in the rules or order or agree that the rule or order should not be made, the rules or order 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 or order.

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