

Manipur Loktak Lake (Protection) Act, 2006

3 of 2006

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Manipur Loktak Lake (Protection) Act, 2006

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AN ACT to provide for administration, control, protection, improvement, conservation and development of the natural environment of the Loktak Lake and for matters connected with as incidental thereto. BE it enacted by the Legislature of Manipur in the Fifty seventh year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Manipur Loktak Lake (Protection) Act, 2006
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
- (3) It shall extend to the whole of 236.21 Sq. km, comprising of large pockets of open water and marshy land formed at the southern part of the Imphal valley upto the confluence of Manipur river and Khuga in the districts of Imphal West and Bishnupur, Manipur located between 93 degree 46 minute & 93 degree 55 minute E-longitude and 24 degree 25 minute & 24 degree 42

minute N-latitude, The area is surrounded by the following Dag Nos.

Direction	Dag No.	Sheet No.	No. & Name of Village	District
North	138	01	22/Naorem Utrapat	Bishnupur
Northeast	3078	04	85/Wangoitop	Imphal West
East	108	01	73/Hayel	Imphal West
Southeast	1209	02	68/Laphupat	Imphal West
South	1028	02	65/Wapokpi	Bishnupur
Southwest	155	13	53/Moirang	Bishnupur
West	2150	03	43/Thinungei	Bishnupur

Provided that the Act shall not apply to the Keibul Lamjao National Park covering an area of 40 Sq. Km. and Takmu Fishery Farm covering an area of 5 Sq. Km.

2. Definitions :-

In this Act, unless the context otherwise requires:-

- (a) "Athaphum" mean long strip of Phumdis in circular shape in floating condition, planted or cultured artificially for catching fish;
- (b) "Authority" means Loktak Development Authority constituted by the State Government under this Act;
- (c) "Chairman" means the Chairman of the Loktak Development Authority;
- (d) "Lake" means the Loktak Lake;
- (e) "Loktak Lake" means the Loktak Lake measuring an area of about 236.21 Sq. km;
- (f) "Member" means a member of the Loktak Development Authority and includes the Chairman;
- (g) "Occupiers" means a person who dwells in huts or houses on the phumdis or uses the phumdis;
- (h) "Phumdis" means heterogeneous mixture of vegetation, organic debris and soil in floating condition;
- (i) "Prescribed" means prescribed by rules made under this Act;
- (j) "Sewage effluent" means effluent from any sewage system or sewage disposal works and includes sludge from open drains;
- (k) "State Government" means the State Government of Manipur.

3. Division Of Loktak Lake :-

For the purpose of this Act, the Lake shall be divided into two zones, namely:-

- (i) "Core Zone" which will be the No-Development Zone or Totally

Protected Zone consisting 70.30 Sq. Km. surrounded by the following Sheet Nos:-

Direction	Sheet No.	No. & Name of Village	District
North	01	76/Mayang Imphal	Imphal West
Northeast	03	72/Hangul	Imphal West
East	02	70/Phubakchao	Imphal West
Southeast	02	70/Phubakchao	Imphal West
South		Keibul Lamjao National Park & Takmu	Bishnupur
Southwest	02	47/Sunusiphai	Bishnupur
West	03	44/Ningthoukhong	Bishnupur
Northwest	04	40/Khoijuman Khunou	Bishnupur

(ii) "Buffer Zone" means the remaining area of the lake excluding Core Zone area.

4. Prohibition Of Alienation Of Loktak Lake :-

No part of Loktak Lake whatsoever standing within the Loktak Lake 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 organization or society or agency or trust.

CHAPTER 3

REGULATIONS OF ACCESS TO LAKE RESOURCES

5. Previous Approval Of The Authority :-

(1) No person shall without the previous approval of the Authority obtain any lake resources or knowledge associated thereto for research or for commercial utilisation or for bio-survey and bio-utilisation.

(2) No person shall, without the previous approval of the Authority, transfer the results of any research relating to lake resources.

Explanation: - For the purpose of this section, "transfer" does not include publication of research papers or dissemination of knowledge of any seminar or workshop if such publications are as per guidelines issued by the State Government or Authority.

CHAPTER 3

LOKTAK DEVELOPMENT AUTHORITY

6. Constitution Of Loktak Development Authority :-

The State Government shall, by notification in the Official Gazette constitute a body to be called the Loktak Development Authority to exercise such powers and functions conferred upon it under this Act. The Authority shall be a body corporate by its name having a perpetual succession and common seal and shall by the said name sue and be sued through its Member-Secretary.

7. Composition Of The Loktak Development Authority :-

The Authority shall consist of the following members, namely-

1. Chief Minister, Manipur Chairman
2. Minister (Forest & Environment) Vice-Chairman
3. Minister (Revenue) Member
4. Minister (Irrigation & Flood Control) Member
5. Minister (Fisheries) Member
6. Minister (Tourism) Member
7. Minister (Power) Member
8. Member of Legislative Assembly, Nambol Assembly Constituency Member
9. Member of Legislative Assembly, Oinam Assembly Constituency Member
10. Member of Legislative Assembly, Bishnupur Assembly Constituency Member
11. Member of Legislative Assembly, Moirang Assembly Constituency Member
12. Member of Legislative Assembly, Thanga Assembly Constituency Member
13. Member of Legislative Assembly, Kumbi Assembly Constituency Member
14. Member of Legislative Assembly Wangoi Assembly Constituency Member
15. Member of Legislative Assembly Mayang Imphal Assembly Constituency Member
16. Chief Secretary, Government of Manipur Member
17. Addl. Chief Secretary / Principal Secretary / Commissioner / Secretary (Forest & Environment). Government of Manipur Member
18. Commissioner/Secretary (Finance), Government of Manipur Member
19. Commissioner/Secretary (Planning), Government of Manipur Member
20. Commissioner/Secretary (Revenue), Government of Manipur Member

21. Commissioner/Secretary (Irrigation & Flood Control), Government of Manipur Member
22. Commissioner/Secretary (Power). Government of Manipur Member
23. Commissioner/Secretary (Fisheries), Government of Manipur Member
24. Secretary (Law), Government of Manipur. Member
25. Vice-Chancellor, Central Agriculture University, Manipur or his representative Member
26. Deputy Commissioner, Bishnupur, Government of Manipur Member
27. Deputy Commissioner, Imphal West, Government of Manipur Member
28. Chief Engineer (Irrigation & Flood Control Department) Government of Manipur Member
29. Chief Engineer (Power), Government of Manipur Member
30. Principal Chief Conservator of Forest, Government of Manipur Member
31. Director (Tourism), Government of Manipur Member
32. Director (Fisheries), Government of Manipur Member
33. Director (Settlement), Government of Manipur Member
34. Chief Engineer, National Hydro-electric Power Corporation Limited, Loktak Member
35. Senior Scientific Officer (Ecology & Environment), Government of Manipur Member
36. Project Director, Loktak Development Authority Member Secretary
37. 3 (three) non Official members to be nominated by the Government

8. Terms And Conditions Of Services Of Non-Official Members :-

The terms of office and conditions of service of the non-official member of the Authority shall be such as may be prescribed by the State Government.

9. Resignation :-

- (i) A non official Member may at any time, by writing under his hand addressed to the Chairman of the Authority, resign his office.
- (ii) The Authority shall, as soon as, it is received, inform such resignation to the State Government.

10. Removal Of Members :-

The State Government may remove from the Authority any member who, in its opinion, has -

- (a) been adjudged as an insolvent, or
- (b) been convicted of an offence which involves moral turpitude; or
- (c) become physically or mentally incapable of acting as a member, or
- (d) so abused his position as to render his continuance in office detrimental to the public interest; or
- (e) acquired such financial or other interest as is likely to affect prejudicially his functions as a member.

11. Meetings Of The Authority :-

(i) The Authority shall meet at such time and place and observe such Rules of procedures in regard to the transaction of business at its meeting (including the quorum at its meeting) as may be prescribed.

(ii) The Chairman of the Authority shall preside over the meetings of the Authority.

(iii) If for any reason, the Chairman is unable to attend any meeting of the Authority, the Vice-Chairman shall preside over the meeting.

(iv) If at a meeting, neither the Chairman nor the Vice-Chairman is present, any member of the Authority chosen by the members present at the meeting shall preside over meeting.

(v) All questions which come before any meeting of the Authority shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairman or, in his absence, the person presiding, shall have an exercise a second or casting vote.

(VI) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.

(vii) No act or proceeding of the Authority shall be invalidated only by reason of :

(a) Any vacancy in, or any defect in the constitution of the Authority, or

(b) Any defect on the appointment of a person acting as a Member

or

(c) Any irregularity in any procedure of the Authority not effecting the merits of the case.

12. Filling Up Of Vacancies :-

Vacancies of non-official members of the Authority shall be filled up by the State Government for the remaining period of the term.

13. Travelling Expenses Etc :-

The non official members of the Authority shall be entitled to receive from the Loktak Lake Development Fund such travelling and sitting allowances as may be prescribed.

14. Officers And Employee Of The Authority :-

(1) The State Government shall appoint a person to be the Project Director of the Authority, possessing such experience and qualifications as may be prescribed to exercise such powers and perform such duties under the Authority:

(2) The Authority may, with the prior approval of the State Government, appoint such number of other officers and other employee, on such terms and conditions including the salaries and allowances payable thereof, as may be prescribed as it considers necessary for the efficient discharge of its functions under this Act.

15. Authentication Of Orders And Decisions Of Authority :-

All order and decisions of the Authority shall be authenticated by the signature of the Chairman or any other member authorized by the Chairman in this behalf and all other instrument executed by the Authority shall be authenticated by the Member-Secretary.

16. Expenses Of The Authority :-

All expenses of the Authority including the salaries and allowances payable to the officers and other employee shall be defrayed from the Loktak Lake Development Fund created under section 25 of this Act.

CHAPTER 4

FUNCTIONS AND POWERS OF THE AUTHORITY

17. Power And Functions Of The Authority :-

Subject to such rules as may be made under this Act, the powers and duties of the Authority shall be -

- (a) to administer the affairs of the Loktak Lake and to protect and improve the natural environment of lake;
- (b) regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilisation of any lake resources; and
- (c) to do such other things as may be incidental or conducive to the efficient administration for protection and improvement of the lake.

18. Delegation Of Powers By The Project Director :-

The Project Director, may, with the prior approval of the Authority, by general or special order assign duties or functions under this Act or Rules, made the under to any officer of the Authority.

19. Prohibition Of The Following Activities Within The Buffer Zone :-

The following activities are prohibited within the Buffer Zone, namely-

- (i) Setting up of new industries and expansion of existing industries.
- (ii) Setting up and expansion of fish processing units.
- (iii) Setting up and expansion of units, mechanisms for disposal of wastes and effluents.
- (iv) Discharge of untreated wastes and effluents from industries, cities or towns and other human settlements.
- (v) Dumping of city or town waste for the purpose to land filling.
- (vi) Land reclamation, bunding or disturbing the natural course of drainages, lake water with similar obstructions except those required for control and erosion and maintenance or cleaning of waterways.
- (vii) Construction activities in ecologically sensitive areas as specified in the notification, and
- (viii) Dressing or altering of hills, natural features including landscape drainage for beautification, recreational and other such purposes.

20. Prohibition Of Certain Activities In Core Zone :-

No person or occupier shall

- (i) discharge or emit any sewage or domestic waste into the lake;
- (ii) plant or cultivate athaphum;
- (iii) deposit or fix any stones, bamboo, log, net etc., into the lake for the purpose of rearing fish;
- (iv) build any hut or house on phumdis inside the lake.
- (v) engage in athapum-fishing in the lake;
- (vi) use any fishing feeds and pesticides into the lake; except with the prior permission of the authority constituted under this Act.

21. Power Of Entry And Inspection :-

Subject to the provisions of this Act any persons empowered by the State Government or the Authority in this behalf shall have right to enter, at all reasonable times with such assistance as he considers necessary, any place;

(a) For the purpose of performing any of the functions of the State Government/Authority entrusted to him;

(b) For the purpose of determining whether and if so in what manner any such functions are to be performed or whether any provision of this Act or the rules made thereunder or any notice, order direction or authorization served, made, given or granted under this Act is being or has been complied with;

(c) For the purpose of examining and testing any equipment, industrial, plant, record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reasons to believe punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution of the Lake;

(d) Every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the State Government / Authority under this section for carrying out the functions under that section.

CHAPTER 5

STEERING COMMITTEE AND ITS FUNCTIONS

22. Constitutions Of Steering Committee :-

The Authority may constitute a Committee called Steering

Committee consisting of the following members-

1. Chief Secretary; Government of Manipur Chairman
2. Addl. Chief Secretary/Principal Secretary/
Commissioner/Secretary (Forest & Environment),
Government of Manipur Member
3. Principal Secretary (Finance): Government of Manipur Member
4. Commissioner / Secretary (Planning), Government of Manipur
Member
- 5 . Commissioner / Secretary (Irrigation & Flood Control),
Government of Manipur Member
6. Representative of the Secretary, Ministry of Environment &
Forest, Government of India, New Delhi. Member
7. Not more than 3 (Three) Officials or consultants to be nominated
to the committee by a regulation of the Steering Committee
Member
8. Project Director, Loktak Development Authority Convenor

23. Function Of The Steering Committee :-

Subject to such rules as may Be made under this Act, the function of the Steering Committee shall be to -

- (a) co-ordinate the activities of the concerned department at the Government level
- (b) formulate policy matters particularly financial matters for smooth functioning of the Authority and management of the lake
- (c) finalize works to be taken up
- (d) facilitate timely release of fund, etc.

CHAPTER 6

FINANCE ACCOUNTS AND AUDIT OF THE AUTHORITY

24. Grant From The State Government :-

The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the Authority by way of grants such sums of money as the State Government may think fit for being utilized for the purposes of Act.

25. Loktak Lake Development Fund :-

(1) The Authority shall establish a fund to be called "Loktak Lake Development Fund" there shall be credited thereto -

- (a) all sum money gives as grants by the State Government under section 24;

(b) Any grants or donations that may be made to the Authority by any other person/institution including external funding agencies / Central Government for the purposes of this Act.

(2) The Loktak Lake Development fund shall be applied for meeting any other expenses, which are required to be met by the Authority.

26. Preparation Of Annual Report :-

The Authority shall prepare, in such form and at such time in each Financial Year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.

27. Maintenance Of Accounts And Audit :-

The accounts of the Authority shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the Authority shall furnish to the State Government before such date as may be prescribed, its audited copy of accounts together with Auditors report thereon.

28. Laying Of Annual Report And Auditors Report On The Table Of The House :-

The State Government shall cause the Annual report and Auditors report to be laid as soon as may be after they are received, before the House of State Legislature.

CHAPTER 7

MISCELLANEOUS

29. Power Of The State Government To Take Measures To Protect And Improve The Natural Environment Of The Lake :-

Subject to provisions of this Act, the State Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the natural environment of the lake.

30. Power To Give Directions :-

Notwithstanding anything contained in this Act, the State Government may, in the exercise of its powers and performances of its functions under this Act, issue such directions in writing to any

person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

31. Right To Fisheries :-

The Authority may, with the approval of the State Government and by notification in the Official Gazette, declare any part of the Lake, to be a fishery, and no right in any fishery so declared shall be deemed to have been acquired by any person or group of persons, either before or after the commencement of this Act, except as provided in the rules framed under this Act.

32. Officers To Be Deemed Public Servants :-

All persons empowered to exercise powers and duties under this Act shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1866 (XIV of 1860).

33. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or other employee of the State Government or the authority constituted under this Act or any member, officer or other employee of the authority for anything which is in good faith done or intended to be done under this Act.

34. Development Under Plan Scheme Etc :-

The Authority shall, subject to previous sanction of the State Government, be competent to undertake and execute plans, Scheme protection and improvement relating to or in connection with the matter to be financed wholly or partly by the State Government or any other funding Agency.

35. General Superintendence And Direction Of This State Government :-

(1) Notwithstanding any other provisions of this Act, the State Government shall have superintendence, and direction and control over the Authority in relation to the affairs and maintenance of the Lake.

(2) The Forest and Environment Department of the Government of Manipur shall be Nodal Department.

36. Non-Application Of The Act :-

The provisions of this Act shall not apply to the Department of Power, State Government of Manipur dealing with electricity generation in pursuance of any Memorandum of Agreement or similar agreement entered into between the Department of Power and the National Hydro-electric Power Corporation Limited or any similar establishment.

37. Powers Of State Government To Make Rules :-

- (1) The State Government may, by notification in the Official Gazette, make rule 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 rules;
 - (b) any other matter which is required to be or may be prescribed.
- (3) Every rule made under this Act by the State Government 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 the House agrees that the rule should not be made, the rule or bye-law shall thereafter only in such modified form or be of no effect, as the case may be, so however that any such modification or annual meet shall be without prejudice to the validity anything previously done under that rule.

38. 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 provision not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty. Provided that no such orders shall be made after the expiry of a period of two years from the commencement of this Act.
- (2) Every order under this section shall, as soon as may be after it is made, be laid before the Manipur Legislative Assembly.

39. Savings, Etc :-

The existing Loktak Development Authority registered under the Manipur Societies Registration Act, 1989 (Manipur Act No. 1 of 1990) shall cease to exist immediately after the commencement of this Act. However, anything done or any action taken by the Society shall be deemed to have been done or taken under this Act and the Project Director, Loktak Development Authority constituted under the society including the officers and employees shall, in so far as its functions are not inconsistent with the provision of this Act, continue to function as if it was constituted under this Act.

(a) all actions done and decisions taken by the existing Loktak Development Authority insofar as such actions and decisions are relatable to the functions of the Loktak Development Authority constituted under this Act shall be deemed to have been taken by the Loktak Development Authority constituted under this Act.

(b) all proceedings pending before the existing Loktak Development Authority insofar as such proceeding relate to the functions of the Loktak Development Authority, shall be deemed to have been transferred to the newly constituted Loktak Development Authority and shall be dealt with in accordance the provisions of this Act.

(c) all assets and liabilities of the existing Loktak Development Authority be transferred to the newly constituted Loktak Development Authority.