

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.A. No. 9 of 2024

1. The State of Manipur represented by the Commissioner/ Secretary (RD & PR), Government of Manipur, New Secretariat, North Block, Imphal West, Manipur-795001.
2. The Director (RD & PR), Manipur, having its office at Old Secretariat, South Block, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
3. The Deputy Commissioner, Thoubal, Government of Manipur, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
4. The Deputy Commissioner, Bishnupur, Government of Manipur, P.O. & P.S. Bishnupur, Bishnupur District, Manipur-795126.
5. The Deputy Commissioner, Imphal East, Government of Manipur, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
6. The Deputy Commissioner, Imphal West, Government of Manipur, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
7. The Deputy Commissioner, Jiribam, Government of Manipur, P.O. & P.S. Jiribam, Jiribam District, Manipur-795116.
8. The Deputy Commissioner, Kakching, Government of Manipur, P.O. & P.S. Kakching, Kakching District, Manipur-795103.
9. Shri Mutum Boren Singh, aged about 52 years, resident of Kwakeithel Laishram Leikai, Imphal, P.O. Imphal HO, District-Imphal West, Manipur - 795001.
10. Shri Konjengbam Jayenta Singh aged about 50 years S/o Konjengbam Laimani Singh of Kwakeithel Konjeng Leikai, Imphal, Imphal West, Manipur - 795001.

11. Shri Chongtham Ranjan Singh, aged about 40 years, S/o Chongtham Budhichandra Singh of Heirangoithong Naoriya Pakhanglakpa Leikai, Imphal, Imphal West, Manipur - 795001.
12. Shri Laishram Johnson Singh, aged about 34 years, S/o L. Somrendro Singh, Malom Tuliyaime Awang Leikai, Malom Tuliyaime, P.O. Tuliha, District - Imphal West, Manipur - 795140.
13. Shri Thoudam Apollo Mangang, aged about 34 years, S/o Thoudam Angousana Mangang of Kodompokpi Mamang Leikai, Kodompokpi, Imphal West, Manipur - 795009.
14. Shri Loitongbam Herojit Singh, aged about 38 years, S/o Loitongbam Amuba Singh of Hiyangthang Mayai Leikai, Hiyangthang, Imphal West, Manipur - 795009.
15. Shri Sapam Jiten Singh, aged about 42 years, S/o Sapam Jugeshwar Singh of Langthabal Lep Awang Leikai, Canchipur, Manipur University, Imphal West, Manipur - 795003.

... Appellants

- Versus -

1. Shri Pheiroijam Hramani aged about 50 years old, S/o. Ph. Biramani, a resident of Charangpat Mamang Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
2. Shri Sorokhaibam Imo Singh, aged about 55 years old, S/o. Sorokhaibam Budhi Singh, a resident of Charangpat Mayai Leikai, Charangpat Mamang, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
3. Shri Naorem Pradeep Singh aged about 40 years old, S/o. Naorem Inaobi Singh, a resident of Tentha Khunjao Naorem Leikai, Tentha, P.O. Wangjing & P.S. Kongjom, Thoubal District, Manipur-795148.
4. Shri Lourembam Rameshwar Singh, aged about 61 years old, S/o. Lourembam Gulamjat Singh, a resident of Moirangkampu Mayai Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur- 795005.

5. Shri Leimram Rajen Singh, aged about 64 years old, S/o. Leimram Iboton Singh, a resident of Khurai Konsam Leikai, P.O. Lamlong & P.S. Porompat, Imphal East District, Manipur-795010.
6. Shri Ngangom John Meetei, aged about 52 years old, S/o. Ng. Lalmani Singh, a resident of Khurai Thongam Leikai, P.O. Lamlong & P.S. Porompat, Imphal East District, Manipur-795010.
7. Smt. Aheibam Sunanta Devi @ Ngairangbam Sunanta Devi, aged about 50 years old, W/o. Aheibam Sharat Singh, a resident of Langthabal Mantrikhong Mayai Leikai, Langthabal, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur-795003.
8. Shri Laishram Menjor Singh, aged about 53 years, S/O L. Rajmohon Singh, resident of Nachou Awang Leikai, Ward No. 2, P.O. P.S. & District, Bishnupur, Manipur - 795126.
9. Smt. L. Kananbala Devi, aged about 55 years, W/O L. Subashchandra Singh, resident of Khurai Chingangbam Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur - 795005.
10. Shri Shanamatum Singh, aged about 43 years, S/O Kh. Ibo Singh, resident of Ngaikhong Khullen Maning Leikai, P.O., P.S. & District Bishnupur, Manipur - 795126.

... Respondents

**With
W.A. No. 10 of 2024**

1. The State of Manipur represented by the Commissioner/ Secretary (RD & PR), Government of Manipur, New Secretariat, North Block, Imphal West, Manipur-795001.
2. The Director (RD & PR), Manipur, having its office at Old Secretariat, South Block, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

3. The Deputy Commissioner, Thoubal, Government of Manipur, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
4. The Deputy Commissioner, Bishnupur, Government of Manipur, P.O. & P.S. Bishnupur, Bishnupur District, Manipur-795126.
5. The Deputy Commissioner, Imphal East, Government of Manipur, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
6. The Deputy Commissioner, Imphal West, Government of Manipur, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
7. The Deputy Commissioner, Jiribam, Government of Manipur, P.O. & P.S. Jiribam, Jiribam District, Manipur-795116.
8. The Deputy Commissioner, Kakching, Government of Manipur, P.O. & P.S. Kakching, Kakching District, Manipur-795103.

... Appellants

- Versus -

1. Shri Pheiroijam Heramani aged about 50 years old, S/o. Ph. Biramani, a resident of Charangpat Mamang Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
2. Shri Sorokhaibam Imo Singh, aged about 55 years old, S/o. Sorokhaibam Budhi Singh, a resident of Charangpat Mayai Leikai, Charangpat Mamang, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
3. Shri Naorem Pradeep Singh aged about 40 years old, S/o. Naorem Inaobi Singh, a resident of Tentha Khunjao Naorem Leikai, Tentha, P.O. Wangjing & P.S. Kongjom, Thoubal District, Manipur-795148.
4. Smt. Khangembam Manishang Devi aged about 51 years old, W/o. Khanembam Priyojit Singh, a resident of Tentha Khongbal Mayai Leikai, Tentha, P.O. Wangjing & P.S. Kongjom, Thoubal District, Manipur-795148.

5. Shri Ngangom John Meetei, aged about 52 years old, S/o. Ng. Lalmani Singh, a resident of Khurai Thongam Leikai, P.O. Lamlong & P. S. Porompat, Imphal East District, Manipur-795010.
6. Mrs. Wahida Banu aged about 47 years old, W/o. Kamarudin, a resident of Yairipok Changamdabi Makha Leikai, P.O. & P.S. Yairipok, Imphal East District, Manipur-795149.
7. Md. Fazlur Rahman aged about 49 years old, S/o. Md. Babu Khan, a resident of Kshetri Bengoon Mayai Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
8. Mrs. Muktiyar aged about 52 years old, W/o. Md. Basiruddin, a resident of Urup Khunou Makha Leikai, P.O. Lilong & P.S. Irilbung, Imphal East District, Manipur-795130.
9. Shri Kangabam Chourajit Singh aged about 50 years old, S/o. Kangabam Noyon Singh of Langdum Maning Leikai, P.O. Singjamei & P.S. Irilbung, Imphal East District, Manipur-795008.
10. Md. Saphauddin aged about 32 years old, S/o. Md. Ziaoddin of Kiyamgei Awang Leikai, Kiyamgei Muslim, P.O. Canchipur & P.S. Irilbung, Imphal East District, Manipur-795008.
11. Abdul Khaliq aged about 58 years old, S/o. Abdur Rahaman, a resident of Yairipok Yairipok Tuliha Toupokpi Leikai, P.O. & P.S. Yairipok, Imphal East District, Manipur-795149.
12. The Manipur State Election Commission represented by Secretary, the Manipur State Election Commission, Office at Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur - 795004.

... Respondents

And

W.A. No. 11 of 2024

1. The State of Manipur represented by the Commissioner/ Secretary (RD & PR), Government of Manipur, New Secretariat, North Block, Imphal West, Manipur-795001.

2. The Director (RD & PR), Manipur, having its office at Old Secretariat, South Block, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
3. The Deputy Commissioner, Imphal East, SIRD Complex, Porompat, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.

... Appellants

- Versus -

1. Md. Fazlur Rahman aged about 49 years old, S/o. Md. Babu Khan, a resident of Kshetri Bengoon Mayai Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur -795005.
2. Md. Najimuddin aged about 41 years old, S/o. Mazid, a resident of Kshetri Bengoon Makha Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
3. Mrs. Ibemma aged about 41 years old, W/o. Md. Khalil Shah, a resident of Kshetri Awang Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur- 795005.
4. Md. Qutub Ali, aged about 49 years old, S/o. Muhammad Ahamed Ali, a resident of Kshetri Mayai Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
5. Mrs. Taslima Begum, aged about 43 years old, W/o. Md. Ziyauddin Khan, a resident of Kshetri Makha Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
6. Wajiida Benu aged about 47 years old, W/o. Kamarudin, a resident of Yairipok Changamdabi Makha Leikai, P.O. & P.S. Yairipok, Imphal East District, Manipur-795149.

... Respondents

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the appellants : Mr. R. Venkataramani, Attorney General of
India, Mr. Lenin Hijam, A.G. &
Mr. A. Bheigya, Jr. G.A.,
For the respondents: Mr. N. Ibotombi, Sr. Adv. & Ms. N. Savitri, Adv.,
Mr. N. Jotendro, Adv. & Md. S. Murtaza Ahmed,
Adv.,
For the Intervenor : Mr. S. Biswajit, Sr. Adv. & Ms. N. Priesta, Adv.,
Mr. Kh. Tarunkumar, Sr. Adv., Ms. Kh. Maria,
Adv. & Mrs. L. Ayangleima
Date of reserved : 28.07.2025/31.07.2025/01.08.2025.
Date of Judgment : **29.08.2025**

JUDGMENT & ORDER [CAV]

(As per CJ & A. Guneshwar Sharma, J)

[1] The important questions of law involved in the present batch of writ appeals are:-

I. Whether the tenure of the Panchayat bodies established under Manipur Panchayati Raj Act, 1994 (in short MPR Act, 1994) can be extended beyond the stipulated period of 5(five) years by Section 20 of the Act as well as in violation of the mandate of the Article 243E of the Constitution of India?

II. Whether Section 22 of the MPR Act, 1994 is transitional or permanent in nature?

III. Who are competent to be appointed as members of the Administrative Committee within the meaning of Section 22(1) of the Act?

IV. Whether the tenure of the elected members of the Panchayat be extended beyond 5(five) years period till the elections are held in terms of the amended provision of Section 22(3) of the Manipur Panchayati Raj (Amendment) Act, 1996 [in short MPR (Amendment) Act, 1996]?

V. What is the scope of Section 109 of the MPR Act, 1994 providing power to remove difficulties?

VI. Whether exercising power of the Section 109 of the MPR Act, 1994 can the tenure of the existing elected members or Administrative Committee for Gram Panchayat established under Section 22(1)(b) read with Section 22 (2) of the Act or Administrator for Zilla Parishad under Section 92 of the Act, be appointed for a tenure exceeding 6(six) months or till the elections are conducted?

[2] Heard Mr. R. Venkataramani, learned Attorney General of India along with Mr. Lenin Hijam, learned Advocate General, Manipur assisted by Mr. A. Bheigya, learned jr. GA on behalf of the State appellants; Mr. N. Ibotombi, learned Sr. counsel assisted by Ms. N. Savitri, learned counsel; Mr. N. Jotendro, learned sr. counsel assisted by Md. Syed Murataza Ahmed, learned counsel on behalf of the contesting respondents/ writ petitioners; Mr. S. Biswajit, learned sr. counsel assisted by Ms. N. Priesta, learned counsel; Mr. Kh. Tarunkumar, learned sr. counsel assisted by Mr. Kh. Maria, learned counsel and Mrs. L. Ayangleima, learned counsel for the intervenors.

[3] The present writ appeals have been preferred by the State Authorities being aggrieved by the common impugned judgment and order dated 18.04.2023 passed by the Ld. Single Judge in the batch of writ petitions being WP(C) No. 266 of 2023, WP(C) No. 205 of 2023 & WP(C)

No. 239 of 2023 whereby, the elected representatives of the Gram Panchayat (in short GP) which tenure had already been expired in the year, 2022 of the 6 (six) valley districts i.e. Imphal East, Imphal West, Thoubal, Bishnupur, Kakching and Jiribam were directed to function till the election notification has been issued as done in the case of 27 Urban Local Bodies order dated 19.01.2023 in WP(C) No. 935 of 2022 and connected cases.

[4] The W.A. No. 9 of 2024 is preferred against the common judgment in WP(C) No. 205 of 2023, the W.A. No. 10 of 2024 is preferred against WP(C) No. 266 of 2023 and the W.A. No. 11 of 2024 is preferred against WP(C) No. 239 of 2023. MC(WA) No. 58 of 2025, MC(WA) No. 57 of 2025, MC(WA) No. 59 of 2025 has been filed for intervention of the elected members of Panchayat for intervening in WA No. 9 of 2024.

[5] The petitioners in this batch of writ petitions being WP(C) No. 266 of 2023, WP(C) No. 205 of 2023 & WP(C) No. 239 of 2023 are the elected members of the Panchayat election held in the year, 2017 and their terms expired in the year, 2022. Since election could not be held immediately, State cabinet took a decision dated 02.01.2023 in terms of the provision of Section 22(1)(a)(i) read with Section 22(1)(b)(i) of the MPR Act, 1994 for appointment of Administrative Committee of each GP. In pursuance to the cabinet decision dated 02.01.2023, Joint Secretary (Rural Development & Panchayati Raj), Government of Manipur issued a letter dated 23.01.2023 to the Deputy Commissioners (in short DC) of Imphal East, Imphal West, Thoubal, Bishnupur, Kakching and Jiribam informing them to take up necessary actions for issuance of requisite notification for appointment of Administrative Committee in terms of the cabinet decision. By another order dated 23.01.2023, Joint Secretary (RD & PR), Govt. of Manipur appointed the DCs of Imphal East, Imphal West, Thoubal, Bishnupur, Kakching and Jiribam as Administrator for 6(six) Zilla Parishads of respective districts with immediate effect. However, the appointment of 6(six) DCs as Administrator for 6 Zilla Parishads, vide order

dated 23.01.2023 issued by the Joint Secretary (RD & PR) Govt. of Manipur was stayed by Ld. Single Judge vide order dated 02.03.2023 in WP(C) No. 205 of 2023.

[6] Thereafter, vide order dated 03.03.2023 issued by Deputy Commissioner, Imphal East, the Administrative Committee for GP of Sawombung, Heingang and Keirao CD Block of Imphal East district were appointed in terms of the cabinet decision dated 02.01.2023. In WP(C) No. 266 of 2023, the petitioners challenged the order dated 23.01.2023 issued by Joint Secretary (RD & PR), Govt. of Manipur intimating cabinet decision dated 02.01.2023 for constitution of Administrative Committee of each Gram Panchayat in all districts and also the order dated 03.03.2023 issued by DC, Imphal East appointing the Administrative Committees for the GP of Sawombung, Heingang and Keirao CD Block of Imphal East and order dated 21.03.2023 issued by the Joint Secretary (RD & PR), Govt. of Manipur appointing the 6(six) DCs of Imphal East, Imphal West, Thoubal, Bishnupur, Kakching and Jiribam as Administrator for 6 Zilla Parishad of 6 districts and also the prayer for elected members of Panchayats whose terms has already been expired be permitted to continue till the notification of the election in terms of the provision of Section 22(3) of the MPR (Amendment) Act, 1996.

[7] In WP(C) No. 205 of 2023, the petitioners challenged the letter dated 23.01.2023 issued by Joint Secretary (RD & PR), Govt. of Manipur, thereby, intimating cabinet decision dated 02.01.2023 for constitution of Administrative Committee for each Gram Panchayat along with order dated 23.01.2023 issued by Joint Secretary (RD & PR), Govt. of Manipur appointing 6(six) DCs of Imphal East, Imphal West, Thoubal, Bishnupur, Kakching and Jiribam as Administrator of respective 6(six) Zilla Parishads. In WP(C) No. 239 of 2023, the petitioners challenged the letter dated 23.01.2023 of Joint Secretary (RD & PR), Govt. of Manipur for intimating cabinet decision dated 02.01.2023, regarding constitution of

Administrative Committee for each GP along with order dated 23.01.2023 issued by the Joint Secretary (RD & PR), Govt. of Manipur whereby, discontinued the elected Zilla Parishad of the year, 2017 (5th Panchayat Election, 2017) and appointment of DCs of 6(six) districts as Administrator. These writ petitions were taken up together and disposed of by the common impugned judgment and order dated 18.04.2023 passed by the Learned Single Judge. It was held in 'para 35' of the judgment that after the expiry of the 5(five) years terms of the 5th Panchayat Election held in the year, 2017 the State could not conduct any election for the 6th Panchayat Election in terms of the provision of MPR Act, 1994. It is also observed that the provision of Section 22(3) of the Amended Act of 1996 permits the earlier members of the Panchayats to be appointed as Administrative Committee and permitted the existing members to look after the expiry of its term till the completion of election as done in the case of 27 Urban Local Bodies and the Autonomous District Council of the State of Manipur as per order dated 19.01.2023 passed in WP(C) No. 935 of 2022 and connected cases and the relevant paras are reproduced herein below:

"[35] After the dissolution of Gram Panchayat consequent upon the completion of five years term, the State authorities have neither proceeds for holding election for 6th Panchayat Elections in terms of the provisions of the Act of 1994 nor inclined to continue the former elected representatives of 5th General Election of Panchayat, 2017 as per the general instructions stated in the letter dated 17.2.2023, wherein in paragraph no. ii, it has been stated that there is no restriction regarding the earlier members of Ward or Pradhans of the Gram Panchayat to be appointed as Administrative Committees and the same is also permissible as per the provision of Section 22(3) of the Amended Act of 1996. As such, the continuation of the former elected representatives of Gram Panchayat shall be no bar with regard to the democratic norms in all elected Institutions. In the aforesaid factual background, it would be in the larger interest for

allowing the elected representatives of Gram Panchayat to look after their respective posts till the new election is held as done in the case of other elected institutions including Urban Local Bodies and Autonomous District Council of the state of Manipur as per the order dated 19.1.2023 passed in W.P.(C) No. 935 of 2022 and connected cases.

[36] Since the State Election Commission has initiated steps for holding General Elections to Municipal Councils and Imphal Municipal Corporation, this Court is hereby request the State Election Commission to hold the 6th General Election to Panchayats, 2023 to Gram Panchayats in consultation with the State Government as expeditiously as possible without any further delay as holding the election for the post of Pradhan, Zilla Parishad and Members are mandatory as per the Constitution.

[37] For all the reasons stated above and following the order dated 04.11.2022 and 19.1.2023 passed in W.P.(C) No. 935 of 2022 and connected cases, the present writ petitions are disposed of with a direction to the respondent authorities to allow the elected representatives of Gram Panchayats to function through their respective posts and Zilla Parishads of six Districts, namely Bishnupur, Imphal East, Imphal West, Jiribam, Kakching and Thoubal to function through their respective elected representatives till the election notification of the same is issued like the cases of 27 Urban Local Bodies as per the order dated 19.1.2023 in W.P. (C) No. 935 of 2022 and connected cases. There will be no order as to costs."

[8] Being aggrieved by the common impugned judgment and order dated 18.04.2023, the State Govt. have filed the present writ appeals being WA No. 9 of 2024, WA No. 10 of 2024, WA No. 11 of 2024 against the common judgment of writ petitions being WP(C) No. 266 of 2023, WP(C) No. 205 of 2023 & WP(C) No. 239 of 2023 respectively on the following grounds :-

A. The provision of Section 22 of MPR Act, 1994 and the MPR (Amendment) Act, 1996 are not applicable in the present

cases as these are to be applicable only in case of immediate situation under the establishment of GP for the first time i.e. as evident from the word [immediately after establishment of such GP occur in Section 22(1)(a)] such situation only in case when election could not be held for the constitution of first GP after the establishment of MPR Act, 1994. Non-holding of election in the 7th General Election GP is not within the ambit of Section 22 of MPR Act, 1994 as well as MPR (Amendment) Act, 1996.

- B. After the expiry of the 5th General Panchayat Election 2017 in the month of October, 2022 the provision of Section 22(3) of the MPR Act, 1994 and MPR (Amendment) Act, 1996 are not applicable for the continuation of the elected member of the 5th Panchayat Election, 2017.
- C. The Ld. Single Judge was wrong in directing continuation of the term of the elected member of the 5th General Panchayat Election, 2017 under Section 22(3) of the MPR Act, 1994 as amended by Act, of 1996. Section 109 of the MPR Act, 1994 is the only provisions to solve the problem of non-holding of election of the 6th General Panchayat Election before the expiry of the term of 5th General Panchayat Election, 2017.
- D. The orders appointing Administrator and Administrative Committee of the Zilla Parishad and GP were issued by the State Authorities under Section 109 of the Act as a residuary power to remove difficulties.
- E. The appointment of DCs as Administrators for 6(six) Zilla Parishads and not for the Panchayats. Section 22 of the MPR Act, refers only to Panchayat and as such, the observations in 'para 32' of the impugned order dated 18.04.2023 is wrong. The removal of the word 'Administrator' by 1996

amendment from Section 22 of the Act is related to the Panchayat only and not to the Zilla Parishad.

[9] The State Govt. filed similar counter affidavit inter-alia on the ground that the terms of the 5th General Election of Panchayat, 2017 expired in the month of October, 2022 and election to the 6th General Election of the Panchayat could not be held on time, before the expiry of 5(five) years term due to pending of WP(C) No. 586 of 2022 in terms of the order dated 05.08.2022 passed by this Court. In the circumstances, State Govt., in order to fill the void in the administration of the Panchayat election, took a decision dated 02.01.2023 to appoint DCs of the 6(six) valley districts as Administrators for each of the 6(six) Zilla Parishads and to set up Administrative Committee for GP as an interim arrangement till election were held or whichever is earlier.

[10] It is also stated that the Administrators were appointed under Section 92 read with Section 109 of the MPR Act, 1994. Section 92(1)(a) of the Act provides that if any General Election of the Zilla Parishad has been stayed by competent Court or Authority, the Govt. shall appoint an Administrator for the period not exceeding 6(six) months. The interim order dated 05.08.2022 passed by this Court in WP(C) No. 581 of 2022 directed the State Govt. not to take up any further action pursuant to the notification dated 22.06.2022 in connection with the declaring of 4th GP, Kangpokpi district for conduct of Panchayat election. Accordingly, the State Govt. have taken up measures to appoint Administrative Committee for each GP vide letter dated 23.01.2023 issued by the Administrative Department under Section 22 of the MPR Act of 1994. In the circumstances as an interim measure, the State Govt. have appointed Administrators for 6(six) Zilla Parishad and Administrative Committee till conduct of the 6th Panchayat Election or for a period of 6(six) months, whichever is earlier. It is submitted that the order issued by the State Govt. appointing Administrators for the 6 (six) Zilla Parishad and Administrative Committee

for each of the GP of the 6(six) valley districts are in order to fill up the vacuum created by non-holding of the 6th Panchayat Election.

[11] The present cases relate to the provision of the MPR Act, 1994 and not under the provision of Manipur Municipalities Act, 1994. The decision rendered in Urban Local Bodies and Autonomous District Council under the Manipur (Hill Areas) District Councils Act, 1971 has no binding effect in the case of Panchayat. The direction by the Learned Single Judge for continuation of the elected member of the 5th Panchayat Election, 2017 even after the expiry of their terms under the provision of Section 22(3) of the Act is wrong and in violation of the provision of the Constitution. The direction of the Ld. Single Judge to the State govt. for appointment of the former member of the ward and Pradhan of the GP as Administrative Committee was wrong.

[12] Vide order dated **29.02.2024**, in this batch of writ appeals being WA No. 9 of 2024, WA No. 10 of 2024 & WA No. 11 of 2024 as well as WP(C) No. 140 of 2024, this Court issued notice and stayed the direction of Ld. Single Judge in the common impugned judgment and order dated 18.04.2025 with regard to permit the elected members of the GP and Zilla Parishad to function in their respective post beyond the period mandated by law and the relevant portions is reproduced as below:

"Having heard Mr. Lenin Hijam, learned Advocate General, Manipur appearing on behalf of the State of Manipur and other official appellants as well as Mr. N. Jotendro, learned senior counsel appearing on behalf of the then elected representatives (original writ petitioners) at length; in view of the clear and unequivocal mandate of Article 243E of the Constitution of India read in conjunction with the provision of Section 109 of the Manipur Panchayat Raj Act, 1994, we are prima facie of the view that it would be just and necessary to stay the operation of the offending direction issued by the Ld. Single Judge in the common impugned judgment and order dated 18.04.2023, inasmuch as, it commands the official respondents to permit the elected representatives of the Gram Panchayat and Zilla Parishads to

function in their respective posts, beyond the period expressly mandated by law; till the next date of hearing.

We, also prima facie, disagree with the reliance placed by Mr. N. Jotendro, learned senior counsel, appearing on behalf of the elected representatives, on the amended Section 22 of the Act; in view of the evident sine qua non provided therein that, the provision of the same are attracted only in the event of the provided for situation arising 'immediately after the establishment of the said Gram Panchayat'.

However, in order to obviate a situation, where the Gram Panchayat and Zilla Parishads cannot function in accordance with law; at the request of the learned Advocate General; we grant liberty to the State of Manipur to appoint an Administrative Committee for each Gram Panchayats and Zilla Parishads in accordance with law and the provision of the Act, afresh. [Reference: (1975) 3 SCC 765 (Madeva Upendra Sinai & Ors. Vs. Union of India & Ors.) Para No. 39 & 40]"

[13] The interim order dated 29.02.2024 passed by this Court in this batch of writ appeals was challenged by the respondents herein (original writ petitioners) before Hon'ble Supreme Court by way of SLP(C) Nos. 6396-6401 of 2024. Vide order dated 03.04.2025, Hon'ble Supreme Court disposed of the SLP(C) Nos. 6396-6401 of 2024 by passing an observation to the Division Bench of this Court to decide the matter on merit and while doing so, the Hon'ble Supreme Court did not express any opinion on merit and the relevant portion is reproduced below:

"O R D E R

1. Leave granted.

2. The question that falls for consideration in these appeals is whether the elected Members of the Gram Panchayat, whose five years' tenure is over, are entitled to continue as Members of the Gram Panchayat, in the event of appointment of an Administrative Committee or Administrator, as contemplated under Section 22 of the Manipur Panchayati Raj Act, 1994 (for short, 'the Act').

3. Learned Senior Counsel for the appellants, in this regard, relies upon Section 22(3) of the Act, as amended in 1996, wherein the

word "cease" has been substituted by the word "continue". On the strength of the amended provision, it is urged that since the elections of Gram Panchayat could not be held for various reasons, the previously elected members of the Gram Panchayat are entitled to continue until fresh elections are held.

4. On the other hand, learned Advocate General for the State relies upon the powers purportedly contained in Section 22(1)(a) and the non-obstante Clause in Section 109 of the Act, read with Article 243E of the Constitution.

5. During the course of hearing, we find that what is challenged before us is an interlocutory order passed by the High Court, whereas the main Writ Appeal, in which the above-stated question of law has been raised, is still pending before a Division 2 Bench of the High Court. We are further informed that the High Court has not been able to take up the main case on account of pendency of these proceedings.

6. Since we would like to have the advantage of the opinion of the High Court on the questions raised above, we dispose of these appeals, without expressing any opinion on the merits of the case, with a request to the Division Bench, before which the matter is to be listed, to provide an expeditious hearing, with an endeavour to resolve the controversy within three months.

7. Counsel for the parties assure us that they will extend full cooperation to the High Court for early adjudication of the matter. Ordered accordingly.

8. It is clarified that we have not expressed any opinion on the merits of the case.

9. As a result, the pending interlocutory applications, including the application for intervention, stand disposed of."

[14] It may also be relevant to point out that on 19.06.2025, during the course of hearing of this batch of writ appeals, Mr. N. Jotendro, learned sr. counsel for the writ petitioners in WP(C) No. 140 of 2024 prayed for withdrawal of the writ petition and accordingly, WP(C) No. 140 of 2024 challenging the validity of Section 109 of the Act of 1994, was dismissed as withdrawn.

[15] The appeals were heard on 28.07.2025, 31.07.2025 & 01.08.2025. Mr. R. Venkataramani, learned Attorney General of India representing the State of Manipur submits that under Article 243E of the Constitution of India provides that the tenure of the Panchayat body is 5(five) years from the date of first sitting and the same is also stipulated by Section 20 of the MPR Act, 1994. The election for the next GP is to be held before the expiration of the 5(five) years period. In case election could not be conducted and difficulties in holding election for any reasons, Section 22 empowers the DC to appoint Administrative Committee consisting of members qualified to be elected as member of GP and equal to the number of members of such Panchayat under Section 17 or appoint an Administrator.

[16] The learned Attorney General also states that Section 22(2) of the Act, provides that the tenure of the Administrative Committee or Administrator shall not exceed 6(six) months. Sub-section 3 of Section 22 stipulates that upon appointment of Administrative Committee or Administrator under Sub-section 1, the elected members of the GP shall cease to be member of such GP and all powers and duties of the GP shall be exercised and performed by such Administrative Committee or Administrator and the case may be. Sub-section 4 provides that Administrative Committee or Administrator shall be deemed to be duly constituted GP for the purpose of this Act.

[17] The learned Attorney General draws the attention of this Court to the MPR (Amendment) Act, 1996 to Sub-section 3 of Section 22 of the Act where, the word 'cease' has been substituted by word 'continue' and the word 'Administrator' has been deleted from Section 22 by Section 6 of the MPR (Amendment) Act, 1996. The new Sub-section 5 i.e. Section 22(5) provides that if the first election to the GP after the commencement of the Act cannot be held, then the State Govt. may appoint Administrative

Committee to exercise power, perform duties and function of the GP not exceeding 6(six) months.

[18] The learned Attorney General submits that the provision of Section 22 of the MPR Act, 1994 is transitional and will be applicable for the institution of first GP after the enforcement of the Act of 1994. He stated that the MPR Act, 1994 repeals the MPR Act, 1975. Section 22 of the Act of 1975 also provides that the term of the GP shall be 5 years from the date of its constitution and its proviso empowers the State Govt. to extend the terms from time to time for a total period not exceeding 1(one) year in aggregate and the relevant section 22 of the MPR Act, 1975 is reproduced below:

"22. Term of Gram Panchayat :-

The term of Gram Panchayat, unless sooner dissolved, shall be five years from the date of its constitution and the expiry of the said period of five years shall operate as dissolution of the Gram Panchayat :

Provided that the State Government may, by notification, extend the term from time to time for a total period not exceeding one year in the aggregate."

[19] The learned Attorney General has pointed out that unlike Section 22 of the Act of 1975 which provides for extension of the term of GP upto a period not exceeding 1 year in aggregate, there is no such parallel provision in the Act of 1994. He further submits that the plea of transitional nature of Section 22 will be evident from the provision of Section 22(5) which has been added by 1996 amendment Act that in case of failure to conduct first election of the GP for the enforcement of 1994 Act, the State Govt. may appoint Administrative Committee to exercise the power and to perform the duties and functions of the GP not exceeding 6 months. On a conjoint reading of the provision of Section 22(2) & Section 22(3) as amended by MPR (Amendment) Act, 1996 and new added

provision of Section 22(5) the term of the Administrative Committee shall not exceed 6 months and such Administrative Committee has to be confined to a situation where the first election under MPR Act, 1994 Act, cannot be held due to any reasons.

[20] The learned Attorney General submits that the direction of the Ld. Single Judge directing to permit the existing members of the 5th General Election of Panchayat to continue as such members till the notification of the next General Election is not provided under the statute and against the mandate of Article 243E of the Constitution as well as Section 20 of the Act which prescribed the tenure of the GP as 5(five) years. Admittedly, unlike the MPR Act, 1975, there is no provision enabling the State Govt. to extend the tenure of the GP after expiry of the 5 years.

[21] The learned Attorney General makes an alternate submission that even if the provision of Section 22 is considered as a permanent feature in the Act, there cannot be 2 sources of power (i) the existing members which are allowed to continue by amended provision of Section 22(3) and (ii) the Administrative Committee appointed under Section 22(1)(b)(i). The tenure of the Administrative Committee appointed under Section 22(1) of the Act cannot exceed the period of 6 months provided under Section 22(2) of the Act. Even if the word 'cease' in Sub-section 3 of the Section 22 of the Act has been replaced by 'continue' meaning thereby that the elected member of the Panchayat shall continue to be a member of such GP, but the powers and duties of the GP shall be exercised by the Administrative Committee appointed under Section 22(1)(b)(i). It is pointed out that by replacing the word 'cease' with 'continue' will not extend the tenure of the elected members after expiry of their term and they will be only members on paper, as the real power is to be exercised by Administrative Committee so appointed. Unless the existing members of the GP are included as members of the Administrative Committee, they will not have any power to exercise the function as such.

It is also pointed out that since the tenure of Administrative Committee cannot exceed 6 months in terms of the Sub-section 2 of the Section 22. The direction to the State Govt. to allow the existing members to continue till the notification of the election cannot be sustained and the same is against the mandate of Article 243E as well as Section 20 of the MPR Act of 1994. Further, the learned Attorney General submits that since the applicability of Section 22 of the Act is a transitional period to be confined to the constitution of first GP, the State Govt. have to resort to the provision of Section 109 empowering the State Govt. to remove difficulties. The appointment of Administrative Committee as an interim measures to fill-up the void created by non-holding of election in time. While exercising the power under Section 109 and to have a fair representation of the cross section from the eligible persons and to avoid pick & choose policy and any discrimination, the rationale behind the provision of Section 22 of the Act of 1994 is adopted. In the circumstances, whenever there is a failure in holding election for the GP in time, State Govt. can resort to the powers conferred by Section 109 of the Act by appointing Administrative Committee as defined under Section 22 of the Act, in the manner provided therein. However, the learned Attorney General has clarified that such Administrative Committee appointed under Section 109 cannot exceed the tenure of 6(six) months as prescribed by Section 22(2) of the Act.

[22] The learned Attorney General refers to the case law reported as **Municipal Corp., Greater Mumbai v. Century Textiles & Industries: (2025) 3 SCC 183 @Para 67** regarding interpretation of statute to the point that whenever there is contradiction between various provisions of the Act, the construction which upholds the object of statute has to be preferred so as to save the statute from absurdity and unworkable. The learned Attorney General also submits that the Learned Single Judge goes beyond the pleadings of the parties as provision of the Section 22(3) is not pleaded in the writ petition by the petitioners therein

and giving a direction to allow the existing members to continue till the holding of election is without any basis.

[23] Mr. N. Ibotombi, learned sr. counsel for the contesting respondents/ original writ petitioners submits that the provision of Section 17 of the MPR, Act 1994 provides for a GP and Section 20 prescribes the tenure of every GP as 5 years from the date of its first sitting and election to the next GP has to be conducted before the expiry of the term of the current GP. The learned sr. counsel has pointed out that in case the election of the GP cannot be held due to any reasons, the provision of Section 22 provides for empowering the DC for appointment of Administrative Committee or Administrator and the term of Administrative Committee is not exceeding 6 months. Section 22(3) after its amendment of 1996 states that even after the appointment of Administrative Committee, the existing members of the GP shall continue to be members of such GP. He further refers to Section 22(1)(b)(i) that the Administrative Committee shall consist of persons qualified to be elected as members of GP and equal to the number of member stipulated under Section 17. This means that the numbers of Administrative Committee should be equal to the numbers of Panchayat members as defined under Section 17. Reading together, the provision of Section 22(1)(b)(i) with the provision of Section 22(3) to the effect that the existing members of the GP shall continue to be members of such even after appointment of Administrative Committee it implies that the Administrative Committee shall consist of only the existing elected members of the outgoing Panchayat.

[24] Mr. N. Ibotombi, learned sr. counsel explains that otherwise, there will be 2(two) bodies which exercise the same power i.e. Administrative Committee consisting of 10 members as appointed under Section 22(1)(b)(i) and the existing 10 elected members of the GP as they are to continue as members in terms of the Section 22(3) as amended in 1996. It is further submitted that there cannot be 2(two) bodies exercising

the same power and in order to avoid such redundancy and absurd situation, the provisions of Section 21(1)(b) and Section 22(3) of the MPR Act, 1994 (as amended in 1996) should be constructed harmoniously.

[25] Mr. N. Ibotombi, learned sr. counsel submits that such a situation can be achieved only when the existing members of the outgoing GP are appointed as members of the Administrative Committee for that GP. Accordingly, Ld. Single Judge directed in the common impugned judgment that elected members of the outgoing GP should be allowed to continue to exercise their duties till election are notified for the next GP. The second proposition of Mr. N. Ibotombi, learned sr. counsel for the writ petitioners is that there are precedents which allowed continuation of the existing members of the outgoing body to continue till election are held. The learned sr. counsel refers to the judgments reported as **2009 (5) GLR 272, 2007 (3) GLT 899** and **2007 Legal Eagle (GAU) 322** and the relevant portions is reproduced herein below:

"14. From the above discussion and also in the peculiar facts and circumstances of writ petitions wherein the State-respondents and the State Election Commission have admitted their failure to perform their duties to carry out the mandate of the Constitution of India discussed above, these writ petitions are disposed of with the following directions-

(a) The State Election Commission as contemplated under Article 243 K of the Constitution of India and the Section 114 of the Assam Panchayat Act, 1994 is to function independently of the State Government in the matter of their power of superintendence, direction and control and conduct of all the election to all the Gaon Panchayats, Anchalik Panchayats and Zilla Parishads.

(b) The State Election Commission has to fix the date for holding election to all the Gaon Panchayats, Anchalik Panchayats and Zilla Parishads.

(c) The State respondents are to fulfill the requirements of the State Election Commission as may be necessary for the discharge

of the functions of the State Election Commission for holding election to all Gaon Panchayats, Anchalik Panchayats and Zilla Parishads.

(d) The Gaon Panchayat, Anchalik Panchayat and Zilla Parishad whose terms had expired because of the failure on the part of the State respondents and the State Election Commission to fulfill the mandates of the Constitution to hold the election before the expiry of their term shall be allowed to function till the constitution of the new Gaon Panchayats, Anchalik Panchayats and Zilla Parishads after completion of the election but they are not allowed to take any major policy decision, make any expenditure from the funds other than the payment of salaries of the staffs and routine function of the office without the permission of this Court.

(e) All the elections to the Gaon Panchayats, Anchalik Panchayats and Zilla Parishads shall be completed on or before 31.10.2007."

[26] Mr. N. Jotendro, learned sr. counsel who is appearing on behalf of the original writ petitioners also supports and adopts the submissions of Mr. N. Ibotombi, learned sr. counsel. He submits that on conjoint reading of Section 17 and Section 22 of the MPR Act, 1994 (as amended in 1996), the Administrative Committee equal to the number of Panchayat members, has to be appointed and the existing members of the outgoing Panchayat shall continue. However, Mr. N. Jotendro, learned sr. counsel has pointed out that Section 22(3) stipulates that the Administrative Committee shall exercise all functions and powers of the GP. When 2(two) bodies exist i.e. the elected member as well as the Administrative Committee and under Section 22(3) of the Act, the Administrative Committee is to exercise the function of GP shows that only the elected member of the outgoing GP should be appointed as members of the Administrative Committee so as to avoid the duality of power for the same institute by two separate bodies. The learned sr. counsel has also pointed out that in terms of the interim order dated 29.02.2024, the State Govt. have issued various notifications for appointment of Administrative Committee for the Gram Panchayats and Administrators for the Zilla

Parishad for the 6 (six) valley districts for a period till notification of the 6th General Election of Panchayat is issued by the State Election Commission, Manipur.

[27] It is stated that the provision of Section 109 of the Act is a residuary enabling power, however it cannot override and dilute the specific constitutional and statutory mandate under Article 243E of the Constitution and Section 22(5) of the MPR (Amendment) Act, 1996. It is pointed out that the provision of Section 109 does not authorize the State for removal of duly elected bodies in the absence of the wrongful dissolution or valid expiry followed by timely election. Even that assuming temporary measures can be undertaken, the maximum period allowed under Section 22(5) as inserted by amendment of 1996, prescribes the maximum period of 6 months. It is also submitted that the appointment of Administrative Committee in place of elected body by the DC in purported exercise of Section 109 of the Act in compliance of the interim order dated 29.02.2024 violates the constitutional mandate of Article 243E of the Constitution and statutory limitation under Sections 17 and 22 of the Act.

[28] On the other hand, Mr. S. Biswajit, learned sr. counsel for the intervenors submits that in terms of the mandatory provision of Article 243E of the Constitution as well as Section 20 of the Act which prescribe 5 years as the tenure for the Panchayat, the existing elected members of the GP whose tenure has already expired, cannot be extended till the election is held in absence of any provision enabling such extension. Once the tenure of the GP member expired, the member becomes functus officio and the intervenors are the members of the Administrative Committee appointed vide order dated 08.03.2024 and they are appointed as stop gap arrangement till the notification of the 6th General Panchayat Election issued by the State Election Commission, Manipur. The appointed members of the Administrative Committee are very vital for implementing various scheme under the MNNREGA and others project for development

and welfare of the GP and Zilla Parishad and many of the schemes and projects are still undergoing. The intervenors and others have been appointed as the members of the Administrative Committee by Screening Committee on the recommendation of the DC concerned under Section 109 of the MPR Act, 1994 and this is an only stop gap arrangement till the election are conducted.

[29] Mr. S. Biswajit, learned sr. counsel refers to the provisions of Section 3(1) and Section 13(3) of the MPR Act, 1994 that every voter of the GP is eligible to be elected as a member of the GP. The learned sr. counsel further explains that provision of Section 22(1)(b)(i) of the Act states that the member of the Administrative Committee shall consist of such person eligible and qualified to be elected as the member of the GP meaning thereby that all voters of the GP, the elected members of the GP, the unsuccessful candidates in the last GP election and aspirant candidates for the next GP are all eligible to be members of the Administrative Committee. He differs from the plea of learned counsel for the writ petitioners that only elected members of the GP should be appointed as members of the Administrative Committee. He continues that all the above-mentioned categories of persons i.e. all voters of the GP, the elected members of the GP, the unsuccessful candidates in the last GP election and aspirant candidate for the next GP are all eligible to be appointed as members of the Administrative Committee, provided that they satisfy the conditions mentioned in Section 22 read with Section 17 of the Act.

[30] Mr. S. Biswajit, learned sr. counsel draws the attention of this Court to the provision of Section 22(3) as amended in 1996 Act that the elected members of the GP whose tenure has already expired shall continue to be members of the Administrative Committee. He has pointed out that nothing is mentioned in the amended Section 23(3) that the elected members of the GP shall exercise the functions and powers of the GP. Even after the amendment in 1996, the Administrative Committee shall

alone exercise the powers, functions and duties of the GP. In other words, the existing elected members will be only members for namesake by the amendment Act of Section 22(3).

[31] It is submitted that the continuation of the term of the Administrative Committee appointed in terms of the interim order dated 29.02.2024 passed by this Court is only for the smooth running of the GP. The learned sr. counsel refers to the decision of Hon'ble Supreme Court in the case of **Suresh Mahajan v. State of Madhya Pradesh and Anr. reported in (2022) 12 SCC 770** in para no. 12 that the tenure of the GP cannot go beyond 5 years under Article 243E of the Constitution and the same cannot be extended and the relevant para is reproduced below:

"12. Therefore, we direct the State Election Commission by way of interim order to issue election programme without any further delay on the basis of the wards as per the delimitation done in the local bodies concerned when the elections had become due consequent to expiry of 5 (five) years term of the outgoing elected body or before coming into force of the impugned Amendment Act(s) whichever is later. On that notional basis, the State Election Commission ought to proceed without any exception in respect of local bodies concerned where elections are due or likely to be due in the near future without waiting even for the compliance of triple test by the State Government for providing reservation to Other Backward Classes. We have no manner of doubt that only such direction would meet the ends of justice and larger public interests consistent with the constitutional mandate that the local self-government must be governed by the duly elected representatives uninterrupted except in case of its dissolution before expiry of the term on permissible grounds."

[32] It is also stated that the amendment in Section 22(3) by substituting the word 'cease' with 'continue' does not *ex post facto* extend the tenure of the GP beyond the 5 years. The object of the amendment of 1996 was to save the term of the election held in 1991 under the provision of 1975 Act alone and it does not give any power to continue the elected members in the subsequent election after the first term. He further submits

that Section 109 of the Act empowers the State to do anything to remove any difficulties faced by it and the appointment of Administrative Committee till the election are held is valid.

[33] The learned sr. counsel also submits that the judgment in **Uttar Dhemajigaon Panchayat and Ors. v. State of Assam and Ors. reported in 2007 (3) GLT 899** has been held as per incuriam as violation of the Article 243E(1) of the Constitution in the case of **Joynab Bibi –vs- Union of India** decided on 22.03.2024 by another bench of Gauhati High Court. It is submitted that former elected members of the outgoing GP cannot continue as member of the GP and Zilla Parishads till next election is held as directed by the Ld. Single Judge and it is submitted that the impugned order be set aside.

[34] Mr. R. Venkataramani, learned Attorney General of India has clarified that the subsequent order issued by the State Govt. appointing Administrative Committee and DCs as Administrator for the 6(six) Zilla Parishads were issued in terms of the interim order dated 29.02.2024. The provision of Section 109 of the Act is applicable in the present case as nothing is provided to meet such situation and while exercising the power under Section 109 and in order to avoid any discrimination, the principle laid down under Section 22 of the Act for appointment of Administrative Committee has been adopted while appointing Administrative Committee under Section 109 of the Act. The learned Attorney General has further pointed out that the interim order dated 29.02.2024 passed by this Court is not set aside nor disturbed by Hon'ble Supreme Court vide order dated 03.04.2025 when the interim order dated 29.02.2024 was challenged by the respondents herein. It is urged that the respondents cannot now question the appointment of Administrative Committee of the Gram Panchayat and Administrator for the Zilla Parishad.

Written Submissions of Parties:

[35] As permitted by this Court, Mr. R. Venkataramani, learned Attorney General of India filed written submission on behalf of State appellants and it is reproduced below:

1. ***Statutory Foundation and Legislative Intent:*** *The Manipur Panchayati Raj Act, 1994 (hereinafter referred to as the "1994 Act") was enacted to give effect to the constitutional mandate under Part IX of the Constitution, ensuring democratic decentralisation and local self-governance in rural Manipur. It provides a comprehensive framework for:*

- a. Constitution and functioning of Gram Panchayats and Zilla Parishads*
- b. Electoral processes, tenure, and disqualification norms*
- c. Financial accountability, audit, and administrative oversight.*

The 1994 Act contains certain salient features of the Manipur Panchayat Act, 1975 and goes beyond it.

2. *The 1994 Act aligns with:*

- a. Article 243-B: Mandates the constitution of Panchayats at the village, intermediate, and district levels.*
- b. Article 243-E: Fixes a five-year tenure for Panchayats.*
- c. Article 243-K: Vests superintendence of elections in the State Election Commission.*

3. *Reliefs granted by the learned Single Judge are contrary to the 1994 Act and Constitutional Scheme: The reliefs granted by the Ld. Single Judge are legally untenable for the following reasons:*

<i>Sl. No.</i>	<i>Ground</i>	<i>Legal Position</i>
<i>1.</i>	<i>No foundation for reliefs</i>	<i>The WRIT Petition lacks factual and statutory basis under the 1994 Act. No case has been made out for grant of mandamus.</i>
<i>2.</i>	<i>Misconstruction of Section 22</i>	<i>Section 22 is a transitory provision for administrative intervention in exceptional cases. It cannot be construed as a permanent mechanism to bypass elections that can be invoked at all times. After 1994-1996, it loses its applicability.</i>

3.	<i>Reliefs violate constitutional and statutory provisions</i>	<i>The Constitution (Articles 243E, 243K) and the 1994 Act mandate periodic elections and fixed tenure. Reliefs that extend tenure or delay elections violate this framework.</i>
4.	<i>No nexus with election conduct</i>	<i>Petitioners' claim to continue in office is unrelated to the conduct or feasibility of elections. Contravention of constitutional mandate is not permissible.</i>
5.	<i>President's Rule bars election-related claims</i>	<i>Under Article 356, the administration is under the President's control. Petitioners lack locus to demand election-related reliefs during this period.</i>

4. *Upholding the 1994 Act Strengthens Democratic Governance: The 1994 Act is a vital instrument for participatory democracy in Manipur. Judicial intervention that dilutes its provisions undermines:*
 - a. *The constitutional vision of elected local bodies*
 - b. *Accountability mechanisms embedded in the Act*
 - c. *The role of the State Election Commission in ensuring free and fair elections*
5. *The enactment of the 1994 Act, and the subsequent 1996 Amendment thereto, will be better understood in view of the 1991 Gazette, as presented before this Hon'ble Court during the hearing of the matter. On 16.09.1991, the names of newly elected Pradhans and Members in respect of the Valley development Blocks of Manipur under the 1975 Act were notified, and the 1994 Act was enacted on 23.04.1994. The tenure of elected members, in terms of Article 243-E, and the original 1975 Act was to be five years, viz., till 15.09.1996.*
6. *The position under Section 20 of the 1975 Act lasts, statutorily and constitutionally, for five years. Neither Article 243-E nor the 1975 Act contemplates or enables continuation beyond five years. Section 22, sub-section (1), of the 1994 Act, to meet contingencies that may arise after the first establishment of Panchayats under that Act, has only provided for a one-time application. The learned Single Judge has not considered any of these aspects, though the Appellant submitted that Section 22 is not applicable.*
7. *The language of Section 22 is unambiguous. It talks about issues that may arise in regard to the conduct of elections following the first establishment of panchayats under the 1994*

Act. The keywords are, "first establishment". If the Legislature had intended to enact Section 22 differently, it would have omitted the above-said key words. Also, the Legislature would not have enacted any provision contrary to Article 243-E by impliedly providing for the duration of the elected membership of a panchayat beyond the term prescribed mandatorily under Article 243-E and enacted with equal clarity under the 1994 Act.

- 8. The idea of the Administrative Committee to include such eligible members as may be considered, itself suggests that any other principle to the contrary, namely, continuation of members elected under the previous election, is ruled out. It is one thing to aspire to be members of the Administrative Committee and a completely different thing to canvas the negation of the Administrative Committee itself.*
- 9. The amendment carried out to Section 22 vide the 1996 Amendment Act, if understood as recorded by the learned Single Judge, will virtually give a meaning to Section 22 itself not contemplated by the Legislature. The substitution of the word "cease" by the phrase "continue" was undertaken only to tide over the problems in relation to the conduct of elections soon after the expiry of the terms of five years of these elected members and thus provided for a one-time resolution of such problems. No vested right has been conferred by the law that every elected member will have a right to continue till next round of elections are conducted. Such a reading of the law will defeat the very purpose of the law.*
- 10. The Legislature found that the words "shall cease to be" occurring in sub-section (3) of Section 22 would have actually reduced the full term of those elected members, elected under the 1975 Act. The omission to provide for the completion of the full term of such members elected under the 1975 Act, was thus, sought to be corrected. No other intent can be attributed to the substitution of the words "cease to be" by the words "continue to be."*
- 11. The intent of the Legislature becomes crystal clear from the fact that on 20.09.1996, before the first elections to the Panchayat could be held under the 1994 Act, the State Legislature amended the 1994 Act by notifying the 1996 Amendment Act, thereby amending Section 22 of the 1994 Act. It was done to enable the existing Panchayat members to continue in office till elections to the Panchayat could be conducted. S.22, sub-section (1), hence, is only a transitional provision.*

12. *Section 22 sub-section (1), hence, only remains on the statute book to serve as a guiding light for the incumbent Government to exercise its powers under Section 109 of the 1994 Act, viz., Removal of difficulties. The Hon'ble Supreme Court, in the case of Municipal Corpn., Greater Mumbai v. Century Textiles & Industries Ltd., (2025) 3 SCC 183, has reiterated the position in CIT v. Hindustan Bulk Carriers, (2003) 3 SCC 57, and held as follows:*

"67. By employing a harmonious construction, the 1925 Act's provisions are allowed to complement rather than contradict one another. This approach upholds the integrity of the legislative scheme, ensures that none of its components are undermined, and maintains a balance between the obligations imposed on a lessee and any rights that may accrue at the end of the lease's tenure. These principles were reiterated by a three-Judge Bench of this Court in Hindustan Bulk Carriers. The relevant paragraphs are reproduced hereunder: (SCC pp. 73-74, paras 14-21)

*"14. A construction which reduces the statute to a futility has to be avoided. A statute or any enacting provision therein must be so construed as to make it effective and operative on the principle expressed in the maxim *ut res magis valeat quam pereat* i.e. a liberal construction should be put upon written instruments, so as to uphold them, if possible, and carry into effect the intention of the parties. [See Broom's Legal Maxims (10th Edn.), p. 361, Craies on Statutes (7th Edn.), p. 95 and Maxwell on Statutes (11th Edn.), p. 221.]*

15. A statute is designed to be workable and the interpretation thereof by a court should be to secure that object unless crucial omission or clear direction makes that end unattainable. (See Whitney v. IRC [1926 AC 37 at p. 52 referred to in CIT v. S. Teja Singh [(1959) 35 ITR 408] and Gursahai Saigal v. CIT [(1963) 48 ITR (SC) 1]).

16. The courts will have to reject that construction which will defeat the plain intention of the legislature even though there may be some inexactitude in the language used. (See Salmon v. Duncombe [(1886) LR 11 AC 627 at p. 634, Curtis v. Stovin, (1889) LR 22 QBD 513 referred to in S. Teja Singh case [(1959) 35 ITR 408]).

17. *If the choice is between two interpretations, the narrower of which would fail to achieve the manifest purpose of the legislation, we should avoid a construction which would reduce the legislation to futility, and should rather accept the bolder construction, based on the view that Parliament would legislate only for the purpose of bringing about an effective result. (See Nokes v. Doncaster Amalgamated Collieries Ltd. 1940 AC 1014 referred to in Richard James Pye v. Minister for Lands for NSW (1954) 1 WLR 1410 (PC) .) The principles indicated in the said cases were reiterated by this Court in Mohan Kumar Singhania v. Union of India [1992 Supp (1) SCC 594].*

18. *The statute must be read as a whole and one provision of the Act should be construed with reference to other provisions in the same Act so as to make a consistent enactment of the whole statute.*

19. *The court must ascertain the intention of the legislature by directing its attention not merely to the clauses to be construed but to the entire statute; it must compare the clause with other parts of the law and the setting in which the clause to be interpreted occurs. (See R.S. Raghunath v. State of Karnataka [(1992) 1 SCC 335] Such a construction has the merit of avoiding any inconsistency or repugnancy either within a section or between two different sections or provisions of the same statute. It is the duty of the court to avoid a head-on clash between two sections of the same Act. (See Sultana Begum v. Prem Chand Jain (1997) 1 SCC 373].)*

20. *Whenever it is possible to do so, it must be done to construe the provisions which appear to conflict so that they harmonise. It should not be lightly assumed that Parliament had given with one hand what it took away with the other.*

21. *The provisions of one section of the statute cannot be used to defeat those of another unless it is impossible to effect reconciliation between them. Thus a construction that reduces one of the provisions to a "useless lumber" or "dead letter" is*

not a harmonised construction. To harmonise is not to destroy.””

13. *It is submitted that reasoning in a judgment which does not advert to proper and reasonable construction and interpretation of a Statute, is no reasoning at all. Additionally, reliance placed by the Ld. Single Judge on order dated 19.01.2023 in W.P. (C) 935 of 2022 on the subject of Autonomous District Council, Manipur is also misplaced. The Division Bench of the High Court of Guahati has reversed the order passed by the Ld. Single Judge in the above said case [Judgement in WA/353/2023 dated 15.03.2024]. Even otherwise, a correct reading of Section 22 alone should govern the field.*

14. **Prayer:** *It is respectfully submitted that this Hon'ble Court may:*

- a. Decline to uphold the reliefs granted by the Ld. Single Judge*
- b. Reaffirm the primacy of the Manipur Panchayati Raj Act, 1994, particularly Section 22, as explained above.*

[36] As permitted by this Court, Mr. N. Jotendro, learned sr. counsel filed written submission on behalf of the respondents/writ petitioners and it is reproduced below:

1. **Background:** *The original writ petitioners were elected representatives whose tenure commenced from October 2017 and ended in October 2022. Despite the expiry of their term, fresh elections were not held due to alleged 'law and order issues', and the State Government, invoking Section 22 and Section 109 of the Manipur Panchayati Raj Act, 1994, appointed Administrative Committees in their place. The petitioners contended that such appointments were arbitrary, violative of the independence of the State Election Commission, and an infringement of the democratic mandate under Articles 14, 21, and 243E of the Constitution.*
2. **Impugned Judgment:** *The Hon'ble Single Judge, by judgment dated 18.04.2023, directed the State Government to allow the elected representatives of the Gram Panchayats and Zilla Parishads of six districts (Bishnupur, Imphal East, Imphal West, Jiribam, Kakching, and Thoubal) to continue to function in their respective posts until the State Election Commission issues notification for fresh elections.*

That it is also pertinent to mention here that in the said judgment and order, the learned Advocate General assured before the Ld. Single Bench that the 6th General Election to Panchayats, 2023 has been scheduled to be held on 26.6.2023 and the same is also reflected at Para No. 4 of the order dated 21/03/2023 [**Page No. 191 of W.A. No. 10 of 2024**].

3. Subsequent actions pursuant to interim order dated 29.02.2024 — illegal invocation of section 109 to displace elected representatives:

Pursuant to the **interim order dated 29.02.2024** passed by the Hon'ble Division Bench in **W.A. No. 9 of 2024** and its connected matters, the **Deputy Commissioners of all six districts**, namely:

- **Imphal East**
- **Imphal West**
- **Thoubal**
- **Kakching**
- **Bishnupur**
- **Jiribam**

issued uniform notices dated **01.03.2024** inviting applications from interested persons for appointment as members of Administrative Committees for **each Gram Panchayat and Zilla Parishad** in their respective jurisdictions. These notices:

- Purportedly invoke the **residuary powers under Section 109** of the **Manipur Panchayati Raj Act, 1994**, and
- **Explicitly stated** that the action was taken **in compliance with the interim order dated 29.02.2024** passed by the Hon'ble High Court.

Accordingly, the Deputy Commissioners of all six districts issued orders appointing Administrative Committees for Zilla Parishads and Gram Panchayats as follows:

- **Imphal East** – Order dated **07.03.2024**
- **Thoubal** – Order dated **08.03.2024**
- **Imphal West** – Order dated **08.04.2024**
- **Bishnupur** – Order dated **08.04.2024**
- (Similar orders were issued in other districts namely **Kakching & Jiribam** as well)

*These Administrative Committees have **continued to function for more than one year, with no election process initiated, and in complete derogation of the statutory and constitutional framework.***

*It is most respectfully submitted that the **Administrative Committee members**, appointed pursuant to the interim order dated 29.02.2024, have **falsely updated their profiles** on the **e-GramSwaraj Portal** of the Ministry of Panchayati Raj, Government of India, by projecting themselves as **elected representatives** for the **election term from 1st April, 2023 to 31st March, 2028**. This act of **unauthorized self-representation** is **patently fraudulent and misleading**, amounting to an attempt to **befooled the Union Ministry** and general Public to **create a false impression of democratic legitimacy** where none exists.*

*Such conduct not only violates the transparency principles enshrined under the Panchayati Raj framework and **Articles 243C and 243E** of the Constitution of India but also **vitiates the integrity of official government portals** that are designed to reflect actual electoral outcomes. This malpractice further reinforces the **untenability of continuing with the said Committees**, and warrants urgent judicial intervention to **restore constitutionally mandated representative governance** through duly **elected Panchayats**.*

4. Improper invocation of section 109 — contrary to constitutional mandate

It is respectfully submitted that:

- ***Section 109** is a **residuary enabling provision** that cannot override or dilute the **specific constitutional and statutory guarantees** under **Articles 243E of the constitution of India** and **Sections 22(5) of the Manipur Panchayati Raj (Amendment) Act, 1996**.*
- *The said provision **does not authorize the removal or substitution of duly elected bodies** in the absence of lawful dissolution or valid expiry followed by timely elections.*
- *Even assuming temporary measures are permissible, the **maximum period allowed under Section 22(5)** for such interim arrangement is **six months**, which has already lapsed, yet **no steps have been initiated for fresh elections** till date.*

5. Contravention of section 22 of the Manipur Panchayati Raj Act, 1994:

- **Section 22(5) of the Act states that:**

*"In the event of expiry of the term of the Gram Panchayat, the prescribed authority shall appoint an Administrative Committee for a period **not exceeding six months**, or until the new Panchayat is constituted, whichever is earlier."*

- *This clearly **limits the life of any Administrative Committee to a maximum of six months**, and only as a **stop-gap arrangement pending fresh elections**.*
- *However, the present Committees have functioned for **over a year**, with **no justification for the prolonged failure** to conduct elections, thereby violating both:*
 - *The **constitutional mandate under Article 243E**, and*
 - *The **statutory ceiling under Section 22(5)** of the Manipur Panchayati Raj (Amendment) Act, 1996.*

6. Statutory and constitutional structure of panchayati raj institutions – section 17 & section 22 must be harmoniously construed:-

*It is submitted that **Section 17** of the **Manipur Panchayati Raj Act, 1994**, as amended by the **Manipur Panchayati Raj (Amendment) Act, 1996**, provides a **statutory formula for the composition of Gram Panchayats**. The said Section mandates that a Gram Panchayat shall consist of a **Pradhan** and **one elected member for every 600 population** or part thereof of the Panchayat area, the previous figure of 350 having been amended to 600 by the 1996 amendment. For example, in a Gram Panchayat there maybe 15 members.*

Section 22(1)(a) and (b) gives power to the Deputy Commissioner to appoint an Administrative Committee, the number of such persons being equal to the number of members determined under section 17.

Further, the amendment to Section 22(3) in 1996 substituted the word "cease" with "continue", indicating

legislative intent to retain the elected body until fresh elections are conducted.

If the Administrative Committee members as determined by section 17 is appointed and if the elected members of the Gram Panchayat is continued to be the members of the Gram Panchayat, the number of members of the Gram Panchayat after the appointment of the Administrative Committee shall exceed the number of members determined under section 17. This is not the intention of the Law framers.

Apparently, there seems to be certain inconsistencies between the provision of section 17 and 22 of the amended Act of 1996. However on a harmonious reading of these sections, one will find that there is none.

- 7. The appointment of Administrative Committees in the place of elected bodies by the Deputy Commissioners in purported exercise of **Section 109**, in consequence of the interim order dated 29/02/2024, **violates the constitutional mandate under Articles 243E and 243C and defeats the express statutory limitations under Sections 17 and 22.****

*The Hon'ble Gauhati High Court in **Uttar Dhemajigaon Gaon Panchayat & Ors. vs. State of Assam & Ors.**, reported in **2007 (3) GLT 899**, held that:*

"Once a Panchayat is elected for a fixed tenure as provided by law, its removal or supersession cannot be done except in strict compliance with the procedure prescribed under the law. Administrative exigencies or delays in election cannot justify the appointment of alternative bodies which are not envisaged under the Constitution or the Act."

*This principle squarely applies to the present case, where despite the clear mandate of the judgment dated 18/04/2023 passed in W.P.(C) Nos. 205, 239, and 266 of 2023 directing that elected members shall continue until elections are conducted, the State has **misused the interim liberty granted** by the Hon'ble Division Bench to issue **notices dated 01/03/2024** inviting applications for Administrative Committees, thereby **circumventing the representative***

framework and diluting the statutory cap on membership under **Section 17**.

The appointment of Administrative Committees not only **distorts the representative ratio** envisaged under Section 17 (as based on a fixed 1:600 population formula), but also results in **an arbitrary increase or reshuffling of powers**, which is **impermissible either under the Act or the Constitution**

8. Grounds for Dismissal of Appeals:

i. Constitutional Mandate under Article 243E:

The Constitution mandates timely elections and a maximum 5-year tenure for Panchayats. While the tenure ended, the delay in elections is solely attributable to the State Government's failure to act despite the Election Commission having completed electoral roll preparation in April 2023.

ii. Interim Order of Division Bench Lacks Finality:

The interim order dated 29.02.2024 passed in the writ appeals does not decide the matter on merits. Furthermore, the Hon'ble Supreme Court, vide order dated 03.04.2025 in Civil Appeal Nos. 5020-5025 of 2025, has refrained from expressing any opinion and instead remitted the matter back to the High Court for adjudication on merits.

iii. Judicial Precedents Support the Respondents' Case:

a) Uttar Dhemajigaon Panchayat & Ors. vs. State of Assam & Ors., 2007 (3) GLT 899:

"Any attempt to replace elected representatives with appointed committees in the absence of timely elections violates Article 243E(3) and is unsustainable."

b) Kishansing Tomar vs. Municipal Corporation of Ahmedabad, (2006) 8 SCC 352:

"It is the constitutional obligation of the State Election Commission to conduct elections before the expiry of the term of the local body. Delay cannot justify appointing administrators."

c) A.C. Jose vs. Sivan Pillai, (1984) 2 SCC 656:

"Elections are part of the basic democratic structure, and executive authorities cannot override this requirement by inaction."

iv. Applicability of the principle laid down in 2007 (3) GLT 899 – elected panchayats cannot be displaced without due process:

*The ratio laid down by the Hon'ble Gauhati High Court in the case of **Uttar Dhemajigaon Panchayat and Ors. - vs – State of Assam and Ors., reported in 2007 (3) GLT 899**, squarely applies to the facts of the present case and strongly supports the case of the **respondents/writ petitioners**.*

In the said decision, the Hon'ble Court held as follows:

14. From the above discussion and also in the peculiar facts and circumstances of writ petitions wherein the State-respondents and the State Election Commission have admitted their failure to perform their duties to carry out the mandate of the Constitution of India discussed above, these writ petitions are disposed of with the following directions-

(a) The State Election Commission as contemplated under Article 243K of the Constitution of India and the Section 114 of the Assam Panchayat Act, 1994 is to function independently of the State Government in the matter of their power of superintendence, direction and control and conduct of all the election to all the Gaon Panchayats, Anchalik Panchayats and Zilla Parishads.

(b) The State Election Commission has to fix the date for holding election to all the Gaon Panchayats, Anchalik Panchayats and Zilla Parishads.

(c) The State respondents are to fulfill the requirements of the State Election Commission as maybe necessary for the discharge of the functions of the State Election Commission for holding election to all Gaon Panchayats, Anchalik Panchayats and Zilla Parishads.

(d) The Gaon Panchayat, Anchalik Panchayat and Zilla Parishad whose terms had expired because of the failure on the part of the State respondents and the State Election Commission to fulfill the mandates of the Constitution to hold the election before the expiry of their term shall be allowed to function till the constitution of the new Gaon Panchayats, Anchalik Panchayats and Zilla Parishads after completion of the election but they are not allowed to take any major policy decision, make any expenditure from the funds other than the payment of salaries of the staffs and routine function of the office without the permission of this Court.

(e) All the elections to the Gaon Panchayats, Anchalik Panchayats and Zilla Parishads shall be completed on or before 31.10.2007.

For compliance with the above directions, this Court is of the considered view that the impugned notice dated 29.3.2007 is necessary to be set aside. Accordingly, the impugned notification is quashed and set aside. Parties are to bear their own cost."

It was further emphasized that substituting elected bodies with Administrative Committees without lawful dissolution or expiry followed by due election process is unconstitutional and violative of Article 243E.

In the present case, the State failed to conduct elections within the mandated period, and instead, appointed Administrative Committees based on an interim order, thereby displacing duly elected representatives. This action mirrors the illegality deprecated in the above-cited judgment and hence, the ratio therein squarely applies.

Accordingly, relying on the principle laid down in the 2007 GLT 899 judgment, the present writ appeals filed by the State authorities deserve to be dismissed, and the impugned judgment dated 18.04.2023 affirming the right of the elected bodies to continue until regular elections are held must be upheld.

v. State Cannot Benefit from Its Own Lapse

The State failed to conduct elections in time. It cannot now seek to supersede democratically elected bodies on the pretext of its own delay or logistical challenges.

The Hon'ble Supreme Court has repeatedly held that failure by the State cannot result in denial of rights guaranteed under the Constitution, particularly the right to participate in local self-governance.

9. Conclusion

- The Hon'ble Single Judge has rightly applied the law and constitutional principles in the judgment dated 18/04/2023. The writ appeals are devoid of merit and liable to be dismissed.***

- *The writ appeals are a belated attempt to justify the unconstitutional continuation of unelected administrative bodies in place of elected Panchayati Raj Institutions. The appeals suffer from lack of merit, and the impugned judgment of the Hon'ble Single Judge is consistent with constitutional mandates, statutory interpretation, and established judicial precedent. In view of the same, W.A. Nos. 9, 10, and 11 of 2024 are liable to be dismissed with costs. Accordingly, the elected representatives of the 5th Panchayats and Zilla Parishads, 2017 are entitled to continue as per Judgment and Order dated 18.04.2023 passed by the Hon'ble Single Judge in W.P.(C) No. 266 of 2023; W.P.(C) No. 205 of 2023; and W.P.(C) No. 239 of 2023.*
- *The appeals, if allowed, would result in **restoring unconstitutional governance by unelected bodies**, defeating the very purpose of Part IX of the Constitution.*

PRAYER

In view of the above submissions, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- 1. Dismiss the present Writ Appeals, being W.A. Nos. 9, 10 & 11 of 2024 and allowed the elected representatives of the 5th Panchayats and Zilla Parishads, 2017 till the election notification is issued;*
- 2. Uphold the judgment and order dated 18/04/2023 passed in W.P.(C) Nos. 205, 239 & 266 of 2023;*
- 3. Direct the State Government and State Election Commission to take immediate steps to conduct elections to the Panchayati Raj Institutions;*
- 4. Pass any such order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

[37] As permitted by this Court, Mr. S. Biswajit, learned sr. counsel has filed written submission on behalf of intervenors and it is reproduced below:

- 1. The intervenors herein were appointed as Members of the Administrative Committee of Imphal West District on 08.03.2024 under section 109 of the MPR Act, 1994 after due administrative approval of the State Government.*

It is pertinent to mention here that since the terms of the previous Panchayat cannot be extended beyond 5 years as mandated by the Article 243 E of the Constitution of India

and because of the various reasons which are not under the control of the State Government, the Members of the Administrative Committee were appointed under the Removal of Difficulties as per section 109 of the MPR Act, 1994 so as to enable to remove the difficulties arises in giving effect to the provisions of the Act of 1994.

2. *In the said order dated 08.03.2024, it is clearly mentioned that the term of the Administrative Committee for both Gram Panchayats and Zila Parishad will be for a period till the notification of the 6th General Panchayat Election is issued by the State Election Commission, Manipur.*

Since, their appointment as Members of the Administrative Committee, the Intervenors are implementing various schemes under the MGNREGA and others projects for the development and welfare of their respective Gram Panchayats and Zila Parishads. It is pertinent to mention here that many of the schemes and projects are still undergoing.

3. *The said order dated 08.03.2024 was issued in compliance of the order dated 29.02.2024 passed by the Hon'ble High Court in WA No.9 of 2024 and for the purpose of appointment of the Administrative Committee, a Screening Committee was constituted and, on its recommendation, the DC of the concerned Districts under section 109 of the MPR Act, 1994 notified the names of the members of the Administrative Committees.*

It is humbly submitted that the said Selection Committee in its proceedings held on 6-03-2024 and 07-03-2024 decided to recommend the names of the Intervenors herein and others by considering the most active persons for carrying out the duties of Ward Members of Gram Panchayats and Zilla Parishads and in this regard, the response to the local leaders and clubs regarding their social activities in the locality were also assessed.

4. *It is respectfully submitted that the newly appointed members of the Administrative Committee include the former Members of the Gram Panchayats and Zila Parishads, including those persons who are eligible to be appointed as Members of Gram Sabha and Gram Panchayat as per section 3 (1) and Section 13(3) of the MPR Act, 1994. As explained above in paragraph No.3, the appointment was done considering the most suitable person, including former elected Members, who are considered to be most active persons for carrying out duties of ward member of GP and ZP and considering and assessing the response of the local leaders and clubs regarding their social activities in the locality. Further, it is also pertinent to mention here that amongst the recommended list, the persons*

who had done excellent in carrying out local development works were sorted out and Committee recommended them to the post of Chairpersons of GP and ZP.

It is further respectfully submitted that the qualified person mentioned in section 22(1) (b) (i) of the Act, includes all the persons whose names are included in the electoral roll referred to section 15 within the area of Gram Sabha and as such, the contention of the Respondent herein/ writ petitioner therein that they (only former elected members) are exclusively qualified/eligible to be considered for appointment as members of Administrative Committee is not sustainable in the eye of law. As per Section 3 (2) of the Act, a person will be disqualified for being a Member of Gram Sabha, if he is not a citizen of India, or, he is of unsound mind and stands so declared by a Competent Court or he is for the time being disqualified from voting under the provision of any law relating to corrupt practices and other offences in connection with election to state legislature.

- 5. That it is also pertinent to mention here that as mandated by Article 243-F of the Constitution of India, a person shall be disqualified for being chosen as, and for being, a Member of a Panchayat- (a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the legislature of the State concerned: provided that no person shall be disqualified on the ground that he is less than 25 years of age, if he has attained the age of 25 years, (b) if he is so disqualified by or under any law made by the legislature of the State.*
- 6. The notification of the State Government appointing the intervenors as Members of the Administrative Committee has created a legal right accrued to them as well as other Members of the Administrative Committees. It is further respectfully submitted that any outcome of the present Writ Appeal may adversely affect the interest of the present Intervenors. It is respectfully submitted that since the former Members of ZP and GP are no longer allowed to extend their terms and the new Members of the Administrative Committee had already been appointed and they are performing their duties to fulfil the aims and objectives of various schemes of Government of India, the continuance of the present Members of the Administrative Committee till the next election will be justified for smooth functioning of the Gram Panchayats and Zila Parishads and in the larger interest of the development of the respective Rural areas.*
- 7. It is pertinent to mention here that many of the schemes and projects under MGNREGS are still undergoing in full swing and*

dismissing the present writ appeal filed by the State will halt and delay all the time bound projects which are being implemented by the Intervenors and other Administrative Committee Members which will ultimately result in depriving the populace of the concerned GP and ZP of development and job guarantee.

POINTS OF LAW:

- I. *As mandate by the provisions of Article 243 E of the Constitution of India, the term of the panchayat is only for 5 years and the same cannot be extended. Once, the term is over, the Committee of Gram Panchayat and Zila Parishad become "functus officio" and the question of extending their terms does not arise at all once they have demitted their office due to the expiry of their terms. Further, when the Constitution of India itself mandates the durations of panchayat in such categorical terms, any direction to extend such term would be in violation of the constitution.*

*It is respectfully submitted that the delay in holding the election of Panchayat by the state government cannot be the ground to accrued a right upon the Respondents to extend their already dissolved panchayats. In such case the only remedy available is holding of the panchayat election as decided by the **Hon'ble Supreme Court in Suresh Mahajan Versus State of MP. reported in (2022) 12 SCC 770 (para 12).***

- II. *A notification bearing No.2/23/96-Leg/L dated 20.09.1996 was issued by the Law & Legislative Department, Govt. of Manipur amending the section 22 of the MPR Act, 1994. In the said amendment, the substitution of the word "**cease**" by the word "**continue**" in sub-section 3 is contrary to the provision of Article 243-E of the Constitution of India for the reason that the said amendment can be misinterpreted as if the former elected Members are allowed to remain in office even after the expiry of 5 years term and the said amendment of 1996 will eventually be misused by the former elected Members to remain in office until fresh elections were held. Even though it is completely unconstitutional as well as the against the democratic spirit and any state Act cannot be inconsistent with the mandate of the Constitution of India and any statute under the state Act which is inconsistent with the Central*

Act or mandate of the Constitution of India is null and void and it is non-est in the eye of law.

However, it is further submitted that the amendment of 1996 was done to save the term of the Election of 1991 held under the provision of 1994 Act as the subsequent election could not be held before the expiry of term. And it does give any power to continue to the elected members of the subsequent elections after the expiry of their term.

- III. *Section 22 of the MPR Act, 1994 provides that when elections to a Gram Panchayat cannot be conducted or delayed, the DC may by notification appoint an Administrative Committee to discharge the functions of the Gram Panchayat for the period not exceeding six months.*

It is pertinent to mention here that a Writ Petition (C) No. 524 of 2025 has been filed in this Hon'ble High Court challenging the vires of the Amendment Act of 1996 and the same is still pending for adjudication.

- IV. *Section 109 of MPR Act, 1994 empowers the State to do anything which appears to be necessary to remove any difficulty. It is pertinent to mention here that because of various reasons, the election of the General Panchayat Election cannot be conducted and in the interest of public and developments of various Gram Panchayats and Zila Parishads, the State government issued the orders appointing the Members of the Administrative Committee in exercise of the power under section 109 of MPR Act, 1994, that also after the liberty was given by the Division Bench of this Hon'ble Court.*
- V. *Section 22 of the MPR Act, 1994 is applicable only in case of election which could not be constituted immediately after establishment of the Gram Panchayat. Since, the present case is of non-holding of 6th Gram Panchayat Election, Section 22 cannot be enforced in the present case.*
- VI. *As an interim arrangement the present Members of the Administrative Committee including the intervenors were appointed by the government till the holding of 6th General Panchayat Election in exercise of the power under section 109 of the MPR Act, 1994. This appointment is mainly for completing various programmes and schemes which were taken up at the Panchayat levels and also for assigning new schemes and projects which are all time bound projects. As such, the*

- government authorities appointed the present Members of the Administrative Committee including the intervenors because of the said requirements for implementing various time bound schemes and projects.*
- VII. *That the present members of Administrative Committee of the ZP and GP were appointed as per the liberty given by this Hon'ble Court during the pendency of the present Writ Appeal and subsequent events of appointing the present intervenors as well as the other Members of the Administrative Committee under Section 109 of the MPR Act, 1994 was done after the disposal of the writ petition filed by the present Respondents herein. It is to respectfully submit that the issue involved in the writ petition and the present Writ Appeal is not the issue of appointing the Members of Administrative Committee under Section 109 of the MPR Act but the issue involved in the writ petition and the present writ appeal is whether the former elected Members can continue as members of Administrative Committee by enjoying the powers and duties of Gram Panchayat after the expiry of five years term till the next election is held. Moreover, it is pertinent to mention herein that it is not the pleaded case of the writ petitioner (respondents herein) that the appointment of the present Members of the Administrative Committee under section 109 of the MPR Act should be quashed as it is against the spirit of Section 22 of the MPR Act of 1994.*
- VIII. *That it is humbly submitted that the Hon'ble Apex Court in a catena of its decision has held that Court/parties cannot go beyond the pleadings. It is also respectfully submitted that the judgment reported in "2007 (3) GLT 899 Uttar Dhemaji Versus State of Assam" of the Hon'ble Gauhati High Court relied upon by the Respondents (herein) where the Hon'ble Court directed the dissolved Gram Panchayat and Zila Parishad be allowed to continue till the constitution of a new body.*

*The above cited case of the Respondents (herein) cannot be considered by this Hon'ble Appellate Court as the same High Court in the case of **Joynab Bibi and 17 Ors. versus Union of India and Ors. along with other connected cases decided on 22.03.2024 (at para 25)** has held that the said judgment is per incurium as violation of the provisions of Article 243 E (1) of the Constitution of India by relying many other cases of the same High Court and the Hon'ble Supreme Court. Further it is respectfully submitted that*

the said judgment relied upon by the Respondent is a single bench judgment and it has no binding to the Division Bench of this Hon'ble High Court.

- IX. *Since the directions given in the impugned judgment of the Ld. Single Judge which was passed by relying upon certain judgments of this Hon'ble Court cannot survive now because of subsequent developments and hence, directions allowing the former elected members to continue till the next election does not survive.*
- X. *In the event of this Hon'ble Court decides that the former elected members are not allowed to hold or continue with their earlier posts as members of Gram Panchayats and Zila Parishads till the next election is held, then the next issue for determination is when will the election be held and the next issue is who will be the Members of Administrative Committee till then. In this context, the submissions made in the earlier paragraphs in the written submission justifying the continuance of the Members of the present Administrative Committee may be considered in the interest of Justice.*

[38] This Court have perused the material on record, considered the submissions made at the bar and the relevant provisions of law in this regard. It will be appropriate to reproduce the relevant provisions of the law i.e. Article 243E of the Constitution, Sections 17, 20, 22, 92 & 109 of the MPR Act, 1994 and Section 6 of the MPR (Amendment) Act, 1996 and the same is reproduced below:

"Article 243E. *Duration of Panchayats, etc.- (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.*

(2) No amendments of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1)

(3) An election to constitute a Panchayat shall be completed-
(a) before the expiry of its duration specified in clause(1);

(b) before the expiration of a period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the panchayat for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

The Manipur Panchayati Raj Act, 1994

Section 17. *A Gram Panchayat shall consist of the Pradhan and such number of directly elected members as may be notified from time to time by the State Government and one member for every 350 population or part thereof of the Panchayat area shall be elected as a member of such Panchayat.*

Section 20. *Term of the Gram Panchayats.—(1) Every Gram Panchayat shall continue for a term of five years from the date appointed for its first meeting and no longer:*

Provided that a Gram Panchayat which is functioning immediately before the commencement of this Act shall continue till the expiration of its duration.

(2) The election to constitute a Gram Panchayat shall be completed—

a) before the expiration of its duration specified in sub-section (1); and

(b) in case of dissolution, before the expiration of a period of six months from the date of dissolution:

Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Gram Panchayat for such period.

(3) A Gram Panchayat constituted upon the dissolution of a Gram Panchayat before the expiration of its duration, shall continue only for the remainder of the period for which the dissolved Gram Panchayat would have continued under sub-section (1) had it not been so dissolved.

Section 22. *Appointment of an Administrative Committee or Administrator on failure to elect members of Gram Panchayat and in other cases.— (1) (a) If the Deputy Commissioner is satisfied that a Gram Panchayat for a village or group of villages immediately after the establishment of such Gram Panchayat cannot be constituted by reason of—*

- (i) any difficulty in holding an election of the members of the Gram Panchayat; or*
- (ii) failure to elect such members at two successive elections held under section 17; or*
- (iii) any other sufficient reason whatsoever; or*

(b) If at any general election to a Gram Panchayat, no member is elected or less than two-third of the total number of members are elected, the Deputy Commissioner shall, by notification either,—

- (i) appoint an Administrative Committee consisting of persons qualified to be elected, the number of such persons being equal to the number of members determined under section 17; or*
- (ii) appoint an Administrator.*

(2) The members of the Administrative Committee or the Administrator shall hold office for such period not exceeding six months as the Deputy Commissioner may specify in the notification under sub-section (1).

(3) On the appointment of an Administrative Committee or an Administrator under sub-section (1), the persons, if any, chosen as members of the Gram Panchayat before such appointment shall cease to be members of the Gram Panchayat and all the powers and duties of the Gram Panchayat shall be exercised and performed by such Administrative Committee or Administrator, as the case may be.

(4) The Administrative Committee or Administrator shall be deemed to be a duly constituted Gram Panchayat for the purpose of this Act, notwithstanding anything contained in the foregoing provisions: Provided that if at any time after the appointment of the Administrative Committee or the Administrator under sub-section (1), the Deputy Commissioner is satisfied that there is no difficulty in duly constituting the Gram Panchayat by election of members, the Deputy Commissioner, may, notwithstanding that the term of office for which the members of the Administrative Committee or the Administrator had been appointed has not expired, direct by notification that the members of the Administrative Committee or the Administrator, as the case may be, shall cease to hold office with effect from such date as may be specified in such notification.

92. (1) Whenever, -

(a) any general election to a Zilla Parishad under this Act or any proceedings consequent thereon has been stayed by an order of a competent court or authority; or

(b) all the member or more than two thirds of the members of a Zilla Parishad have resigned, the Government shall by notification in the Official Gazette appoint an Administrator for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment, so however, that the total period of such appointment shall not exceed six months.

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section (1) the Zilla Parishad and the Committees thereof and the Adhyaksha or Up-Adhyaksha of such Zilla Parishad charged with carrying out the provisions of this Act, or any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions

shall be performed and discharged by the Administrator during the period of such appointment.

109. *Removal of difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Government, may by order, published in the Official Gazette as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.*

The Manipur Panchayati Raj (Amendment) Act, 1996

6. Amendment of Section 22:-

In section 22 of the Act:-

(a) sub-clause (ii) of clause (b) of sub-section (1) shall be deleted.

(b) In sub-section (2), the words "or an Administrator" shall be deleted.

(c) In sub-section (3), for the words "cease", the word "continue shall be substituted and the words" or an administrator" and "or Administrator, as the case may be" shall be deleted.

(d) In sub-section (4) the words "or Administrator", "or the Administrator" and "or the Administrator, as the case may be" shall be deleted.

(e) after sub-section (4), the following sub-section (5) shall be inserted, namely:-

(5) *Notwithstanding anything contained in the Act, if the State Government is satisfied that the first elections to Gram Panchayats after the commencement of this Act can not be held, the State Government may appoint Administrative Committees to exercise the powers and to perform the duties and functions of the Gram Panchayat for a period not exceeding six months.*

[39] From the above provisions of the law, it is clear that the tenure of a Panchayat is 5(five) years from the day of its first sitting in terms of the mandatory provision of Section 243E of the Constitution and for any Panchayat prior to the enforcement of the MPR Act, 1994, its tenure of 5(five) years from the day of its first sitting will also be protected.

Section 20 of the MPR Act, 1994 also provides the terms of Panchayat as 5(five) years in consonance with the provision of Article 243E of the Constitution and the election of Gram Panchayat shall be completed before the expiration of its term. Section 22 is in exception to the provision of Article 243E of the Constitution and Section 20 of the MPR Act, 1994 where, a special provision is inserted in case the election of the Panchayat could not be held due to any reasons. Section 22(1)(b) empowers the Deputy Commissioner to appoint 'Administrative Committee' consisting of members qualified to be elected as a member of Panchayat and equal to the number of members such Gram Panchayat under Section 17, not exceeding a period of 6(six) months to exercise and perform the power and duty of the Gram Panchayat. Section 22(3) provides that upon the appointment of Administrative Committee or Administrator under Sub-section 1, the elected members of the Gram Panchayat shall 'cease' to be member of the Panchayat. By the MPR (Amendment) Act, 1996 to the MPR Act, 1994, Section 22(3) has been amended by deleting the word "Administrator" from Section 22 and by replacing the word 'cease' in Sub-section (3) of Section 22 with the word 'continue'. The State Govt. by reading the provision of amended Section 22(3) read with Section 109 of the MPR Act, 1994 and upon the direction of the Ld. Single Judge in the batch of writ petitions mentioned above, used to issue various notifications/orders appointing the Administrative Committee beyond the period of 6(six) months exceeding the limit of 6 months as provided under Section 22(2) of the MPR Act, 1994 and till election are held.

[40] By the amendment of MPR (Amendment) Act, 1996 in Section 22(3) of the MPR Act, 1994, the Manipur Legislative Assembly (in short MLA) introduced an amendment allowing the elected members of the Panchayat to continue even after expiry of the term of Panchayat without any time limit. This has been interpreted by the Learned Single Judge in the batch of writ petitions that the term of the Panchayat can be

extended beyond the 5(five) years, if the election could not be held before the expiration of the term. Thereafter, State Govt. used to issue orders/notifications appointing Administrative Committee for an indefinite period till election are held. It is implied that the amendment introduces a new provision which extends the tenure of a Panchayat till election are held, in spite of the mandatory provision of Article 243E of the Constitution and Section 20 of the MPR Act, 1994 which fix the term of the Panchayat not exceeding a period of 5(five) years from the date of its first sitting. In other words, the effect of the amendment of Section 22(3) by the MPR (Amendment) Act, 1996 amounts to extending the term of the Panchayat/Administrative Committee for an indefinite period in violation of the stipulation under Article 243E of the Constitution and Sections 20 and 22(2) of the Act.

[41] It will be relevant to point out that the validity of Section 22(3) of the MPR Act, 1994 as amended in 1996, is challenged in WP(C) No. 524 of 2025 to the effect of replacing the word 'cease' by word 'continue' thereby impliedly extending the tenure of the Panchayat beyond 5(five) years. This view was adopted by the Ld. Single Judge in the batch of writ petitions which are in appeal before us. Vide judgment and order dated 29.02.2025, this Court (same Bench) disposed of the writ petition by holding that the amendment in Section 22(3) of the MPR Act, 1994 by amendment Act of 1996, replacing the word 'cease' with 'continue' is ultra vires and the original word 'cease' has been retained in Section 22(3) so that the term of the Panchayat cannot be extended beyond the tenure of 5 (five) years as fixed by Article 243E of the Constitution as well as Section 20 of the MPR Act, 1994. Since on the date the appeals were reserved for order, i.e., on 01.08.2025, the amendment in Section 22(3) of replacing the word 'cease' with 'continue' had not been held ultra vires the Constitution and the present appeals were heard on the basis of the amended Section 22(3) of the Act, we are not considering the effect of

judgment dated 29.08.2025 passed by the same Bench in WP(C) No. 524 of 2025 whereby, the word 'continue' introduced by the MPR (Amendment) Act, 1996 was held ultra vires the provision of Article 243E of the Constitution and Section 20 of the Act and restored the original word 'cease'. We are deciding the present appeals in terms of the amended provision of Section 22 (3) of the Act as introduced by MPR (Amendment) Act, 1996.

GENESIS OF ORDERS EXTENDING TENURE OF LOCAL BODIES

[42] Before proceeding further, it will be relevant to trace the genesis of the various orders passed by different Benches of this Court directing the State to extend the tenure of the local bodies beyond their tenure till elections are notified.

[43] First of such instance was the common judgment and order dated 02.03.2021 passed by learned Single Judge in a batch of writ petitions being, WP(C) Nos. 613 of 2020, 645 of 2020 & 647 of 2020, where State Government was directed to take opinion of the Hill Areas Committee, Manipur Legislative Assembly as to whether the term of the Autonomous District Council (in short, ADC) should be extended or not after the expiry of its tenure till the completion of the election and to pass appropriate order upon receipt of such opinion. Till then, the tenure of the ADC was extended till the completion of next election. The common judgment and order dated 02.03.2021 has been carried by the State Government to the Division Bench as writ appeals being WA Nos. 18 of 2021, 19 of 2021 & 22 of 2021.

[44] During the pendency of these writ appeals, i.e., WA Nos. 18 of 2021, 19 of 2021 & 22 of 2021 and relying on the direction of extending the tenure of the ADC till the completion of election, another learned Single Judge of this Court passed a common judgment & order dated 19.01.2023 in writ petitions being WP(C) Nos. 935 of 2022, 632 of 2022, 633 of 2022 and 704 of 2022 that the tenure of the Urban Local Bodies and

Autonomous District Councils be extended till the completion of the election.

[45] In another writ petition, i.e., WP(C) No. 288 of 2023 appointment of an elected member as caretaker Chairman of ADC, Ukhrul after expiry of the tenure was challenged by the Vice Chairman of outgoing Council. Vide order dated 08.08.2023, learned Single Judge dismissed the writ petition holding that the outgoing Vice Chairman of ADC has no right to be appointed as a caretaker Chairman of ADC and upheld appointment of private respondent as a caretaker Chairman. Due to non-availability of appropriate Bench in High Court of Manipur, Hon'ble Supreme Court permitted the appeal to be filed before Gauhati High Court. Accordingly, writ appeal being WA No. 353 of 2023 was filed before the Gauhati High Court. Vide judgement & order dated 15.03.2024, a Division Bench of Gauhati High Court held that elected members of the ADC could not be appointed as caretaker Chairperson after the expiry of the term of the ADC, but State Government has power to appoint Administrator in terms of Section 47 of the Manipur (Hill Areas) District Councils Act, 1971 to exercise all the powers and to perform the duties of the ADC. In the process, the appointment of the respondent No.4 as caretaker Chairman of ADC, Ukhrul was also set aside while dismissing the claim of the Vice Chairman to be appointed as caretaker Chairman of ADC, Ukhrul. The State Government and State Election Commission were directed to conduct elections of the Autonomous District Councils in Manipur by observing all the formalities as expeditiously as possible.

[46] Vide order dated 03.03.2025 in PIL No. 19 of 2024, a Division Bench of this Court, relying on the decision of Gauhati High Court in WA No. 353 of 2023, acknowledged the power of the State Government to appoint Administrator to exercise the powers and functions of the ADCs whose term have already been expired and directed to conduct elections to the ADCs within six months. In pursuance to the direction dated

03.03.2025, the State Government appointed the Deputy Commissioners of the 6 hill districts as Administrators for the ADCs of the respective districts.

[47] In view of the judgment and order dated 15.03.2024 passed by the Division Bench of Gauhati High Court in WA No. 353 of 2023, writ appeals being WA Nos. 18 of 2021, 19 of 2021 & 22 of 2021 were closed vide order dated 04.03.2025.

[48] In the present batch of writ petitions being challenged herein, learned Single Judge relied on the above-mentioned judgments for justifying the extension of the tenure of the local bodies beyond the stipulated period of 5 (five) years. It may be noted that the statutes are silent on the power of extension of tenure of the local bodies, except for proviso to Section 13(1) of the Act of 1971 where the tenure of ADC can be extended for a maximum period of one year in order to avoid administrative difficulties. The decision of Gauhati High Court reiterated that there cannot be further extension beyond this period. As on today, the earlier directions of various learned Single Judges for extending the tenure of the local bodies beyond the stipulated tenure and tilee completion of the election, is no longer a good law.

Question No. I. Tenure of the Panchayat :

[49] From the bare perusal of Article 243E of the Constitution of India, it is clear that election to the Panchayat shall be completed before expiry of its duration specified therein and the duration of Panchayat will be 5 years from the date of appointment of its first meeting and no longer. Further, Section 20(1) of the MPR Act, 1994 prescribes that the duration of every GP will be 5 years from the date of its first meeting and no longer. The provision of Section 20 of the MPR Act, 1994 is in consonance with the mandate of Article 243E of the Constitution of India which provides that the tenure of the Panchayat shall be 5 years and under no circumstance the same can be extended. Hon'ble Supreme Court in the

case of **Kishansing Tomar vs. Municipal Corporation of Ahmedabad, (2006) 8 SCC 352** held that as per the Article 243U of the Constitution prescribes 5 years tenure for Municipalities. Article 243U is also *pari materia* with Article 234E. It was held in 'para 14' that the duration of Municipalities is fixed as 5 years from the date of its first meeting and no longer and the same is reproduced below:

"The effect of Article 243-U of the Constitution is to be appreciated in the above background. Under this Article, the duration of the Municipality is fixed for a term of five years and it is stated that every Municipality shall continue for five years from the date appointed for its first meeting and no longer. Clause (3) of Article 243-U states that election to constitute a Municipality shall be completed - (a) before the expiry of its duration specified in clause (1), or (b) before the expiration of a period of six months from the date of its dissolution. Therefore, the constitutional mandate is that election to a Municipality shall be completed before the expiry of the five years' period stipulated in Clause (1) of Article 243-U and in case of dissolution, the new body shall be constituted before the expiration of a period of six months and elections have to be conducted in such a manner. A Proviso is added to Sub-clause (3) Article 243-U that in case of dissolution, the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period. It is also specified in Clause (4) of Article 243-U that a Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under Clause (1) had it not been so dissolved. So, in any case, the duration of the Municipality is fixed as five years from the date of its first meeting and no longer. It is incumbent upon the Election Commission and other authorities to carry out the mandate of the Constitution and to see that a new Municipality is constituted in time and elections to the Municipality are conducted before the expiry of its duration of five years as specified in Clause (1) of Article 243-U."

[50] A Single Bench of the then Gauhati High Court Imphal Bench (now High Court of Manipur) held in the case of **Rebura B v. State**

of Manipur & Ors. reported as AIR 2010 GAU 100 held in 'para 6' that Article 243E of the Constitution as well as Section 20(1) of the MPR Act, 1994 prescribed the tenure of the Panchayat as 5 years from the date of its first meeting and no longer.

[51] In the case of **Suresh Mahajan v. State of MP: 2022 (12) SCC 770**, Hon'ble Supreme Court held that the tenure of Panchayat is 5 years and election cannot be postponed on any ground. The decision in **Uttar Dhemaigaon Panchayat and Ors. (Supra) : 2007 (3) GLT 899** permitting for extension of the tenure of the council till completion of election, is subsequently held by another bench of Gauhati High Court to be per incuriam vide judgment dated 22.03.2024 passed by the same court in the case of **Joynab Bibi v. Union of India**.

[52] It may be relevant to refer to the Section 22 of the MPR Act, 1975 repealed by Act of 1994, which empowers the State Govt. to extend the tenure of the Panchayat for a maximum period of 1(one) year in under such circumstances. However, such power of extension is absent in Article 243E of the Constitution as well as Section 20 of the MPR Act, 1994. In absence of any power and right for extension of the tenure of the Panchayat beyond the stipulated tenure of 5 years, the judgement in **Uttar Dhemaigaon Panchayat and Ors. (Supra)** and various directions of learned Single Judge of this Court, cannot be resorted to for the extension of tenure of the Panchayat under MPR Act, 1994.

[53] This Court does not find any force in the submissions of Mr. N. Jotendro, learned sr. counsel for the respondents/writ petitioners that in view of the judgement in **Uttar Dhemaigaon Panchayat and Ors. (Supra)** the tenure of the Panchayat can be extended beyond the period of 5 years. We are of the considered opinion that under no circumstances, the tenure of the Panchayat can be extended beyond the period of 5 years in view of the clear language of the provisions of Article 243E of the

Constitution as well as Section 20 of the MPR Act, 1994, where the power of extension under the repealed Act of 1975 has consciously been dropped.

Question No. II. Whether Section 22 of the MPR Act is transitional or permanent in nature:

[54] It is the submission of Mr. R. Venkataramani, learned Attorney General of India representing State of Manipur that Article 243E of the Constitution provides a tenure of the GP shall continue for 5 years from the date of its first meeting and no longer and Sub clause 2 of the Article 243E protect the tenure of the Panchayat existing prior to the insertion Part IX of the Constitution by 73rd amendment in 1992. In pursuance to the Part IX of the Constitution, the Govt. of Manipur also enacted MPR Act, 1994 and Section 20 prescribes the tenure of the Panchayat as 5 years and both Article 243E and Section 20 mandate that the election for the next Panchayat shall be completed before the expiration of the tenure of the GP by the provision of Section 243E (2) of the constitution. Any existing Panchayat prior to the enforcement of MPR Act, 1994 shall have the full tenure under the 1975 Act and shall continue for 5 years terms. Section 22 of the MPR Act, 1994 prescribes the provision for appointment of Administrative Committee or Administrator on failure to elect the member of the GP and for any sufficient reasons. Section 22 (1) provides that if the election of GP cannot be constituted immediately after the establishment of the GP by reasons of – (a) difficulties in holding election of the members of the GP, and (b) failure to elect such members to consecutive election under Section 17 or any other sufficient reasons or in the general election of the GP no members are elected or less than 2/3 of the total member are elected, the DC shall appoint an Administrative Committee consisting of members qualified to be elected as members of the GP being equal to the number of members as determined under Section 17 or appoint an Administrator. Under sub clause 2 of Section 22, the tenure of the Administrative Committee or Administrator shall not

exceed 6 months. Sub-clause 3 of Section 22 stipulates that upon appointment of the Administrative Committee or Administrator, the elected members of the GP shall cease to be members of the GP and all the power and duty of the GP shall be exercised by such Administrative Committee or Administrator. Sub-section 4 of Section 22 prescribes that Administrative Committee or Administrator shall be deemed to be duly constituted GP for the purpose of this Act. By the amendment of 1996 Act, Section 22 has been amended by deleting the word 'Administrator' and in Section 22(3), the word 'cease' has been replaced by the word 'continue'. Relying on the provision of amended Section 22 (3), the Ld. Single Judge interpreted the same date an elected member shall 'continue' even after the appointment of Administrative Committee and in the circumstances, direction was issued to the effect that the elected members of the GP whose tenure has already expired, will continue to be member till the notification of the election for the next GP. By the amendment of 1996 Act, Sub-clause 5 has been added to section 22 stating that if the first election to the GP after the commencement of the Act cannot be held, State Govt. shall appoint Administrative Committee to exercise the power, to perform duty and function of the GP for a period not exceeding 6 months. Referring to the nature of Section 22, the learned Attorney General emphasizes that the provision of Section 22 is a transitional in nature and it has to be resorted to when the first GP after the enforcement of the Act of 1994 cannot be constituted due to failure to hold election or due to any other reasons as mentioned in Section 22(1). In such circumstances, an Administrative Committee has to be appointed and such Committee will have all the powers of the Panchayat and the tenure shall not be extended beyond 6 (six) months. Unamended Section 22(3) prescribes that upon appointment of the Administrative Committee, the elected members of the Panchayat shall cease to be members and all the functions and powers of the GP shall be exercised by the Administrative Committee. The Administrative Committee shall consist of all members who are either eligible to be a

member of the Committee i.e. the persons who are entered into the electoral roll of the particular GP. In the circumstance, the learned Attorney General submits that the provision of Section 22 is a transitional in nature whereby, the first GP cannot be constituted due to any circumstances as mentioned in Section 22(1) and the Administrative Committee so appointed shall be for a fixed period of 6 (six) months so as to facilitate the holding for election. The Ld. Attorney General further submits that the present situation arises in the 5th GP constituted in the year, 2017 whose term has already been expired in the year 2022 and the provision of Section 22 (3) will not be applicable as the same is transitional in nature and for removing the difficulties and the formation of the first Panchayat under the MPR Act, 1994. This would be clarified by the amendment newly inserted Section 22(5) by the amendment Act of 1996. The learned Attorney General submits that the Ld. Single Judge was wrong in directing that members of the GP shall continue till the holding of election.

[55] On the other hand, as an alternative plea, Mr. R. Venkataramani, learned Attorney General submits that even if assuming for the sake of argument that the provision of Section 22 is permanent in nature, the amended provision of Section 22(3) does not extend the tenure of the GP except for replacing the word 'cease' with 'continue'. It is pointed out that introducing the amendment in Section 22(3) provides that even after the appointment of Administrative Committee, the elected members of the GP will continue to be a member. However, there is no specific amendment empowering for extension of the tenure beyond the 5 (five) years. The amended Section 22(3) postulates a situation where both the elected members as well as the Administrative Committee appointed under Section 22(1) of the Act, exist side by side thereby creating duality of bodies in GP to exercise same function. The amendment in Section 22(3) of the Act does not confer any power to the elected members of the GP who are permitted to continue. In short, the Administrative Committee as

well as the elected members of the GP so continue cannot hold office more than 6 (six) months.

[56] We are of the view that on careful reading of the Section 22 of the Act including the newly inserted Section 22(5) by the amendment Act of 1996, the provision of Section 22 is transitional in nature when it deals with the situation on failure to constitute the first GP after the enforcement of the Act of 1994. On the other hand, Section 22 also stipulates that the situation where 2 (two) successive elections of the GP could not be held meaning thereby, the provision of the act empowering the appointment of Administrative Committee can also be exercised in situation other than on failure to constitute the first GP. Whenever there is a sufficient reason, the Administrative Committee can be appointed under Section 22 (1). Section 22 (b) also prescribes a situation where no members are elected or less than 2/3 members are elected in such circumstances also, the DC can appoint Administrative Committee to run the business of the GP. From all these, it is clear that the provision of Section 22 can also be resorted in any situation other than the first constitution of the GP, whenever there is a failure to hold election or the result of the election is not effective in terms of the sub clause (b) of Section 22. Therefore, it is held that the provision of Section 22 of the MPR Act, 1994 is both transitional as well as permanent in nature and the same can be resorted to meet any eventuality on failure to constitute first GP or in any subsequent GP.

Question No.III- Who are competent to be appointed as member of the Administrative Committee as defined under Section 22(1):

&

Question No. IV- Extension of tenure of GP as 5 years in terms of amended Section 22 (3):

[57]

In considering the question no. I, we have already held that the tenure of the GP cannot be extended beyond 5 (five) years. The present questions to be answered are: (a) persons competent to be appointed as members of the Administrative Committee, & (b) amended Section 22(3) MPR Act, 1994 be resorted for extension of the tenure of the GP beyond 5 (five) years as held by Ld. Single Judge. It has already observed that Article 243E of the Constitution as well as Section 20 of the MPR Act, 1994, does not have any proviso or exception so as to enable the State Govt. to extend the tenure of GP beyond the fixed tenure of 5 (five) years. Section 22 is inserted to deal with a situation where first Panchayat cannot be constituted or on failure to conduct election in subsequent Panchayat or in-effective result of the election in terms of the sub-clause (b) of Section 22. Reading Section 22 as a whole, the Administrative Committee appointed to exercise the function of GP on failure to constitute a popular GP, is for a fixed tenure of 6 (six) months only. The amendment in Section 22(3) by the amendment Act, 1996 is limited to replacing the word 'cease' with 'continue' whereby, the elected members of the GP can continue as members in spite of appointment of the Administrative Committee. The amendment only allowed the elected members to continue where in the original Section 22(3) of the Act, the elected members shall cease to be members upon appointment of the Administrative Committee. This is the only differences brought by amendment in Section 22(3). On careful examination of amended Section 22(3) of the Act, it nowhere provides for extension of the term of the tenure of the GP beyond the 5 years. It only allowed elected members to continue. Since the whole provision of Section 22 is limited for a period of 6 months as prescribed by Section 22(2) and newly inserted Section 22(5), it cannot mean that the elected members without any power, can continue beyond the period of 6 months and its existence shall be coterminous with the tenure of Administrative Committee. In the circumstances, we are of the view that the amended provision of Section 22 (3) does not empowers

the State for extension of the tenure of the GP beyond the period of 6 months. The learned Single Judge has committed manifested error in holding that the elected members of the GP can continue to be members of such GP till the notification of the election. The direction in this regard is totally against the statute and also judgment of the Hon'ble Supreme Court in the case of **Kishansing Tomar (supra)** and **Riburaj Bhugel (supra)**.

[58] Section 22(b)(i) provides that an Administrative Committee shall consist of persons qualified to be elected as the member of the GP and such number is equal to the number of member fixed under Section 17. Section 17 of the Act prescribes that a GP shall consist of Panchayat and such member which are directly elected member may be notified from time to time by the State Govt., 1 (one) member per every 350 population and by the amendment of 2012, the figure become 1(one) member per 900 population. Section 3 of the Act prescribes that a Gram Sabha (GS) shall consist of all person whose name are included in the electoral roll within the area of the GS and Section 13(3) prescribes that every person entitled to be included in the list of electoral roll of Panchayat, voter not less than 18 years of age and ordinary residence within the GP shall be entitled to be included in the electoral list. Section 17 stipulates that a GP shall consist of directly elected Pradhan and member from time to time. As per provision of Section 22(1)(b)(i) the following persons are eligible for appointed as member of the Administrative Committee.


- i) the existing elected member.
- ii) the unsuccessful candidate in the last election.
- iii) the aspirant in the next election.
- iv) any other voter of the GP.

[59] In the case of **CIT v. Hindustan Bulk Carriers, (2003) 3 SCC 57**, Hon'ble Supreme Court discussed the harmonious construction

of statute in case of conflicting and inconsistencies between various provisions. It is suggested that harmonious construction has to be adopted to achieve the object of the legislation. Relevant para are reproduced below.

"14. A construction which reduces the statute to a futility has to be avoided. A statute or any enacting provision therein must be so construed as to make it effective and operative on the principle expressed in the maxim ut res magis valeat quam pereat i.e. a liberal construction should be put upon written instruments, so as to uphold them, if possible, and carry into effect the intention of the parties. [See Broom's Legal Maxims (10th Edn.), p. 361, Craies on Statutes (7th Edn.), p. 95 and Maxwell on Statutes (11th Edn.), p. 221.]

15. A statute is designed to be workable and the interpretation thereof by a court should be to secure that object unless crucial omission or clear direction makes that end unattainable. (See Whitney v. IRC⁴, AC at p. 52 referred to in CIT v. S. Teja Singh⁵ and Gursahai Saigal v. CIT⁶.)

16. The courts will have to reject that construction which will defeat the plain intention of the legislature even though there may be some inexactitude  74 in the language used. (See Salmon v. Duncombe⁷ AC at p. 634, Curtis v. Stovin⁸ referred to in S. Teja Singh case⁵.)

17. If the choice is between two interpretations, the narrower of which would fail to achieve the manifest purpose of the legislation, we should avoid a construction which would reduce the legislation to futility, and should rather accept the bolder construction, based on the view that Parliament would legislate only for the purpose of bringing about an effective result. (See Nokes v. Doncaster Amalgamated Collieries⁹ referred to in Pye v. Minister for Lands for NSW¹⁰.) The principles indicated in the said cases were reiterated by this Court in Mohan Kumar Singhania v. Union of India¹¹.

18. The statute must be read as a whole and one provision of the Act should be construed with reference to other provisions in the same Act so as to make a consistent enactment of the whole statute.

19. The court must ascertain the intention of the legislature by directing its attention not merely to the clauses to be construed but to the entire statute; it must compare the clause with other parts of the law and the setting in which the clause to be interpreted occurs. (See R.S. Raghunath v. State of Karnataka¹².) Such a

construction has the merit of avoiding any inconsistency or repugnancy either within a section or between two different sections or provisions of the same statute. It is the duty of the court to avoid a head-on clash between two sections of the same Act. (See Sultana Begum v. Prem Chand Jain¹³.)

20. Whenever it is possible to do so, it must be done to construe the provisions which appear to conflict so that they harmonise. It should not be lightly assumed that Parliament had given with one hand what it took away with the other.

21. The provisions of one section of the statute cannot be used to defeat those of another unless it is impossible to effect reconciliation between them. Thus a construction that reduces one of the provisions to a "useless lumber" or "dead letter" is not a harmonised construction. To harmonise is not to destroy."

[60] We do not find any forces in the submission of Mr. N. Ibotombi, learned sr. counsel for the respondents to the effect that reading together Section 17 and Section 22 (1)(b)(i) with the amended Section 22(3), only the elected members are to be appointed as members of the Administrative Committee otherwise, there will be dual bodies i.e. elected member who are allowed to continue by the amended Section 22(3) and the Administrative Committee who exercise the function and duty of the GP. In order to avoid such situation by harmonious construction, it has been submitted on behalf of the respondents that only the elected members are to be appointed as members of the Administrative Committee. We reject this proposition and held that other eligible persons cannot be debarred from being members of the Administrative Committee, if they are otherwise eligible. It is already held above that the amendment of Section 23(3) only allowed the continuation of the elected members without any power. The elected members will have a power to exercise the function under Section 22(3) of the Act, if and only if when they are included in the Administrative Committee appointed under Section 22(1)(b)(i). Accordingly, it is held that all the voters in the GP are eligible to be members of the Administrative Committee and the same does not confine to the elected members of the GP.

Question Nos. V & VI- Scope of Section 109 vis-à-vis Section 22 of the Act:

[61] Section 109 of the MPR Act, 1994 is a general clause included in any statute where in case of any difficulties the Govt./ Competent Authority is authorized to do certain act for effective implementation of Act and/or provision of any existing statute. The Govt. has been exercising these powers in case of appointment of Administrative Committee when there is failure to conduct election for the next GP due to any reasons. Learned Attorney General assumes that the provision of Section 22 is transitional in nature which is to be utilized on the constitution of first GP only and the power conferred under Section 109 of the Act is to be resorted to tide over the situation where GP cannot be constituted subsequently after the first GP. As the present situation arises after the failure to conduct election on expiry of tenure of the 5th GP, State Govt. has resorted to Section 109 of the Act to appoint Administrative Committee for a short period. However, as rightly pointed out by the learned Attorney General, the provision of Section 109 is a general clause without any details and in order to have objectivity in the appointment of the Administrative Committee, the State Govt. adopts the principles embodied under Section 22 of the Act. The Administrative Committee is appointed so that everybody has a chance and the appointment is in consonance with the provision of the Act. Ld. Attorney General has already submitted that the tenure of the Administrative Committee appointed under Section 22 cannot exceed beyond the period of 6 months in terms of the stipulated under Section 22(3) and Section 22(5) of the Act. The submission of Ld. Attorney General is that the Administrative Committee appointed under Section 22 or under Section 109 read with Section 22 of the Act cannot have a tenure beyond the period of 6 months. We are also in agreement with the submissions of the Ld. Attorney General that the tenure of the Administrative Committee appointed under Section 22 and/or

under Section 109 of the Act cannot exceed the period of 6 months as stipulated under Section 22(2) & (5) of the Act. However, in purported compliance of the interim order dated 29.02.2024 passed by this Court, the State Govt. issued various notifications/orders appointing Administrative Committee for the GP and Administrator for Zilla Parishad till the notification of the election.

[62] It may be noted that vide order dated 29.02.2024 in this writ appeals, this Court stayed the direction of the learned Single Judge in common judgment and order dated 18.04.2023 in as much directing the official/representative of GP and ZP to function beyond the period mandated by law and giving liberty to the State Govt. to appoint Administrative Committee for GP and Administrator for ZP in accordance with law and provision of this Act, afresh. This interim order dated 29.02.2024 has been challenged by the respondents before the Hon'ble Supreme Court and the matter is remanded to this Court without interfering the directions of the order dated 29.02.2024.

[63] Purportedly, in compliance of the direction in the interim order 29.02.2024, the State Govt. issued various notifications/orders appointing Administrative Committee for GP and Administrator for ZP till the notification of the election. We are of the view that the appointment of the Administrative Committee for the GP and Administrator for ZP till election is held, is in violation of the direction in order dated 29.02.2024, the observations made in preceding para and also the submissions made by Id. Attorney General that the Administrative Committee appointed under Section 22 and Section 109 of the Act cannot exceed the period of 6 months. In the circumstances, we set aside all appointment orders of Administrative Committee for Gram Panchayat and Administrator for Zilla Parishad with a tenure exceeding the period of 6 (six) months and till the notification of the election, as the same are ultra vires the mandate of Article 243E of the Constitution as well as provision of Section 22 of the

Act. In the circumstances, the present writ appeals are allowed and the common impugned judgment and order dated 18.04.2023 passed by the Ld. Single Judge in the batch of writ petitions being WP(C) No. 266 of 2023, WP(C) No. 205 of 2023 & WP(C) No. 239 of 2023 are set aside with respect to permitting the elected members to continue till the notification of the new election. The State Govt. is directed to conduct fresh election for the Panchayat within a period of 6 months. In order to make the Panchayati Raj system workable in Manipur, the State Govt. has been given the liberty to appoint fresh Administrative Committee for Gram Panchayat and Administrator for Zilla Parishad not exceeding a period of 6 (six) months keeping in mind in terms of the provision of Sections 22 & 92 of the Act. It is also held that in exercising the power under Section 109 of the Act for appointment of the Administrative Committee for the subsequent GP even after the first constitution, the tenure of the Administrative Committee appointed under Section 109 of the Act cannot have a period exceeding 6 months and/or till the election are held.

CONCLUSIONS & DECISIONS:

[64] In view of the above findings, observations and directions, we hold and direct as follows:

- i) The present writ appeals being W.A. No. 9 of 2024, W.A. No. 10 of 2024 & W.A. No. 11 of 2024 are allowed and the directions of the Ld. Single Judge to allow the elected members to continue as members of Gram Panchayat and Zila Parishad till the election are held, are set aside.
- ii) The tenure of Gram Panchayat cannot exceed the period of 5(five) years as mandated by Article 243E of the Constitution of India and Section 20 of the Manipur Panchayati Raj Act, 1994.
- iii) The provision of Section 22 of the Act is both transitional and permanent in nature.

- iv) The amended provision of Section 22(3) of the Manipur Panchayati Raj Act as amended in 1996 does not confer any power to extend the tenure of the Gram Panchayat beyond the stipulated period of 5 years or till the election are conducted.
- v) All voters in the Gram Panchayat are eligible to be elected as members of the Administrative Committee under Section 22 of the Act.
- vi) When the elected members of the GP are appointed as members of the Administrative Committee, they will be eligible to exercise the functions and powers of the Gram Panchayat under Section 22(3) of the Act.
- vii) Section 109 of the Manipur Panchayati Raj Act, 1994 is a general clause empowering the authority to remove difficulties and in doing so, the Authority has no power to appoint Administrative Committee beyond the period of 6 months and/or till the election are notified.
- viii) All orders of appointment of the Administrative Committee of the Gram Panchayat and Administrator for Zilla Parishad, issued by State Govt. in pursuance of the interim order dated 29.02.2024 for a term exceeding the period of 6 (six) months and till the election are held, are all set aside.
- ix) All other orders of appointment of the Administrative Committee of the Gram Panchayat and Administrator for Zilla Parishad, issued by State Govt. for a term exceeding the period of 6 (six) months and till the election are held, are also all set aside.
- x) The State Govt. is directed to conduct fresh election within a period of 6 months.

- xi) Till the next election is conducted as directed in para (x) above, the State Govt. is at liberty to appoint fresh Administrative Committee for the Gram Panchayat and Administrator for Zilla Parishad in terms of the provisions of Section 22, Section 92 and Section 109 of the Manipur Panchayati Raj, Act 1994 for a period not exceeding 6 months.

[65] In terms of the order passed in the present writ appeals, the present MC(WA) No. 20 of 2024, MC(WA) No. 21 of 2024 & MC(WA) No. 22 of 2024 are disposed of accordingly.

[66] We appreciate the valuable assistance given by Mr. R. Venkataramani, learned Attorney General of India, Mr. Lenin Hijam, learned Advocate General, Manipur, Mr. N. Ibotombi, learned sr. counsel, Mr. N. Jotendro, learned sr. counsel and Mr. S. Biswajit, learned sr. counsel appearing for the parties in evolving and laying down the correct proposition of law with respect to tenure of the Panchayat and the law with regard to the appointment of Administrative Committee and Administrator.

[67] Send a copy of this order to the Chief Secretary, Govt. of Manipur for information and necessary compliance.

JUDGE

CHIEF JUSTICE

FR/NFR
Thoiba