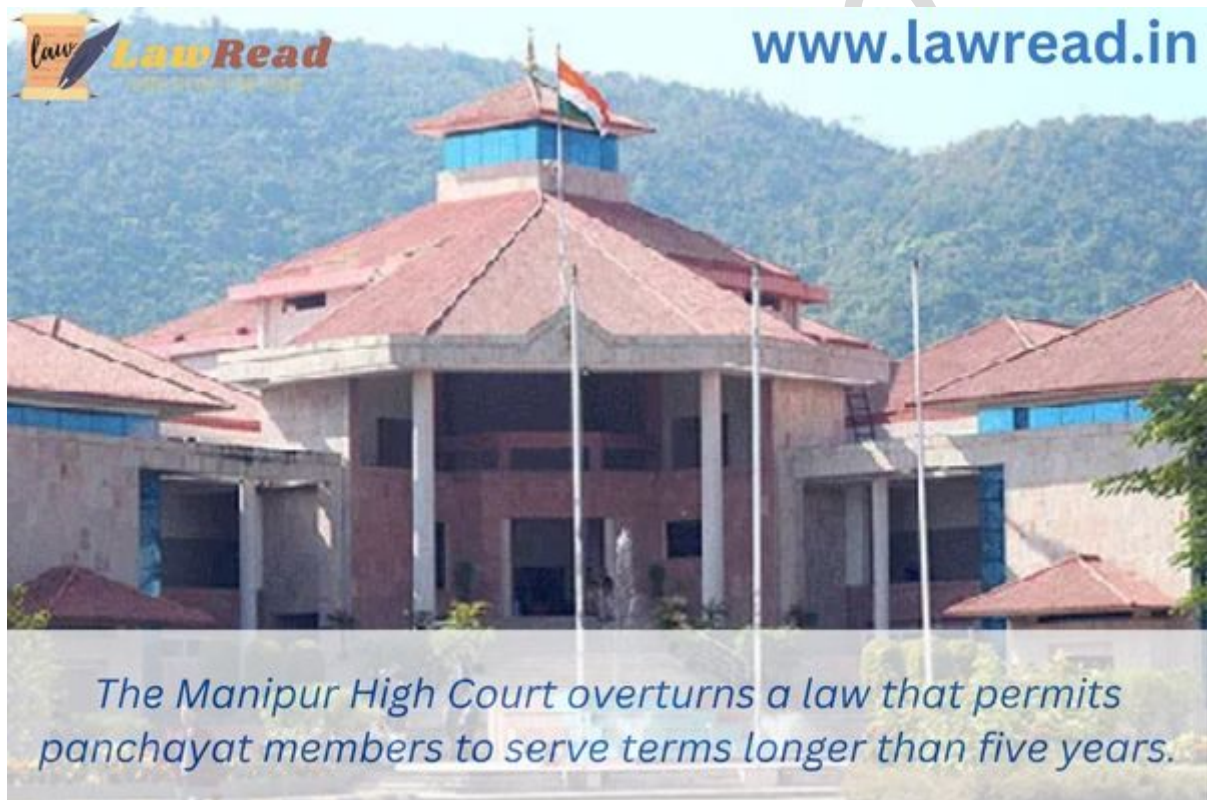


News

The Manipur High Court overturns a law that permits panchayat members to serve terms longer than five years.



The Manipur Panchayat Raj Act was amended in 1996 to permit panchayat members to remain in office after their five-year tenure had ended.

A almost three-decade-old change to the state's Panchayat Raj Act that permitted panchayat members to remain in office after their five-year tenure ended was overturned by the Manipur High Court on Friday.

The 1996 amendment to Section 22(3) of the Manipur Panchayat Raj Act, 1994 was declared to be ridiculous and a violation of Article 243E of the Indian Constitution by a Division Bench consisting of Chief Justice **Kempaiah Somashekar** and Justice **A Guneshwar Sharma**.

The Court put the statute back in its original form, declaring that panchayat members' terms would end after five years.

In light of the circumstances, the Court held that the Manipur Panchayati Raj (Amendment) Act, 1996, which amended the Manipur Panchayati Raj Act, 1994, by substituting the word "continue" for "cease" in Section 22(3) of the original Act, was beyond the bounds of Article 243E and against the rulings of the Hon'ble Supreme Court and High Courts.

In order to restore the word "cease" to the provision, the Bench used its authority to read down the Act.

"This Court used the doctrine of 'reading down' to save the Amendment Act of 1996 by reintroducing the word 'cease' in Section 22(3) of the Act of 1994, thereby avoiding a situation in which the elected members of the Panchayat could continue until the next election was announced," the Court ruled.

In addressing a number of petitions contesting the 1996 change to Section 22(3) of the Manipur Panchayat Rat Act, 1994, it handed down the ruling.

According to the original Section 22, the Deputy Commissioner may designate an administrative committee with members who will be elected as administrators or members of the panchayat for a maximum of six months if the election to the panchayat cannot be held for any reason.

Before the amendment, Section 22(3) said that the administrative committee or administrator would exercise all of the gram panchayat's powers and responsibilities, and that elected members would "cease" to be members of the gram panchayat upon their appointment.

However, by introducing the Manipur Panchayat Raj (Amendment) Act, 1996, the word 'cease' in Section 22(3) was changed with the word 'continue', and the phrase 'administrator' was omitted.

According to the change, the panchayat members will remain in their positions while the deputy commissioner may designate an administrative committee to oversee the gram panchayat's operations.

In a thorough ruling, the High Court determined that the change created duality since an administrative committee used the panchayat's authority while expired members remained in office.

The Court noted that the change in Section 22(3) that substitutes the word "**continue**" for "**cease**" accomplishes nothing useful other than to confuse people and make it ludicrous and unusual to have two organizations for the same job.

In the end, the High Court maintained the deletion of the term administrator but replaced "continue" in Section 22(3) with the word "**cease.**"

On the same day, however, a single-judge's orders permitting panchayat and zilla parishad members whose terms had ended to remain in office until fresh elections were held were overruled by the same Division Bench in a different ruling.

The Division Bench reaffirmed that the gram panchayat's term could not be more than five years and ruled that, in accordance with Section 22 of the Manipur Panchayat Raj Act, all of the gram panchayat's voters, not only its members, could be appointed to the administrative committee.

The Court further stated that "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 until the election is notified."

Additionally, it revoked all of the State government's appointments to the gram panchayat administrative committee and the zilla parishad administrator for a duration longer than six months.

Within six months, the State is required to organize elections for these panchayats.