

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

**PIL No. 31 of 2019**

1. Shri Lianchinkhup aged about 52 years S/o (L) Douchinthang, Chief/Chairman of Mata Mualtam Village, P.O. & P.S. Churachandpur, Churachandpur District, Manipur –795128.
2. Shri Wungreikhan Kasar, aged about 32 years S/o Phungmi Kasar, Chairman/Khulakpa of Sikiphung Hill Village, P.O. & P.S. Litan, Ukhrul District, Manipur – 795145.
3. Shri Taruhingba @ Hingba, aged about 79 years S/o Psii, Village Headman/Khullakpa of Maram Bazar, P.O. Maram Bazar and P.S. Mao Gate, Senapati District, Manipur – 795015.

***...Petitioners***

**- Versus -**

1. The State of Manipur represented by the Chief Secretary, the Government of Manipur, Imphal – 795001.
2. The Addl. Chief Secretary (Tribal Affair and Hills), to the Government of Manipur, Imphal – 795001.
3. The Addl. Chief Secretary (Rural Development and Panchayati Raj), to the Government of Manipur, Imphal – 795001.
4. The Deputy Secretary (Hill Areas Committee), Manipur Legislative Assembly, Government of Manipur, Imphal – 795001.
5. The Principal Secretary (Finance), to the Government of Manipur, Imphal –795001.
6. The Commissioner (Department of Personnel), to the Government of Manipur, Imphal – 795001.

***...Respondents***

**B E F O R E**

**HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR  
HON'BLE MR. JUSTICE KH. NOBIN SINGH**

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|---------------------|----|--|
| For the petitioners | :: | Mr. Khalter Khampa, Advocate assisted by Mr. S. Worthing, Advocate |
| For the respondents | :: | Mr. N. Kumarjit, AG  |
| Date of Order       | :: | <b>31.07.2019</b>  |

**ORDER**

**CJ**

**[1]** The grievance of the petitioners in this case is as under :—

The petitioners are the Chief/Khullakpa of their respective villages and are public spirited citizen who always committed for the cause and welfare of the general public have acted bona fide in filling this writ petition (PIL) for the cause and the interest of public at large without having motives of personal gain, political interest or in any other oblique consideration.

**[2]** There is a Regulation which is known as "The Manipur State Hill Peoples (administration) Regulation, 1947" which applies to the entire hill peoples of Manipur State. Section 10 of the said Regulation provided that 'Subject to the provision of this Regulation, the Minister of the Council for the Hill Areas Administration shall be responsible for the Administration for the Hill Peoples under this Regulation in any matter concerning the exercise of executive functions in regard to law and order, the levy, assessment or collection of any tax on houses or land or on the produce of land.

[3] The Parliament in the Seventh Year of the Republic India has passed an Act which is known as the Manipur (Village Authorities in Hill Areas) Act, 1956 which was published in the Manipur Gazette Extraordinary No. 6-E-4 dated 11<sup>th</sup> April, 1957. The Manipur State Hill Peoples (Administration) Regulation 1947, in so far as it relates to the constitution and functions of Village Authorities and the administration of justice, both civil and criminal, by the courts of Village Authorities is hereby repealed. Since then, the provisions of the Manipur (Village Authorities in Hill Areas) Act, 1956 is operational and existing till date. And as such under the provisions of **Section 57(1)(2) of the said Act, 1956, the Chief Commissioner was pleased to make further rules for the conduct and election of members of village authorities.**

The functions of Village Authorities in the Hill Areas of Manipur are enshrined under Section 16 of the said Act which read:-

(1) Every Village Authority constituted under this Act shall, within the local limits of its jurisdiction, perform the following functions, namely:-

(a) It shall to the best of its ability maintain law and order and for that purpose exercise and perform the powers and duties generally conferred and imposed on the police by or under the Police Act, 1961.

[4] It is submitted that following the procedure of the Election Rules, the members of the Village Authorities in Hill Areas are elected from time to time and thereafter, the elected Village Authority members are rendering their services to secure the proper functioning of the Village

Authorities in the Hill Areas, the villagers themselves construct their own offices for meetings and village court to conduct trials for civil and criminal offences without the assistance of any office staffs and pay for their labours including maintaining of law and order in the village and further more Village Authorities are automatically the managing committee for Government Schools in the Village.

[5] The Village Authorities in the Hill Areas and the Manipur Municipalities Act, 1994 and The Manipur Panchayati Raj Act, 1994 are equivalent in their status as all of them are elected by the mandate of the people. **It also submits that it is well-settled in law after the introduction of Part-1X in the Constitution of India that a village is a community which has its own rights, privileges, aspirations, obligations and responsibilities.** In fact, the development comes up from the grass root level for which a village is responsible for overall development of the country. As such, the duties and function of the Village Authorities shall not be neglected but must be carefully nourished.

[6] The Tribal living in the Hill Areas of Manipur need to develop along with the other states as such, it is necessary and essential to appoint/create posts such as Secretary, LDCs, Peons, Chowkidars, etc. in order to fulfill the desire and spirit of the framers of the Constitution. However, the respondents have overlook the importance of Village Authorities for the past more than 60 years without providing any basic amenities and staffs to run a village amounts to bias,

arbitrary, discriminatory, unconstitutional, and in violation of Principle of Natural Justice. Hence, this Petition in the form of PIL so as to set the thing right.

[7] This appears to be the reason for filing this PIL and the petitioners rely upon the aforesaid issue by showing the representations dated 5/5/1985, 8/12/2017 and 2/7/2019 (Annexure A/6).

[8] Since the respondents have not taken any decision to the aforesaid PIL which has been filed, the learned AG appears for the State and states that suitable/appropriate steps will be taken by the Addl. Chief Secretary (Tribal Affairs and Hills), Government of Manipur as well as 3rd respondent/Addl. Chief Secretary (Rural Development and Panchayati Raj), Government of Manipur with the input of Deputy Secretary (Hill Areas Committee), Manipur Legislative Assembly, Government of Manipur. These 3 (three) authorities are directed to consider the aforesaid representations and the grievance of the people of hill area in regard to the claim of the relief sought for under the provision of the Manipur (Village Authorities in the Hill Areas) Act, 1956 under the rules and regulations that made as applicable therein.

[9] The authorities are directed to take a decision on or before 11/10/2019 in this regard.

[10] With the above direction, this PIL stands closed.

JUDGE

CHIEF JUSTICE

Victoria

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