

**IN THE HIGH COURT OF MANIPUR**

**AT IMPHAL**

**WP(C) No. 524 of 2025**

1. Mayanglambam Joykumar Singh, aged about 44 years, S/o M. Ibopishak Singh, resident of Urup Makha Leikai, P.O. Lilong, District Imphal East, Manipur- 795130.
2. Md. Azmal Khan, aged about 39 years, S/o Md. Kayamuddin, resident of Khergao Makha Leikai, Kshetrigao, Imphal East District, Manipur- 795008.

***... Petitioners***

***- Versus -***

1. The State of Manipur, through the Special Secretary/ Commissioner, Department of Rural Development & Panchayati Raj (RD&PR), Government of Manipur, PO & PS Imphal, Imphal West District, Manipur 795001.
2. The Commissioner (Law), Government of Manipur, having its office at Secretariat Block, Babupara, P.O. & P.S. Imphal, Imphal West District Manipur-795001.
3. The Commissioner/Secretary, State Election Commission (SEC), PO & PS Imphal, Manipur 795001.
4. The Director (RD & PR), Manipur, having its office at Old Secretariat, South Block, P.O. & P.S. Imphal, Imphal West District, Manipur- 795001.
5. The Deputy Commissioner, Office of the Deputy Commissioner, Imphal West District, Manipur, Lamphelpat, PO & PS Lamphel, Imphal West District, Manipur - 795004.

6. The Deputy Commissioner, Office of the Deputy Commissioner, Imphal East District, Manipur, PO & PS Porompat, Imphal East District, Manipur - 795010.
7. The Deputy Commissioner, Office of the Deputy Commissioner, Thoubal District, Manipur, PO & PS Thoubal, Thoubal District, Manipur 795138.
8. The Deputy Commissioner, Office of the Deputy Commissioner, Bishnupur District, Manipur, PO & PS Bishnupur, Bishnupur District, Manipur - 795126.
9. The Deputy Commissioner, Office of the Deputy Commissioner, Kakching District, Manipur, PO & PS Kakching, Kakching District, Manipur - 795103.
10. The Deputy Commissioner, Jiribam District, Manipur, P.O. & P.S. Jiribam, Jiribam District, Manipur 795116.

***... Respondents***

11. Shri Pheiroijam Heramani aged about 51 years, S/o. Ph. Biramam, a resident of Charangpat Mamang Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur- 795138.
12. Shri Sorokhaibam Imo Singh aged about 56 years, S/o. Sorokhaibam Budhi Singh, a resident of Charangpat Mayai Leikai, Charangpat Mamang, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
13. Shri Naorem Pradeep Singh aged about 41 years, S/o. Naorem Inaobi Singh, a resident of Tentha Khunjao Naorem Leikai, Tentha, P.O. Wangjing & P.S. Kongjorn, Thoubal District, Manipur-795148.
14. Smt. Khangembam Manishang Devi aged about 52 years, W/o. Khanembam Priyojit Singh, a resident of Tentha Khongbal Mayai Leikai, Tentha, P.O. Wangjing & P.S. Kongjom, Thoubal District, Manipur-795148.
15. Shri Ngangom John Meetei, aged about 53 years, S/o. Ng. Lalmani Singh, a resident of Khurai Thongam Leikai, P.O. Lamlong & P.S. Porompat, Imphal East District, Manipur- 795010.

16. Mrs. Wahida Banu aged about 48 years, W/o. Kamarudin, a resident of Yairipok Changamdabi Makha Leikai, P.O. & P.S. Yairipok, Imphal East District, Manipur- 795149.
17. Md. Fazlur Rahman aged about 50 years, S/o. Md. Babu Khan, a resident of Kshetri Bengoon Mayai Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
18. Mrs. Muktiyar aged about 53 years, W/o. Md. Basiruddin, a resident of Urup Khunou Makha Leikai, P.O. Lilong & P.S. Irilbung, Imphal East District, Manipur-795130.
19. Shri Kangabam Chourajit Singh aged about 51 years, S/o. Kangabam Noyon Singh of Langdum Maning Leikai, P.O. Singjamei & P.S. Irilbung, Imphal East District, Manipur- 795008.
20. Md. Saphauddin aged about 33 years, S/o. Md. Ziaoddin of Kiyamgei Awang Leikai, Kiyamgei Muslim, P.O. Canchipur & P.S. Irilbung, Imphal East District, Manipur- 795008.
21. Abdul Khaliq aged about 59 years, S/o. Abdur Rahaman, a resident of Yairipok Tuliha Toupokpi Leikai, P.O. & P.S. Yairipok, Imphal East District, Manipur- 795149.
22. Shri Lourembam Rameshwar Singh, aged about 62 years, S/o. Lourembam Gulamjat Singh, a resident of Moirangkampu Mayai Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
23. Shri Leimram Rajen Singh, aged about 65 years old. S/o. Leimram Iboton Singh, a resident of Khurai Konsam Leikai, P.O. Lamlong & P.S. Porompat, Imphal East District, Manipur-795010.
24. Smt. Aheibam Sunanta Devi @ Ngairangbam Sunanta Devi, aged about 51 years, W/o. Aheibam Sharat Singh, a resident of Langthabal Mantrikhong Mayai Leikai, Langthabal, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur-795003.
25. Md. Najirnuddin aged about 42 years old. S/o. Mazid, a resident of Kshetri Bengoon Makha Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur- 795005.

26. Mrs. Ibemma aged about 42 years, W/o. Md. Khalil Shah, a resident of Kshetri Awang Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
27. Md. Qutub Ali, aged about 50 years, S/o. Muhammad Ahamed Ali, a resident of Kshetri Mayai Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur- 795005.
28. Mrs. Taslima Begum, aged about 44 years, W/o. Md. Ziyauddin Khan, a resident of Kshetri Makha Leikai, Kshetrigao, P.O. & P.S. Porompat, Imphal East District, Manipur- 795005.
29. Pangambam December Singh aged about 51 years, S/o. (L) P Dharon Singh, a resident of Heingang Makha Leikai, P.O. Mantripukhri, P.S. Heingang, Imphal East District, Manipur-795002.

***... Proforma Respondents***

***[Respondent Nos. 11 to 29 are dropped at the request of the petitioners, as no relief has been prayed against them.]***

**B E F O R E**

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR**

**HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

For the petitioners :	Mr. A. Romenkumar, Sr. Advocate & Mr. R.K. Banna, Advocate.
For the respondents:	Mr. H. Debendra, Dy. Advocate General Mr. A. Bheigya Meitei, Jr. G.A.
Date of reserved :	11.08.2025
Date of Judgement :	<b>29.08.2025</b>

**JUDGEMENT & ORDER [CAV]**

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

**[1]** The core question involved in the present writ petition is the legality and validity of the Manipur Panchayati Raj (Amendment) Act, 1996 [in short MPR (Amendment) Act, 1996] with respect to Section 22(3) of the parent Act i.e. Manipur Panchayati Raj Act, 1994 (in short MPR Act,

1994) whereby, the existing member of the Panchayat will 'continue' to be members of the Gram-Panchayat even after expiry of its 5 years term upon appointment of the Administrative Committee by replacing the original word 'cease' by 'continue' in Section 22(3) of the Act of 1994 by Section 6 of the Amendment Act of 1996.

**[2]** Heard Mr. A. Romenkumar, learned sr. counsel assisted by Mr. R.K. Banna, learned counsel appearing for the petitioners and Mr. H. Debendra, learned Dy. Advocate General assisted by Mr. A. Bheigya Meitei, learned Jr. G.A appearing on behalf of the State respondents.

**[3]** Since no relief is prayed against the proforma respondents listed as respondent nos. 11 to 29 (elected members of the outgoing Panchayat) and during the course of hearing on 11.08.2025, Mr. A. Romenkumar, learned sr. counsel for the petitioners submitted that these proforma respondents may be deleted from the memo of parties, hence the respondent nos. 11 to 29 are dropped from this proceeding. Accordingly, only the learned counsel for the petitioners and learned Dy. A.G. are heard on this point.

### **Background of the Panchayat Raj Institution:**

**[4]** By 73<sup>rd</sup> and 74<sup>th</sup> Amendments to the Constitution of India, Part-IX with respect to Panchayat and Part-IXA with respect to Municipality were incorporated in the Constitution of India for enhancing the local self-government. The present case is related to the Part IX, i.e., Panchayat. Article 243A of the Constitution provides for establishment of a Gram Sabha at the village level as the Legislature of the State may provide. Article 243E stipulates that every Panchayat shall have terms of 5(five) years and election if any has to be conducted before the expiration of such term. In compliance of the Part-IX of the Constitution, various State Legislatures have enacted their own Panchayati Raj Act and in Manipur also the State Legislature enacted Manipur Panchayati Raj Act, 1994 (in short MPR Act, 1994) introducing a 2(two) tier Panchayati Raj system in

the State and the Act extends to the whole of Manipur except the area under the Manipur (Hill Areas) District Councils Act, 1971, the Manipur (Village Authorities in Hill Areas) Act, 1956 and the Act repealed the Manipur Panchayati Raj Act, 1975. Section 20 prescribes the term of Panchayat as 5(five) years from the date of appointed for the first sitting and the same is in consonance with the provision of Article 243E of the Constitution of India. Section 22 provides measures to meet a special situation in case of the election to the Panchayat cannot be conducted for any reasons. In such situation, the Deputy Commissioner has the power to appoint Administrative Committee consisting of member to be elected as a member to the Panchayat or Administrator for a period not exceeding 6(six) months. Section 22(3) stated that the elected member of the Gram Panchayat shall 'cease' to be members of the Gram Panchayat upon appointment of the Administrative Committee or Administrator, and all the power & duties of the Gram Panchayat shall be exercised by the Administrative Committee or Administrator, as the case may be. However, by introducing MPR (Amendment) Act, 1996, Section 6(c) of the said amendment Act replaced the word 'cease' in Sub-section 3 of the original Section 22 by 'continue' and the word 'Administrator' was deleted from Section 22.

**[5]** Mr. A. Romenkumar, learned sr. counsel for the petitioners submits that by interpreting the word 'continue' introduced by MPR (Amendment) Act, 1996 in Section 22(3) of the MPR Act, 1994, the term of the Panchayat is extended beyond the tenure of 5 years as mandated by Article 243-E of the Constitution of India. The State Government issued various orders/notifications that the elected members of the Panchayat can continue till next election is conducted by exercising power under amended Section 22(3) read with Section 109 of the MPR Act, 1994.

**[6]** It is submitted that the interpretation adopted by the State Govt. allowing the elected members to continue thereby impliedly

extending the terms of the Panchayat till the notification of the election is ultra vires to the mandate of Article 243E of the Constitution as well as Section 20 of the MPR Act, which provide that the tenure of a Panchayat cannot exceed 5 (five) years from the date of its first sitting. The petitioners are challenging the amendment especially with respect to the introduction of the word 'continue' in place of 'cease' in Sub-section 3 of Section 22 of the MPR Act, 1994 by the amendment Act of 1996.

**[7]** The grounds for challenged in the present writ petition are enumerated in paras - 10 to 10.13 of the writ petition and the same are reproduced below:

*"10. That it is humbly submitted that the petitioner being aggrieved filed this petition under Article 226 of the Constitution seeking a writ of declaration that Section 22(3) of the Act is ultra vires the Constitution of India, specifically violating Articles 14, 243E, 243K, and the basic structure of grassroots democracy as enshrined in Part IX of the Constitution on the grounds stated thereunder:-*

**GROUND**

- 10.1 For that, the amendment to Section 22(3) of the Manipur Panchayati Raj Act, 1994, which replaces the word "cease" with "continue," is in direct contravention of Article 243E(1) of the Constitution of India, which mandates that the tenure of a Panchayat shall be five years and no longer.*
- 10.2 For that, the impugned amendment allows individuals to continue exercising public functions without fresh electoral validation, thereby violating the principle of representative democracy and defeating the core purpose of the 73<sup>d</sup> Constitutional Amendment which have inserted "Part-IX- The Panchayat" to the Constitution of India to provide grassroot local democratic governance.*
- 10.3 For that, such continuation beyond the five-year term, in the absence of elections, amounts to a fraud on the Constitution, and is impermissible under the principles*

- laid down in the case of K. Nagaraj -vs- The State of Andhra Pradesh, reported in (1985) 1 SCC 523, which emphasizes the constitutional impropriety of extending tenures of elected offices without just cause.*
- 10.4 *For that, Article 243E(3) permits only a temporary six-month timeframe/ period for reconstitution of a Panchayat upon premature dissolution; but not to continue the members whose terms of five years were expired in office. The amended provision allows precisely that i.e. continuation of members in the office whose terms were expired and is therefore unconstitutional.*
- 10.5 *For that, such continuation undermines the basic structure of the Constitution, as laid down by the 13 Judges Constitution Bench in the case of Kesavananda Bharati -vs- The State of Kerala, reported (1973) 4 SCC 225, particularly the features of democracy, periodic elections, and accountable governance.*
- 10.6 *For that, it creates a constitutional vacuum by enabling governance through expired bodies, depriving citizens of their right to be governed by duly elected representatives, a right implicit in Part IX of the Constitution. Hence, contradictory and repugnant to Part IX of the Constitution.*
- 10.7 *For that, the impugned amendment of Section 22(3) is also repugnant to Article 243K, which vests the exclusive responsibility of conducting Panchayat elections in the State Election Commission (SEC for short). Allowing members whose terms were expired to remain in office undermines the SEC's constitutional authority.*
- 10.8 *For that, the impugned amended provision erodes the independence of the SEC by removing the urgency and necessity of conducting elections within the constitutional timeframe, thereby rendering Article 243K nugatory.*
- 10.9 *For that, the continuation of term expired representatives outside of electoral mandate results in an unconstitutional overlap of functions, violating the principle of separation of powers and diminishing the*



*credibility of constitutionally established electoral processes.*

- 10.10 For that, the amended Section 22(3) violates Article 14 of the Constitution by enabling members of Panchayats to continue in office beyond the constitutionally mandated term of five years under Article 243E of Constitution of India, without any rational or constitutionally permissible justification. This creates an arbitrary and unreasonable classification between similarly situated elected representatives, those in Panchayats and those in other democratic bodies such as Municipalities or State Legislatures, who are required to vacate office upon expiry of term. The impugned amended provision creates an arbitrary distinction without clear differentia or rational nexus to a legitimate objective, thereby violating the mandate of equality and non-arbitrariness enshrined in Article 14 of the Constitution.*
- 10.11 For that, the impugned amended provision infringes the foundational principle of representative democracy, which is a part of the basic structure of the Constitution. The right to be governed by duly elected representatives is a core element of democratic legitimacy. Allowing individuals to remain in office after the expiration of their electoral mandate, without a fresh election, dissociates authority from accountability and violates the constitutional requirement that public power must flow from the people's will, expressed through periodic, free, and fair elections.*
- 10.12 For that, the continuation of Panchayat members beyond their term defeats the very object and spirit of the 73<sup>d</sup> Constitutional Amendment, which was enacted to institutionalize time-bound, participatory, and autonomous local self-governance. The impugned amendment to Section 22(3) enables governance by the term expired bodies, thereby frustrating the core objectives of Part IX of the Constitution.*
- 10.13 For that, the impugned amendment is contradictory to the provisions like enhancing democratic*

*decentralization; ensuring periodic renewal of public mandate; and establishing transparency and accountability at the grassroots level. Such amendment is not only contrary to Article 243E but also undermines the transformative constitutional vision behind the Panchayati Raj system."*

**[8]** The learned sr. counsel for the petitioners submits that any amendment to the local Act in general and particularly in the MPR Act, 1994 cannot be done in derogation of the express mandate of the Constitution. The amended provision in Section 22(3) of the Act amounts to extending the tenure of a Panchayat beyond the period of 5 (five) years as stipulated under Article 243E of the Constitution as well as Section 20 of the MPR Act, 1994. It is pointed out that any subordinate law cannot overwrite the mandate of the Constitution. The learned sr. counsel for the petitioners refers to the following case laws:

- (i) **K. Krishna Murthy V. Union of India, (2010)7 SCC 202**, para nos. 2, 3 & 4, with the object behind 73<sup>rd</sup> amendment and 74<sup>th</sup> amendment incorporating Part-IX and Part-IXA into the Constitution and in Para 2 prescribing conduct of fair and regular conduct of election for the Panchayat so that the idea behind Local Self-Government become effective and the same is reproduced below:

*"Para 2:*

*The Constitution (Seventy-third Amendment Act, 1992) (hereinafter "the 73<sup>d</sup> Amendment") and the constitution (Seventy Fourth Amendment Act, 1992/hereinafter "the 74<sup>th</sup> Amendment") had inserted Part IX and Part IXA into the constitutional text thereby contemplating the powers, composition and functions of local self-government institutions i.e. Panchayats (for Rural areas) and Municipalities (for Urban areas). In pursuance of objectives such as democratic decentralisation greater accountability between citizens and the state apparatus as well as the empowerment of the weaker section, these*

*constitutional amendment contemplated a hierarchical structure of elected local bodies.*

*Para 3:*

*With respect to rural areas, Part IX contemplates three tiers of Panchayats, namely those of Gram Panchayats (for each village or group of small villages), Panchayat samitis (at the Block level) and the Zila Parishad (at the district level). For Urban areas, Part IXA contemplates the constitution of Nagar Panchayat (for areas in transition from rural areas to an urban area. Municipal councils (for smaller urban areas) and Municipal Corporation (for larger Urban areas).*

*Para 4:*

*To better appreciate the legislative intent, it would be instructive to refer to the following extract from the statement of objects and reasons for the 73<sup>rd</sup> Amendment 11.1. Though the Panchayati Raj Institutions have been in existence for a longtime it has been observed that those institutions have not been able to acquire the statues and dignity of viable and responsive people bodies due to a number of reasons including absence of regular elections, prolonged supersession, insufficient representation at weaker section like Scheduled Castes, Schedule Tribe and Women, inadequate devolution of powers and lack of financial resources.*

*2. Article 40 of the constitution which enshrines one of the directive principles of State Policy lays down that the State shall take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-governments. In the light of the experience in the last forty years and in view of the short comings which have been observed, it is considered that there is an imperative need to enshrine in the constitution certain basic an essential feature of Panchayati Raj Institutions to impart certainty, continuity and strength to them."*

- (ii) **Kishansing Tomar V. Municipal Corporation of the city of Ahmedabad (2006)8 SCC 352**, para nos. 12 & 21, the

provision contained Article 243U (equivalent to Article 243E) of the Constitution mandate that the period of Municipality is for 5(five) years and is mandatory in nature and has to be followed in all respects and any exceptional circumstances such as man-made calamity of riot, break down of law & order and natural calamity cannot be a ground for regular extension of the term in normal circumstances and the same is reproduced below:

*"Para 12:*

*It may be noted that Part IXA was inserted in the constitution by virtue of the constitution (seventy fourth) Amendment Act, 1992. The object of introducing this provision was that in many states local bodies were not working properly and the timely elections were not being held and the nominated bodies were continuing for long periods .....*

*To achieve the objectives under the Seventh Schedule List II, Entry V the State has been empowered to enact legislation for proper functioning of local bodies. The State of Manipur has enacted the Manipur Panchayati Raj Act, 1994 which is available at Page 23 of the Writ Petition. Section 22(3) of the Act says as below:*

*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 for as the case may be.*

*But Sec. 22(3) of 1994 Act has been further amended by the Manipur Panchayati Raj (Amendment) Act, 1996. Substituting the term "CEASE" by the term "CONTINUE" thereby it is ultra vires of Art. 243E. Amendment Act, 1996 is available at Page 25.*

*Para 21- 8<sup>th</sup> Sentence:*

*..... Going by the provisions contained in Article 243U, it is clear that the period of five years fixed thereunder to constitute the municipality is mandatory in nature and has to be followed in all respects .....*”

- (iii) **Prof. B.K. Chandrashekar V. State of Karnataka, AIR 1999 Karnataka 461**, para no. 17, where a Division Bench of the Karnataka High Court held that State Legislature lacks the legislative competence to nullify or modify the mandate of Article 243E of the constitution and there can be no extension of 5(five) years period provided under Article 243E of the Constitution and the same is reproduced below:

*"Para 17:*

*No doubt the State Legislature had the power to amend Sections 4 and 5 of the Panchayati Raj Act. The object with which they are sought to be amended may be laudable and may result in more efficacious way of governance of the Panchayat.*

*But if the same results in flouting the constitutional mandate to conduct the elections within the time-frame set out in the constitution, then the same has to be ignored. Art. 243E mandates that 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. The maximum period for which a Panchayat can function is five years. The use of word "shall" and thereafter "no longer" regarding continuation of an existing Panchayat under Article 243E shows that the duration of the Panchayat is constitutionally limited to five years. Its dissolution may be permissible under given circumstances but there can be no extension of this period. Sub-Article 3 of Art. 243E provides that an election to constitute the next Panchayats shall be completed before the expiry of its duration specified in clause(1). Again, the word used in "shall". Fresh election to constitute the next Panchayats have, therefore, to be completed before this expiry of its duration specified in clause (1). Again the word*

*used is "shall" Fresh elections to constitute the next Panchayats have, therefore, to be completed before the expiry of the duration of five years of the outgoing Panchayats. In case of dissolution under clause (b) of Sub-Article (3) before the expiry of six months from the date of its dissolution.*

*In view of the positive mandate of the constitution it has to be held that the Panchayat can continue for five years unless dissolved earlier and elections to the new Panchayats have to be completed before the expiry of five years or before the expiry of six months from the date of its dissolution.*

*Article 243E is mandatory and not directory. In the context of subject matter and the importance of the provisions to the general object intended to be secured by the 73<sup>rd</sup> Amendment Act, Art 243E has to be held to be mandatory and not directory as suggested by the Advocate General. The State Legislature would lack the legislative competence to enact any provision which seeks to nullify or modify the mandate of Article 243E providing for the duration of the Panchayat and holding of the next elections. Article 243E brooks no defiance of its mandate and would brush aside any unconstitutional obstacles and hardly put in its way – Para 20, 21, 24, 29."*

- (iv) **Suresh Mahajan V. State of M.P., (2022) 12 SCC 770**, in para nos. 7 & 8 held that the constitutional mandate of 5(five) years term for local body is a constitutional mandate and is inviolable. Neither the State Election Commission nor the State Govt. or for that matter State Legislature including Supreme Court in exercise of powers under Article 142 of the Constitution of India can countenance dispensation to the contrary and the same is reproduced below:

*"Para 7:*

*Thus, all concerned are obliged to ensure that the newly elected body is installed in every local body before expiry of five years term of outgoing elected body. Even in*

*case of dissolution before expiry of the five years period where an Administrator is required to be appointed by the State, the regime cannot be continued beyond 6 (six) months by virtue of relevant provisions in the respective State Legislations.*

*Para 8:*

*This constitutional mandate is inviolable. Neither the State Election Commission nor the State Govt. or for that matter State Legislature including this court in exercise of powers under Article 142 of the constitution of India can countenance dispensation to the contrary."*

- (v) **Muna Thapa V. State of Manipur, (2010)5 GLT 648**, in para no. 8, where a Learned Single Judge of the then Gauhati High Court, Imphal Bench (now High Court of Manipur) in a judgment passed prior to the MPR (Amendment) Act, 1996 that State respondents are duty bound to comply with the mandate of Constitution of Article 243E (3) of the constitution where, election of the Panchayat is to be completed within expiration of the fixed tenure and State Govt. cannot make amendment to the provision of Section 22 of the MPR Act, 1994 so as to extend the term of the Administrative Committee beyond 6 (six) months after the expiry of the duration of the Panchayat and the same is reproduced below:

*"Para 8:*

*It is quite settle law that the authority concerned, i.e, the State Respondents are duty bound to comply with the mandate of the constitution provided under Art 243E(3) of the constitution of India, wherein the election to constitute a Panchayat shall be completed within expiry of duration. In order to dilute the mandatory requirement of compliance of the mandate of the constitution of India provided under Article 243E(3) of the constitution, the state Govt. cannot make an endeavour to amend the provisions of Section 22 of the Manipur Panchayati Raj Act, 1994 so as to extend the*



term of the Administrative Committee beyond six months after the expiry of the duration of the Panchayat. In other words, the State-Respondents cannot amend the provisions of Sec.22 of the Manipur Panchayati Raj Act, 1994 so as not to hold the election in derogation of the mandate under Article 243E of the constitution of India, wherein the election to constitute Panchayat shall be completed before the expiry of its duration i.e. five years."

- (vi) **State of M.P. Vs. Rakesh Kohli, (2012) 6 SCC 312**, in para 17 states that a law made by Parliament or the Legislature can be struck down by courts on 2 (two) grounds viz (1) lack of legislative competence and (2) violation of any of the fundamental rights guaranteed in Part (III) of the constitution or any other constitutional provision and there is no third ground and the same is reproduced below:

*"Para 17:*

*This court has repeatedly stated that legislative enactment can be struck down by court only on two grounds namely,*

- (i) that the appropriate legislature does not have the competence to make the law, and*
- (ii) that it does not take or abridge any of the fundamental rights enumerated in Part III of the constitution or any other constitutional provisions. In Mc Dwell and Co, (1996)3 SCC 709 while dealing with the challenge to an enactment based on Article 14, this court stated at Para 3 of the report as follows (SCC PP. 737 – 38).*

*43..... A law made by Parliament or the Legislature can be struck down by courts on two grounds and two grounds alone viz (1) lack of legislative competence and (2) violation of any of the fundamental rights guaranteed in Part (III) of the constitution or any other constitutional provision. There is no third ground.*



*..... If an enactment is challenged as violative of Article 14, it can be struck down only if it is found that it is violative of equality clause/equal protection clause enshrined therein. Similarly, if an enactment challenged as violative of any of the fundamental rights guaranteed by sub-clauses (a) to (g) of Article 19(1) it can be struck down only if it is found and saves by any of the clauses (2) to (6) of Article 19 and so on. No enactment can be struck down by just saying that it is arbitrary or unreasonable. Some or the other constitutional infirmity has to be found before invalidating an Act. An enactment cannot be struck down on the ground that courts thinks it unjustified Parliament and Legislatures, composed as they are the representatives of the people, are supposed to know and be aware of the needs of the people and what is good and bad for them, the court cannot sit in judgement over their wisdom."*

[9] Mr. A. Romenkumar, learned sr. counsel for the petitioners submits that it is a settled law from the above cited decisions that the tenure of the local body provided under Article 243E and 243U of the Constitution is for a period of 5(five) years and the State Legislature lacks legislative competence to extend the period of 5(five) years in contravention to the mandatory provision of Articles 243E and 243U of the Constitution. In the case of **Muna Thapa (supra)**, it was observed that State Govt. cannot amend Section 22 of the MPR Act, 1994 for extending the term of the Administrative Committee beyond the period of 6(six) months after the expiration of the normal term of the Panchayat. Since no appeal is preferred against this judgement, it has binding effect and become a precedent. He has pointed out that by introducing the amendment to Section 22 (3) by the MPR (Amendment) Act, 1996, the word 'cease' has been replaced by 'continue' thereby implying that the members of the expired Panchayat can continue till the election are held. In the circumstances, State Govt. issued various notifications/orders in

exercise of powers of the Section 22(3) (as amended) read with Section 109 of the MPR Act, 1994 that the existing members of the expired Panchayat and/or the Administrative Committee can continue till the election are held. In a batch of writ petitions, learned Single Judge of this Court held that in terms of amendment in Section 22(3) of the Act, the existing elected members can continue even after expiry of their tenure of 5 years and directed the State authority to allow them to continue till next election is held. This direction has been challenged in WA Nos. 9 of 2024, 10 of 2024 & 11 of 2024 and the same have been reserved by this same bench for order after hearing.

**[10]** The learned sr. counsel for the petitioners submits that such an exercise is totally illegal, ultra vires to the provision of Article 243E of the Constitution of India as well as Section 20 of the MPR Act, 1994 fixing the tenure of Panchayat as 5(five) years from the date of first sitting. There is no provision for extension of the tenure of the Panchayat, unlike Section 22 of the repealed Manipur Panchayat Act, 1975 which permits for extension of tenure to a maximum period of one year. It is submitted that all the notifications/orders issued by the State Govt. allowing the elected members or the Administrative Committee appointed under Section 22(1)(b)(i) cannot exceed the period of 6(six) months. Mr. Romenkumar, learned sr. counsel for the petitioners draws the attention of this Court to the provision of Section 22 (2) of the MPR Act, 1994 which stipulates the tenure of the Administrative Committee should not exceed 6(six) months. It is stated that the impugned amendment of Section 22 (3) replacing the word 'cease' by 'continue' be set aside and ultra vires the provision of Article 243E of the Constitution of India as well as Sections 20 & 22(2) of the MPR Act, 1994. Subsequently, all notifications issued in terms of amended provision of Section 22 (3) of the MRP Act, 1994 be set aside.

**[11]** On the other hand, Mr. H. Debendra, learned Dy. AG for the State respondents submits that he adopts the submissions made by Mr. Venkataramani, learned Attorney General of India for the State of Manipur in connected W.A. Nos. 9 of 2024, 10 of 2024 & 11 of 2024 which challenged the direction of the Ld. Single Judge in a batch of writ petitions for continuation of the term of expired Panchayat member till the election are held in terms of amendment in Section 22(3) of the Act by the amendment of 1996. In that batch of writ appeals have already been reserved for final judgment. The learned Attorney General argues that under Article 243E of the Constitution read with Section 20 of the MPR Act, 1994, the tenure of the Panchayat is 5(five) years from the date of first sitting and there is no exception for extension of the tenure. Section 22 may be considered as transitional as well as the permanent statute, where the Deputy Commissioner has power to appoint Administrative Committee for a period of 6 (six) months. When election to the Panchayat could not be held due to any other reasons, by exercising the power under Section 22 of the MPR Act, 1994 read with Section 109 of the Act for removing difficulties, the State Govt. used to appoint Administrative Committee for Panchayat for a tenure exceeding 6(six) months. Learned Single Judge in WP(C) 205 of 2023, WP(C) 266 of 2023 & WP(C) 239 of 2023 directed the State Govt. to allow the elected members of the Panchayat to continue till the elections are held and set aside appointment of various Administrative Committees. In those connected writ appeals, the State Govt. is questioning the correctness of the direction given by the Ld. Single Judge to allow the elected members to continue till election is held even after expiry of the tenure of the Panchayat.

**[12]** Mr. H. Debendra, learned Dy. AG for the State respondents fairly concedes that the order issued by the State Govt. extending the tenure of the Administrative Committee beyond the period of 6(six) months may not be a correct proposition of law in terms of the Section 22

(2) & (3) of the MPR Act, 1994 as well as the mandate of Article 243E of the Constitution. He submits that this Court may pass appropriate order keeping the amendment of the Act in consonance with the mandate of the constitution in Part-IX of the Constitution, especially Article 243E read with Section 20 & 22 of the MPR Act, 1994.

**[13]** This Court perused the materials on record, considered the submissions made at the bar and the relevant provisions of law in this regard. Before proceeding further on merit, it will be appropriate to reproduce the relevant provisions of the law i.e. Article 243E of the Constitution, Section 20, 22 & 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 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."*

*"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***

#### ***"Section 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".*

**[14]** 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 by 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. These directions are being challenged in the connected writ appeals being W.A. Nos. 9 of 2024, 10 of 2024 & 11 of 2024 and the matters are reserved for pronouncement of judgment by this same bench.

**[15]** For introducing any amendment in any statute, the first and foremost criterion is whether the legislative body is competent to enact the amendment as sought for and such amendment is not in violation of any fundamental rights enshrined under Part III of the Constitution. 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. We are in agreement with the submissions of Mr. A. Romenkumar, learned sr. counsel for the petitioners that the Manipur Legislative Assembly lacks the legislative competence to amend Section 22(3) of introducing an amendment which impliedly extends the life of the Gram Panchayat beyond the statutory period of 5(five) years and till next election is conducted. In the case of **Muna Thapa (supra)**, it has specifically been held that State Govt. cannot make any amendment in Section 22 of the MPR Act, 1994 introducing the amendment to extend the tenure of the Gram Panchayat in violation of the mandatory provision of Article 243E of the Constitution.

### **DOCTRINE OF READING DOWN & ABSURDITY**

**[16]** In the recent case of **The Authorised Officer, Central Bank of India v. Shanmugavelu: (2024) 6 SCC 641**, Hon'ble Supreme Court discussed the concept of the doctrine of 'reading down' of the provisions of a statute. By this doctrine, the Court attempts to uphold

the statute by giving a restricted meaning and taking into consideration the legislative intent, the court strikes down only the offending portion of the provision while upholding the non-offending portion of the statute. It is held that declaring the whole statute as invalid should be adopted as a last resort. Relevant para are reproduced below for better understanding.

***"(c) Law on the principle of "reading down" a provision***

**93.** *We must deal with yet one another aspect that weighed with the High Court while passing the impugned order. In the impugned order, the High Court also took the view that Rule 9(5) of the SARFAESI Rules must be read down so as to yield to the underlying principle recognised in Sections 73 and 74 of the 1872 Act. This reading down of the relevant rules in the opinion of the High Court was necessary, as otherwise irrespective of whether the default is of the entire balance amount or only one rupee, the same harsh consequence of forfeiture would ensue in both the cases. The relevant observations are reproduced below : (Shanmugavelu case<sup>1</sup>, SCC OnLine Mad para 12)*

*"12. Rule 9(5) of the said 2002 Rules has to be seen as an enabling provision that permits forfeiture in principle. However, such Rule cannot be conferred an exalted status to override the underlying ethos of Section 73 of the Contract Act. In other words, Rule 9(5) has to yield to the principle recognised in Section 73 of the Contract Act or it must be read down accordingly. Thus, notwithstanding the wide words used in Rule 9(5) of the said Rules, a secured creditor may not forfeit any more than the loss or damage suffered by such creditor as a consequence of the failure on the part of a bidder to make payment of the consideration or the balance consideration in terms of the bid. It is only if such principle as embodied in Section 73 of the Contract Act, is read into Rule 9(5) of the said Rules, would there be an appropriate answer to the conundrum as to whether a colossal default of the entirety of the consideration or the mere default of one rupee out of the consideration would result in the identical consequence of forfeiture as indicated in the provision."*

*(emphasis supplied)*

**94.** *The principle of "reading down" a provision refers to a legal interpretation approach where a court, while examining the validity of a statute, attempts to give a narrowed or restricted meaning to a particular provision in order to uphold its constitutionality. This principle is rooted in the idea that courts should make every effort to*


*preserve the validity of legislation and should only declare a law invalid as a last resort.*

**95.** *When a court encounters a provision that, if interpreted according to its plain and literal meaning, might lead to constitutional or legal issues, the court may opt to read down the provision. Reading down involves construing the language of the provision in a manner that limits its scope or application, making it consistent with constitutional or legal principles.*

**96.** *The rationale behind the principle of reading down is to avoid striking down an entire legislation. Courts generally prefer to preserve the intent of the legislature and the overall validity of a law by adopting an interpretation that addresses the specific constitutional concerns without invalidating the entire statute.*

**97.** *It is a judicial tool used to salvage the constitutionality of a statute by giving a provision a narrowed or limited interpretation, thereby mitigating potential conflicts with constitutional or legal principles.*

**98.** *In B.R. Enterprises v. State of U.P.<sup>41</sup>, this Court observed that the principles such as "Reading Down" emerge from the concern of the courts towards salvaging a legislation to ensure that its intended objectives are achieved. The relevant observations read as under : (SCC pp. 764-65, para 81)*

*"81. ... It is also well settled that first attempt should be made by the courts to uphold the charged provision and not to invalidate it merely because one of the possible interpretations leads to such a result, howsoever attractive it may be. Thus, where there are two possible interpretations, one 706 invalidating the law and the other upholding, the latter should be adopted. For this, the courts have been endeavouring, sometimes to give restrictive or expansive meaning keeping in view the nature of legislation, maybe beneficial, penal or fiscal, etc. Cumulatively it is to subserve the object of the legislation. Old golden rule is of respecting the wisdom of legislature that they are aware of the law and would never have intended for an invalid legislation. This also keeps courts within their track and checks individual zeal of going wayward. Yet in spite of this, if the impugned legislation cannot be saved the courts shall not hesitate to strike it down. Similarly, for upholding any provision, if it could be saved by reading it down, it should be done, unless plain words are so clear to be in defiance of the Constitution. These interpretations spring out because of concern of the courts to salvage a legislation to achieve its objective and not to let it fall merely because of a possible ingenious interpretation. The words are not static but dynamic. This infuses fertility in the field of interpretation. This equally helps to save an Act but also*

*the cause of attack on the Act. Here the courts have to play a cautious role of weeding out the wild from the crop, of course, without infringing the Constitution. For doing this, the courts have taken help from the Preamble, Objects, the scheme of the Act, its historical background, the purpose for enacting such a provision, the mischief, if any which existed, which is sought to be eliminated."*

*(emphasis supplied)*

**99.** *A similar view was reiterated by this Court in its decision in Calcutta Gujarati Education Society v. Calcutta Municipal Corpn.<sup>42</sup>, wherein this Court observed that the rule of "Reading Down" is only for the limited purpose of making a provision workable so as to fulfil the purpose and object of the statute. The relevant observations read as under : (SCC p. 552, para 35)*

*"35. The rule of "reading down" a provision of law is now well recognised. It is a rule of harmonious construction in a different name. It is resorted to smoothen the crudities or ironing out the creases found in a statute to make it workable. In the garb of "reading down", however, it is not open to read words and expressions not found in it and thus venture into a kind of judicial legislation. The rule of reading down is to be used for the limited purpose of making a particular provision workable and to bring it in harmony with other provisions of the statute. It is to be used keeping in view the scheme of the statute and to fulfil its purposes."*

*(emphasis supplied)*

**100.** *Thus, the principle of "Reading Down" a provision emanates from a very well-settled canon of law, that is, the courts while examining the validity of a particular statute should always endeavour towards upholding its validity, and striking down a legislation should always be the last resort. "Reading Down" a provision is one of the many methods, the court may turn to when it finds that a particular provision if for its plain meaning cannot be saved from invalidation and so by restricting or reading it down, the court makes it workable so as to salvage and save the provision from invalidation. Rule of "Reading Down" is only for the limited purpose of making a provision workable and its objective achievable.*

1. *Shanmugavelu v. Central Bank of India*, (2024) 243 Comp Cas 329 : 2021 SCC OnLine Mad 5639

41 . *B.R. Enterprises v. State of U.P.*, (1999) 9 SCC 700

42 . *Calcutta Gujarati Education Society v. Calcutta Municipal Corpn.*, (2003) 10 SCC 533

**[17]** In the case of **K.P.Varghese v. Income Tax Officer, Ernakulam and Another: 1981 INSC 160: (1981) 4 SCC 173**, Hon'ble Supreme Court observed that court has to avoid absurd meaning and held in Para 6 as below:

*6. ....It is now a well-settled rule of construction that where the plain literal interpretation of a statutory provision produces a manifestly absurd and unjust result which could never have been intended by the legislature, the Court may modify the language used by the legislature or even "do some violence" to it, so as to achieve the obvious intention of the legislature and produce a rational construction.*

**[18]** In the case of **H.S. Vankani and others vs. State of Gujarat and others: 2010 INSC 154: (2010) 4 SCC 301**, Hon'ble Supreme Court observed that the Parliament did not intend to have undesirable, absurd or unworkable consequences of a statute and held as below:

*44. ....116. The courts presume that Parliament did not intend a status to have consequences which are objectionable or undesirable or absurd or unworkable or impracticable or merely inconvenient or anomalous or illogical or futile or pointless.*

*117. But the strength of these presumptions depend on the degree to which a particular construction produced as unreasonable result. The more unreasonable result, the less likely it is that parliament intended it.....*

**[19]** In the case of **Allahabad University etc vs. Geetanjali Tiwari (Pandey) & ors. etc.: 2024 INSC 1003:**, Hon'ble supreme Court decided that whenever a court is seized of a question of vires of a primary legislation/ subordinate legislation or a part of it presumption of constitutionality is attached to the impugned provision and the court will ordinarily strive to save the impugned provision from being declared ultra vires. Relevant para is reproduced below for better understanding.

*27. ....Reading down of a provision is a subsidiary rule of interpretation of statutes, which the court tends to employ in situation*

*to save the subordinate legislation like a rule or regulation wherever possible and practical, by reading it down by a benevolent interpretation, rather than declaring it as unconstitutional or invalid. However, it has been clarified that it is to be used sparingly, and in limited circumstances. Additionally, it is clear that the act of reading down must be undertaken only if doing so can keep the operation of the statutes "within the purpose of the Act and constitutionally valid".*

**[20]** In the circumstances, we are of the considered opinion that the amendment of Manipur Panchayati Raj (Amendment) Act, 1996 to the Manipur Panchayati Raj Act, 1994 with respect to replacing the word 'cease' in Section 22(3) of the original Act by word 'continue' is ultra vires the provision of Article 243E and in violation of the decision of Hon'ble Supreme Court and High Courts in the cases of (i) Kishansing Tomar (supra), (ii) Suresh Mahajan V. State of M.P. (supra), (iii) Prof. B.K. Chandrashekar (supra), & (iv) Muna Thapa (supra). Hence, applying the principle of 'reading down' of statute to save the main amendment by striking out the offending and absurd portion only, it is held that the Manipur Panchayati Raj (Amendment) Act, 1996 with respect to Section 6 of the amendment Act introducing the word 'continue' in place of 'cease' in Section 22(3) of the original Act is ultra vires the provisions of the Article 243E of the Constitution of India as well as Section 22(2) of the MPR Act, 1994. The original word 'cease' is retained in Section 22(3) of the Act so that the absurd condition of indirect extension of the tenure of the Gram Panchayat beyond 5 years which was introduced by the amendment in Section 22(3) of the Act, is avoided. In order to save the Amendment Act of 1996, this Court resort to the doctrine of 'reading down' by restoring the original word 'cease' in Section 22(3) of the Act of 1994, thereby preventing the situation where the elected members of the Panchayat can continue till next election is notified. However, the remaining portions of Amendment Act of 1996 including the deletion of word 'Administrator' from Section 22, are upheld.



**[21]** Another ground for striking down of the amendment in Section 22(3) of the Act of 1994 of replacing the word 'cease' by the word 'continue' is the duality of the body to exercise the power, function and duty of the Gram Panchayat. By replacing the word 'cease' by 'continue', the amendment in Section 22(3) of the Act allows the elected members of the Gram Panchayat, whose term has already expired, to 'continue' without a time limit, even after the appointment of the Administrative Committee under Section 22(1)(b)(i) of the Manipur Panchayati Raj, 1994. The amended Section 22(3) stipulates that the Administrative Committee will still exercise the power, function and duty of the Gram Panchayat, notwithstanding the continuation of the elected members in terms of the amendment. This creates a situation where there are two bodies- one, the elected members as per amended Section 22(3) and two, the Administrative Committee appointed under Section 22(1)(b)(i) of the Act with all the powers and functions of the Gram Panchayat.

**[22]** It is the settled law that the tenure of a Panchayat is 5 years as mandated by Article 243E of the Constitution and Section 20 of the Manipur Panchayati Raj, 1994. Original Section 22(3) of the Act stipulates that once the Administrative Committee is appointed under Section 22(1)(b)(i) of the Act upon the expiration of the five years tenure, the elected members 'cease' to be members of such Panchayat and all the power, function and duty of the Panchayat shall be exercised by the Administrative Committee. Section 6 of the Manipur Panchayati Raj (Amendment) Act, 1996 replaces the word 'cease' in Section 22(3) of the Act by the word 'continue', but there is no corresponding amendment in Section 22(3) for transferring the power, function and duty of the Gram Panchayat to the elected members so 'continued'. In other words, the elected members will 'continue' as members without any power and the power, function and duty of the Panchayat will be exercised by the Administrative Committee. This reduces the continuation of the elected

members as per amended Section 22(3) of the Act for name's sake and without any power. Ironically, there are two bodies in a Gram Panchayat whose tenure has already expired: (i) the elected members allowed to continue by amended Section 22(3), and (ii) the Administrative Committee appointed under Section 22(1)(b)(i) of the Act exercising all the powers, functions and duties of the Gram Panchayat. The amendment in Section 22(3) of replacing the word 'cease' by 'continue' does not serve any fruitful purpose except for creating a confusion, absurdity and anomaly of having dual bodies for the same office. The earlier arrangement, of appointment of Administrative Committee to exercise all functions of the Panchayat and ceasing of the tenure of the elected members, is more logical and practical. By the amendment introduced in Section 22(3), the working of the Panchayat has become chaos and uncertain. In the circumstances narrated above, we are of the view that the amendment in Section 22(3) of the Act of replacing the word 'cease' by 'continue' is illogical and is without any fruitful purpose, except for creating two bodies vying for the same power and function. The purpose of amendment in a statute is to remove difficulties, to introduce new rights and/or in compliance of court's recommendations for some modifications. However, such amendment is not expected to create a chaotic situation making the working of the Panchayat impractical. Accordingly, the amendment in Section 22(3) of the Manipur Panchayati Raj Act, 1994 of replacing the word 'cease' by the word 'continue' by the amendment Act of 1996, can be quashed on the ground of absurdity so that the purpose of the amendment is workable and meaningful.

**[23]** In the circumstances, the writ petition is allowed and the word 'continue' introduced by the Manipur Panchayati Raj (Amendment) Act, 1996 to Section 22(3) is deleted and the original word 'cease' as contained in the Manipur Panchayati Raj Act, 1994 is retained in Section 22(3) of the Act, 1994. However, the word 'Administrator' as contained in



Section 22 (1)(b)(ii), Section 22(2), Section 22(3) and Section 22(4) of the Manipur Panchayati Raj, 1994 shall stand deleted in terms of the Manipur Panchayati Raj (Amendment) Act, 1996.

**[24]** With these observations, the present WP(C) No. 524 of 2025 is allowed and disposed of. No cost.

**JUDGE**

**CHIEF JUSTICE**

***FR/NFR***

*Thoiba*