

  
**MANIPUR GAZETTE**  
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GOVERNMENT OF MANIPUR  
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

**NOTIFICATION**

Imphal, the 12th July, 2012

No. 2/41/2012-Leg/L.-In pursuance of rule 150 of the Rules of procedure and Conduct of Business in Manipur Legislative Assembly, the following Bills as introduced in the Manipur Legislative Assembly, in its sitting held on July 10, 2012 are hereby published in the Manipur Gazette :-

1. The Manipur Panchayati Raj (Seventh Amendment) Bill, 2012 (Bill No. 4 of 2012)
2. The Manipur Parliamentary Secretary (Appointment, Salary and Allowances and Miscellaneous Provisions) Bill, 2012 (Bill No. 9 of 2012)

Y. RAMESHCHANDRA SINGH,  
Secretary (Law), Government of Manipur.

**BILL NO. 4 OF 2012**

**The Manipur Panchayati Raj (Seventh Amendment) Bill, 2012  
(As introduced in the Legislative Assembly, Manipur)**

**The Manipur Panchayati Raj (Seventh Amendment) Bill, 2012**

**A  
Bill**

**to further amend the Manipur Panchayati Raj Act, 1994 (No. 26 of 1994)**

Be it enacted by the Legislature of Manipur in the Sixty-third year of the Republic of India as follows :

1. Short title and commencement –
  - (1) This Act may be called the Manipur Panchayati Raj (Seventh Amendment) Act, 2012.
  - (2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.
2. Amendment of Section 3 – In Section 3 of the Manipur Panchayati Raj Act, 1994 (hereinafter referred to as the Principal Act), sub-section (1-B) shall be substituted by the following, namely,—

“(1-B) The State Government shall, by notification in the Official Gazette, establish a Gram Sabha for a village or a group of adjoining villages having population of not less than three thousand and not more than twelve thousand.”
3. Amendment of Section 17– In Section 17 of the Principal Act, for the figure “600”, the figure “900” shall be substituted.
4. Amendment of Section 50 –In sub-section (1) of Section 50 of the Principal Act, for the figure “18,000”, the figure “22,000” shall be substituted.
5. Repeal and saving—
  - (1) The Manipur Panchayati Raj (Sixth Amendment) Ordinance, 2012 (Manipur Ordinance No.1 of 2012) is hereby repealed.
  - (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

**STATEMENT EXPLAINING THE CIRCUMSTANCES FOR  
PROMULGATION OF THE MANIPUR PANCHAYATI RAJ  
(6TH AMENDMENT ) ORDINANCE, 2012.**

The terms of existing 161 Gram Panchayats and 4 Zilla Parishads of the State will expire on 23-10-2012. As required under Article 243E of the Constitution of India read Section 20 and 53 of the Manipur Panchayati Raj Act, 1994, elections for constitution of new Panchayats are required to be completed before 23-10-2012.

2. As provided under Sections 3 (1-B), 17, 50 (1) and 99 of the Manipur Panchayati Raj Act, 1994, the existing delimitation orders regarding the Gram Panchayat Constituencies and Zilla Parishad Constituencies need to be reviewed in the light of the population of the Panchayat areas as ascertained at the 2001 Census, the 2011 Census figures being provisional. But such review of existing delimitation orders is required to be done in accordance with the procedure prescribed in the Manipur Delimitation of Gram Sabha Rules, 1996 and the Manipur Delimitation of Zilla Parishad Rules, 1994. Thereafter, the State Election Commission will initiate the detailed procedures for conduct of elections to the Panchayats in accordance with Section 98 of the Manipur Panchayati Raj Act, 1994. Carrying out delimitation exercise and completion of elections by 23-10-2012 will not be feasible in view of time constraints.

3. In view of the urgency, the option available is to avoid the need for carrying out the delimitation exercise, normally required before initiating the process of conducting elections by the State Election Commission, by amending the relevant existing provisions of the Manipur Panchayati Raj Act, 1994, specifically Sections 3(1-B), 17 and 50(1). Thus, taking the Census 2001 data into account, the delimitation exercise need not be initiated if the upper limit of the population range of a Gram Sabha is increased from 6,000 to 12,000 by amending Section 3(1-B) of the Act. Further, in respect of a Gram Panchayat member, it will be required to raise the population limit, for election of a member, to 900 or part thereof of the Panchayat area, from the existing provision of 600 or part thereof of the Panchayat area by amending Section 17. Further still, in respect of Zilla Parishad, it will be required to raise the population limit, for election of a member, from 18,000 or part thereof of the overall district population to 22,000 or part thereof of the overall district population by amending Section 50(1).

4. Since the Constitution of India as well as the Manipur Panchayati Raj Act, 1994 mandates completion of election before the expiry of the terms of the Gram Panchayats and Zilla Parishads it was urgently required to amend the provisions of Sections 3(1-B), 17 and 50 of the Manipur Panchayati Raj Act, 1994 by promulgating an Ordinance, namely, the Manipur Panchayati Raj (6th Amendment) Ordinance, 2012.

**Francis Ngajokpa**

## STATEMENT OF OBJECTS AND REASONS

The terms of the existing 161 Gram Panchayats and 4 Zilla Parishads of the State will expire on 23-10-2012. Under the provisions of Article 243E of the Constitution of India read with Sections 20 and 53 of the Manipur Panchayati Raj Act, 1994, elections for constitution of new Panchayats are required to be completed before 23-10-2012.

2. As per the existing provisions of Sections 3(1-B), 17, 50(1) and 99 of the Manipur Panchayati Raj Act, 1994, the existing delimitation orders regarding Gram Panchayats, Gram Panchayat Constituencies and Zilla Parishad Constituencies need to be reviewed in the light of the population of the Panchayat areas as ascertained at the 2001 Census, the 2011 Census figures being provisional. But such review of existing delimitation orders is required to be done in accordance with the procedure prescribed in the Manipur Delimitation of Gram Sabha Rules, 1996 and the Manipur Delimitation of Zilla Parishad Rules, 1994. Carrying out delimitation exercise and completion of elections by 23-10-2012 will not be feasible in view of time constraints.

3. In view of the urgency, the option available is to avoid the need for carrying out the delimitation exercise, normally required before initiating the process of conducting elections by the State Election Commission, by amending the relevant existing provisions of the Manipur Panchayati Raj Act, 1994, specifically Sections 3(1-B), 17 and 50(1). Thus, taking the Census 2001 data into account, the delimitation exercise need not be initiated if the upper limit of the population of a village or a group of adjoining villages for establishing a Gram Sabha is increased from 6,000 to 12,000 by amending Section 3(1-B) of the Act. Further, in respect of a Gram Panchayat member, it will be required to raise the population limit, for election of a member, to 900 or part thereof of the Panchayat area, from the existing provision of 600 or part thereof of the Panchayat area, by amending Section 17. Further still, in respect of Zilla Parishads, it will be required to raise the population limit, for election of a member, from 18,000 or part thereof of the overall district population to 22,000 or part thereof of the overall district population, by amending Section 50(1).

4. Since the Constitution of India as well as the Manipur Panchayati Raj Act, 1994 mandates completion of elections before the expiry of the terms of the Gram Panchayats and the Zilla Parishads, therefore, in view of the urgency, the Governor of Manipur had promulgated the Manipur Panchayati Raj (Sixth Amendment) Ordinance, 2012 (Manipur Ordinance No. 1 of 2012).

5. The Bill seeks to replace the said Ordinance. Hence, this Bill.

Dated, Imphal  
The .....July, 2012

**Francis Ngajokpa**

## **FINANCIAL MEMORANDUM**

When the proposed law is enacted, there will be no extra financial involvement from the Consolidated Fund of the State.

**EXTRACT OF RELEVANT SECTIONS OF  
THE MANIPUR PANCHAYATI RAJ ACT, 1994**

<p>“3. (1-A)      XXXXXXXXXX (1-B)           The State Government shall by Notification in the Official Gazette, establish a Gram Sabha for a village or a group of adjoining villages having population if not less than three thousand and not more than six thousand subject to such variation not being larger than two thousand, as may be necessary on consideration of the local situation (1-C)           XXXXXXXXXX (2)              XXXXXXXXXX (3)              XXXXXXXXXX”</p>	<p>Membership of Gram Sabha and disqualification</p>
<p>“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 600 population or part thereof of the Panchayat area shall be elected as a member of such Panchayat”.</p>	<p>Composition of Gram Panchayat</p>
<p>“20.(1)        Every Gram Panchayat, shall continue for a term of five years from the date appointed for its first meeting and no longer. XXXXXXXXXX (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 : XXXXXXXXXX (3) XXXXXXXXXXXXX”</p>	<p>Term of the Gram Panchayats</p>
<p>“50.(1)        The Government may, by notification in the Official Gazette determine the number of directly elected members from territorial constituencies keeping in view the overall population of the district at a rate of one member for every 18,000 population or part thereof. (2)              XXXXXXXXXXXXXXXXXX”</p>	<p>Elected Members</p>
<p>“53.(1)        Every Zilla Parishad shall continue for five years from the date of its first meeting : XXXXXXXXXX (2)              An election to constitute a Zilla Parishad 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 : XXXXXXXXXX (3)              XXXXXXXXXXXXXXXXXX”</p>	<p>Term of a Zilla Parishad</p>
<p>“99.           Upon the publication of the figures of each Census, the number of elected members of a Panchayat shall be determined by the State Government on the basis of the population of the Panchayat area as ascertained at that Census : XXXXXXXXXX”</p>	<p>Determination of elected members after Census</p>

“109. 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.”

Removal of  
difficulties

## **EXTRACT OF ARTICLE 243E OF THE CONSTITUTION OF INDIA**

“243E. (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) XXXXXXXXXXXX

(3) An election to constitute a Panchayat shall be completed –

(a) before the expiry of its duration specified in clause (1) ;

(b) XXXXXXXXXXXX

(4) XXXXXXXXXXXX”



**THE MANIPUR PARLIAMENTARY SECRETARY (APPOINTMENT,  
SALARY AND ALLOWANCES AND MISCELLANEOUS  
PROVISIONS) BILL, 2012**

(As introduced in the Manipur Legislative Assembly)  
on 10-7-2012

(The recommendations of the Governor as required under clauses (1) and (3)  
of article 207 of the Constitution of India have been obtained)

**Bill No. 9 of 2012**

THE MANIPUR PARLIAMENTARY SECRETARY (APPOINTMENT,  
SALARY AND ALLOWANCES AND MISCELLANEOUS PROVISIONS)  
BILL, 2012

A  
BILL

*to provide for the appointment, salary and allowances and other miscellaneous provisions of the Parliamentary Secretary in the State of Manipur.*

BE it enacted by the Legislature of Manipur in the Sixty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Manipur Parliamentary Secretary (Appointment, Salary and Allowances and Miscellaneous Provisions) Act, 2012.

Short title,  
extent and  
commencement

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

- |     |  |   |
|-----|--|---|
| 2.  | In this Act, unless the context otherwise requires,-<br>(a) 'Chief Minister' means the Chief Minister of Manipur;<br><br>(b) 'Member' means a Member of the Manipur Legislative Assembly;<br><br>(c) 'Parliamentary Secretary' means a Member of the Manipur Legislative Assembly appointed as the Parliamentary Secretary under this Act by the Chief Minister. | Definitions   |
| 3.  | The Chief Minister may, having regard to the circumstances and the need of the situation, at any time appoint such number of Parliamentary Secretary.  | Appointment of Parliamentary Secretaries                            |
| 4.  | A Parliamentary Secretary shall be of the rank and status of a Minister of State.  | Rank and status of Parliamentary Secretary                          |
| 5.  | The functions and duties of a Parliamentary Secretary shall be such as may be specified, by notification in the Official Gazette, by the Chief Minister.   | Functions and duties of Parliamentary Secretary                     |
| 6.  | The Parliamentary Secretary shall, before entering upon his office, make and subscribe before the Chief Minister an oath of office and secrecy according to the form set out for the purpose in the Schedule appended to this Act.   | Oath of office and secrecy  |
| 7.  | A Parliamentary Secretary shall be entitled to such salary and allowances as are admissible to a Minister of State under the Salaries and Allowances of Ministers (Manipur) Act, 1972.   | Salary and Allowances of Parliamentary Secretary                    |
| 8.  | A Parliamentary Secretary shall not, while he draws salary and allowances for his office as such Parliamentary Secretary, be entitled to any salary or allowances as a Member of the Manipur Legislative Assembly.   | Parliamentary Secretary not to draw salary and allowances as Member |
| 9.  | A Parliamentary Secretary shall not, during his office as such Parliamentary Secretary, practice any profession or engage in any trade or commerce, profession etc. and undertake for remuneration any employment other than his duties as such Parliamentary Secretary.   | Parliamentary Secretary not to practice profession, etc.            |
| 10. | The Manipur Parliamentary Secretary (Salary and Allowances) Act, 1972 is hereby repealed.  | Repeal  |

## **SCHEDULE**

(Section 6)

### **I**

Form of oath of office for a Parliamentary Secretary

‘I,....., do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Parliamentary Secretary and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will’.

### **II**

Form of oath of secrecy for a Parliamentary Secretary

‘I,....., do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Parliamentary Secretary except as may be required for the due discharge of my duties as such Parliamentary Secretary’.

## **STATEMENT OF OBJECTS AND REASONS**

It is considered necessary and expedient to enact a law with specific provision relating to the Parliamentary Secretary regarding the appointing authority, circumstances and needs for appointment, functions and duties and taking of oaths before entering his office. The status of Parliamentary Secretary shall be that of the status of a Minister of State with the salary and allowances entitled to a Minister of State. The existing Manipur Parliamentary Secretary (Salary and Allowances) Act, 1972 shall stand repealed on coming into force of this Bill.

Hence this Bill.

Imphal  
The 10th July, 2012.

O. IBOBI SINGH

## **FINANCIAL MEMORANDUM**

As and when the proposed Bill is implemented, there will be expenditure from the Consolidated Fund of the State. The amount of the expenditure shall vary from time to time on the number of Parliamentary Secretaries to be appointed.

## MEMORANDUM ON DELEGATED LEGISLATION

1. Clause 3 of the Bill empowers the Chief Minister, Manipur to appoint such number of Parliamentary Secretary having regard to the circumstances and need of the situation.
2. Clause 5 of the Bill empowers the Chief Minister to specify the functions and duties of the Parliamentary Secretary.
3. It is not practicable to anticipate the circumstances and situation for appointment as well as the functions and duties of the Parliamentary Secretary and to provide them in the Bill itself.
4. The delegation of legislative power is, therefore, of a normal character.