

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

**W.P. (C) No. 1007 of 2022**

K. Holison Raomai; & Ors.

***Petitioners***

**Vs.**

State of Manipur; & Ors.

***Respondents***

**With  
MC [W.P. (C)] No. 51 of 2019  
With  
W.P. (C) No. 325 of 2018**

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR  
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

**15.12.2022**

***Sanjay Kumar (C.J.):***

Heard Mr. HS Paonam, learned senior counsel, appearing for the petitioner in W.P.(C) No. 1007 of 2022; and Mr. Lenin Hijam, learned Advocate General, Manipur, appearing for the State authorities. Mr. Julius Riamei, learned counsel, appears for respondent No. 4 in W.P. (C) No. 325 of 2018.

By order dated 02.12.2022 passed in W.P.(C) No. 1007 of 2022, this Court noted that the impugned Sixth Amendment reproduced a portion of the Manipur (Hills Areas) District Councils (Fifth Amendment) Act, 2018, promulgated *vide* Notification dated 24.03.2018 and more particularly, the substitution of Section 4 (2) of the Manipur (Hill Areas) District Councils Act, 1971, which was suspended by a Division Bench of this Court in W.P. (C) No. 325 of 2018. As the said interim order was still operative, this Court opined that it was not open to the

authorities to overreach themselves by replicating a portion of the said Notification by way of a new amendment. Clause 3 of the Notification dated 17.08.2022, pertaining to substitution of Section 4 (2) of the Principal Act, was accordingly suspended till the next date of hearing.

Mr. Lenin Hijam, learned Advocate General, Manipur, would assert that the grievance of the petitioner is essentially with the exercise of voting rights by nominated members but, in the light of the suspension granted by this Court in relation to the entire Clause 3, the State authorities would not be in a position to proceed with the holding of elections to the Autonomous District Councils in the State of Manipur. He would state that there is grave urgency in undertaking this exercise as the earlier elected bodies ceased to function quite a long time ago.

Mr. HS Paonam, learned senior counsel, would fairly concede that his client's grievance against Clause 3 of the Notification dated 17.08.2022 is essentially with the portion whereby the same rights and privileges equivalent to other members, including voting rights, were given to the nominated members from amongst unrepresented communities of the Autonomous District concerned. He would further state that he has no grievance either with regard to the number of maximum/minimum members stipulated or the discretion sought to be exercised by the Government of Manipur to determine the number of members in each District Council from time to time.

In these circumstances, the earlier interim order dated 02.12.2022 shall stand modified to the extent of restricting the granted interim stay/suspension only to the phrase ".....having the same rights and privileges as other

Members including voting rights, from amongst the unrepresented communities of the Autonomous Districts concerned.”

The stayed/suspended portion of Clause 3 in the Notification dated 17.08.2022 shall not be acted upon and shall not be given effect to pending further orders.

Post on 18.01.2023.

*Sandeep*

**JUDGE**

**CHIEF JUSTICE**