

2011-  
2012

*Annual Report 2011-2012*

  
**GOVERNMENT OF MANIPUR  
LAW & LEGISLATIVE AFFAIRS  
DEPARTMENT**

## **INTRODUCTION**

The Law & Legislative Affairs Department consists of three main sections namely, (1) the Legislative section, (2) the Legal Affairs section, and (3) the Judicial section. This Department though small in size is one of the key departments of the Government of Manipur.

The Law and Legislative Affairs Department is the nodal department in so far as the administration of justice in Manipur is concerned

The Legislative section mainly deals with the works of drafting Bills and subordinate legislation sponsored by various Departments. The Department examines all the legislative proposals from all the Departments. Where there is any similar law on the subject either in this State or in the Central Government, the administrative departments concerned are supposed to give statement of objects and reasons and also explanation in support of any change of divergence if need be.

The Legal Affairs section tenders advices to the Departments of the State Government on legal and Constitutional issues, and looks after State Government litigation works in the Subordinate Courts, High Courts and Supreme Court of India and Tribunals. It is also given administrative responsibility of legal Services programme, prosecution, State Election Commission, Manipur Human Rights Commission etc.

The Judicial section of the Department deals with administration of the Judiciary and administrative proposals of the Judiciary is processed through this section although the actual immediate control and superintendence of the matters of the Subordinate Judiciary/ Courts rests with the Gauhati High Court.

The Law and Legislative Affairs Department is the administrative department in respect of the Manipur State Election Commission and also deals with the parliamentary matters.

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## CHAPTER -I

### **1. LEGISLATIVE AFFAIRS**

The Legislative Affairs section is entrusted with the work of drafting all Government Bills, Ordinances, Regulations, scrutiny of statutory rules, orders and notifications, and publication of State/Central enactments and parliamentary matters.

#### **Acts enacted during the Year 2011-2012**

1. The Manipur Appropriation (No. 1) Act, 2011
2. The Manipur Appropriation (No. 2) Act, 2011
3. The Manipur Municipalities (Fifth Amendment) Act, 2011.
4. The Salaries and Allowances of Members of the Legislative Assembly (Manipur) Nineteenth Amendment & Validation Act, 2011
5. The Manipur Motor Vehicles Taxation (Amendment) Act, 2011
6. The Indian Stamp (Manipur) Second Amendment Act, 2011
7. The Manipur Loktak Lake (Protection) (2<sup>nd</sup> Amendment) Act, 2012
8. The Manipur Appropriation (No. 1) Act, 2012
9. The Manipur Appropriation (No. 2) Act, 2012
10. The Manipur Medical Council Act, 2012 ~~2009~~

### **2. PARLIAMENTARY MATTERS:**

As regard the parliamentary matters, the liaison works between the State Legislative Assembly and the State Government are done through this section in respect of Government business in the Manipur Legislative Assembly. There had been three Sessions, namely - Tenth, Eleventh and Twelfth Sessions of the 9<sup>th</sup> Manipur Legislative Assembly during the year 2011 .

### **3. STATE ELECTION COMMISSION:**

During the year 2011-2012, the State Election Commission conducted the following elections successfully:

- (1) **By-Elections to 7(seven) Gram Panchayat Constituencies and 1(one) Zilla Parishad Constituency were held on 16-05-2011, namely -**
  - (i) 14/16/3-Mongkhang Lambi GP Constituency (UR) of 14/16- Torban Kshetri Leikai GP.
  - (ii) 7/17/3- Khurkhul Makha Leikai GP Constituency(UR) of 7/17- Khurkhul GP.
  - (iii) 8/21/7-Loitang Khunou GP Constituency (UR) of 8/21-Phumlou GP.



- (iv) 8/21/8-Loitang Leikintabi GP Constituency (UR) of 8/21-Phumlou GP.
- (v) 5/10/9- Charangpat Maklang Maning GP Constituency (UR) of 5/10-Charangpat GP.
- (vi) 6/13/7-Khangabok Awang Leikai sorok wangma GP Constituency (UR) of 6/13-Khangabok GP.
- (vii) 2/3/3- Leimapokpam Awang (C) GP Constituency (WR) of 2/3-Leimapokpam GP and
- (viii) 1- Utlou Zilla Parishad Constituency (UR) of Bishnupur ZP.

(2) **General Elections to the Imphal Municipal Council, 2011** were held on 25-05-2011. In these General Elections, 2 (two) Ward Development Committee Members along with 1(one) Councillor of each Ward of the Imphal Municipal Council had been elected for the first time.

(3) **Elections to 10 (ten) District Council Constituencies under 2(two) Autonomous District Councils, 2011** were held successfully. The 10(ten) District Council Constituencies are as follows:

1.	3- Chingai	-	Ukhrul District Council
2.	13-Sangshak	-	do-
3.	4-Tungam Khullen	-	Senapati District Council
4.	7-Punanamei	-	-do-
5.	8-Songsong	-	-do-
6.	11-Maram	-	-do-
7.	12-Lairouching	-	-do-
8.	13-Chawainamei Khullen	-	-do-
9.	14-Tadubi	-	-do-
10.	17-Phaibung Khullen	-	-do-

(4) **By- Election to 1(one) Councillor** under ward No.6 of Thoubal Municipal Council,2011 was held successfully.

## CHAPTER - II

### LEGAL AFFAIRS SECTION

The main function of the Legal Affairs section is to tender legal advices to the Departments of the State Government on legal and Constitutional matters and to look after the prosecution, conveyance and litigation works of the State Government. The matters relating to legal aid to the poor/needy persons are also concerned with this section.

The Section is also responsible for the engagement of Government Counsel and appointment of Advocate General and Government Advocate/ Addl. Government Advocates and engagement of private Senior Advôcates/Advocates for conducting cases

in the Supreme Court, High Court and Subordinate Courts or Tribunals on behalf of the State Government. One Standing Counsel for the State Government has been engaged for the cases in the Supreme Court of India and one for the Gauhati High Court, Principal Seat at Guwahati. Matters relating to the appointment, fixation of fee etc., of arbitrators in cases where State is a party and engagement of Counsel before the arbitrator are also dealt with by this Section.

### **1. MANIPUR STATE LEGAL SERVICES AUTHORITY (MASLSA)**

The Manipur State Legal Services Authority was constituted on 19.1.1998. State Government has created a regular post of Member Secretary and appointed Shri A. Guneshwar Sharma, MJS Grade-I as Member Secretary w.e.f. 19.3.2012.

The achievement of the State Authority during 2011-12 are:

- (1) 45 Legal Literacy and Awareness Programme were held from 1-4-2011 to 31-1-2012.
- (2) 36(thirty six) Legal Awareness was organized during the year from 1-4-2011 to 31-1-2012.

### **(3) DETAILS OF LOK ADALATS HELD DURING THE YEAR**

Period	No. of Lok Adalat held	No. of case taken up	No. of case disposed of	Compensation awarded
1	2	3	4	5
01.04.2011 to 12.03.2012	7	191 (MAC case)  23(Civil)	19 (MAC case)  9(Civil)	Rs.85,08,000/- only

### **2. DIRECTORATE OF PROSECUTION:**

This Directorate has done scrutiny of 163 FIR cases during 2011-12 in addition to other functions and duties of controlling and supervising the conduct of prosecution and civil cases and revenue cases by the Public Prosecutor-cum-Government Advocate, Addl. Public Prosecutor-cum-Addl. Government Advocate and Asst. Public Prosecutor cum Asst. Government Advocate in the Subordinate Courts. As seen above, these Law Officers are discharging and performing dual functions and duties i.e. conducting criminal, civil and Revenue cases.

### **STATEMENT OF CASE DISPOSAL/CONVICTION/ACQUITTAL/DISCHARGE**

Sl. No.	No. of criminal cases disposed	No. of cases ended in acquittal	No. of cases in which conviction obtained	No. of cases ended on discharge
I	II	III	IV	V
1.	141	11	45	85



**CHAPTER - III****JUDICIAL SECTION****HIGH COURT**

The new High Court Complex constructed at Mantripukhri, Imphal has been inaugurated by the Hon'ble Prime Minister of India Dr Manmohan Singh and the Chairperson, UPA Smt Sonia Gandhi on 3.12.2011. The Gauhati High Court, Imphal Bench has started functioning in the said new Complex w.e.f. 7.5.2012. The President of India has assented on 4<sup>th</sup> June, 2012 to the North Eastern Areas Re-organisation (Amendment) Bill, 2012 to the establishment of a separate High Court for Manipur.

**SUBORDINATE COURTS**

IN JUDICIAL ADMINISTRATION Manipur is divided into two Judicial Districts i.e. Manipur East and Manipur West. With the setting up of the Court of Chief Judicial Magistrate, Imphal East District w.e.f. 1.7.2010 all the revenue Districts have their separate Chief Judicial Magistrate Courts. A list of the Courts functioning at present is given below :-

Sl.No.	Name of Court	Number
1.	District & Sessions Court	2
2.	Addl. District & Sessions Court	2
3.	Civil Judge (Senior Division) Court	3
4.	Chief Judicial Magistrate	9
5.	Civil Judge (Junior Division) - cum - Judicial Magistrate 1 <sup>st</sup> Class Court	9
6.	Judicial Magistrate 1 <sup>st</sup> Class (Transport)	1
Total: -		26

**STATEMENT OF CASE DISPOSAL DURING 2011-12****(I) District & Sessions Division Manipur East -**

Sl. No.	Particulars	Civil cases	Criminal Cases
I	II	III	IV
1.	Pending at the beginning of the year	2214	3955
2.	Instituted during the year	2027	6151
3.	Cases disposed of during the year	1585	5724
5	Pending at the end of year	2656	4382

**(II) District & Sessions Division Manipur West**

1. Disposal of Cases for the year, 2011 (i.e. from 01.01.2011 to 31.12.2011)

- i) Civil Cases – 1147                      ii) Criminal Cases – 3727
2. Pending of Cases as on 31.12.2011  
i) Civil Cases – 761                      ii) Criminal Cases – 1163
3. Revenue collection during the year 2011 (i.e. from 01.01.2011 to 31.12.2011)  
i) Court fee - Rs.6, 62,198.66  
ii) Fine & forfeiture - Rs.4, 92,973.06

The three CJM Courts namely Chief Judicial Magistrates, Thoubal; Bishnupur & Churachandpur have been conferred with the power of Civil Judge (Sr.Divn.) since 18-04-2011 vide notification no.4/47/2010-Judl/L, dated, the 13<sup>th</sup> April, 2011.

### COURTS UNDER SPECIAL LAWS

#### 1. FAMILY COURT

The Family Court, Manipur is established with a view to promote conciliation in and securing speedy settlement of dispute relating to family affairs including maintenance of destitute women, children and neglected aged parents under the Family Courts Act, 1984.

The jurisdiction of the Family Court Manipur was extended throughout the State of Manipur w.e.f 25.2.2005.

#### STATEMENT OF PERFORMANCE OF FAMILY COURT DURING 2011-12

Sl. No.	Cases registered at the beginning of the year	Cases disposed at the end of the year	Cases pending at the end of the year
I	II	III	IV
1.	2097	505	1592

#### 2. SPECIAL COURT (ND & PS), MANIPUR:

The Special Court (ND & PS), Manipur was set up on 8.11.1994 to dispose expeditiously the cases instituted under the Narcotic Drugs and Psychotropic Substances Act, 1985.

#### STATEMENT OF CASES OF THE YEAR 2011:

Sl.No.	Subject	Number
1.	Cases pending at the beginning of the year	1815
2.	Cases instituted during the year	28
1	Cases disposed during the year	78
2.	Cases pending at the end of the year	1765



**CHAPTER - V****OFFICES OF PROSECUTION  
AND GOVERNMENT ADVOCATE****THE OFFICE OF THE PUBLIC PROSECUTOR CUM GOVERNMENT (HIGH COURT)  
MANIPUR:**

The Office of the Government Advocate cum Public Prosecutor (High Court) deals and supervises litigations before the Hon'ble Gauhati High Court and its other Benches on behalf of the different Departments of the State Government. The nature of work in this office is different from that of other State government Departments /offices. The Government Advocates work upto late evening with their staff for sorting out case records listed in the cause list of the Gauhati High Court for the next day, which is usually received after 5 p.m. every day.

1	Total number of pending cases in the Gauhati High Court, Imphal Bench on 16.3.2012	7585
2	Total number of Counter Affidavits filed on behalf of the State Respondents during the year, 2011-12.	709
3	Total number of Writ Appeal/Review/Criminal Revision/Civil Revision/FAO/RFA filed by the State Govt. during the year, 2011-12.	34
4	Total number of Misc. Cases filed by the State Government for condonation petition/staying the operation of the impugned orders. during the year, 2011-12.	58
5	Total number of disposed cases during the year,2011-12.	806
	i) Order passed in favour of the State	399
	ii). Order passed against the State Govt.	183
	iii) Innocuous/ Infructuous Orders.	224

**CHAPTER - VI****OTHER SCHEMES/ PROJECTS UNDER CENTRALLY SPONSORED SCHEMES****1. Centrally Sponsored Schemes (CSS) for infrastructure development for judiciary**



The Government of India have sanctioned a sum of ₹ 2,09,71,000/- being Central share of fund under CSS for the year 2010-2011. For the said fund State Government has to contribute 10% of the fund at funding ratio of Centre and State at 90:10. i.e. about ₹ 20,00,000/- and fund to be utilized has come to ₹ 2,29,71,000/-

The following list of works has been already considered by the Committee constituted by the Hon'ble Gauhati High Court for implementation of Projects:

Sl. No.	Name of work
(I)	(II)
1.	Construction of EZLAS & Room Partition at Ukhrul Mini Secretariat for temporary sitting of Courts at Ukhrul
2.	Renovation of Conference Room and IEI of Conference Room and Varanda and Toilets at New Court Building at Uripok.
3.	Construction of compound Wall, Reservoir Tank, Public Toilet, Garage etc. of Thoubal Court complex
4.	Construction of garage, Security Barrack, Water tank etc. At Kangpokpi court complex
5.	Ongoing work of " Construction of first Floor of Thoubal Court"

## 2. AWARD UNDER 13<sup>TH</sup> FINANCE COMMISSION

The 13<sup>th</sup> Finance Commission has allocated a grant of ₹.11.59 crores to be disbursed from 2010-2011 to 2014-2015 for improvement of justice delivery system in the State on 7 separate items namely, Morning/Evening Shift Courts, A.D.R Centres, Lok Adalat & Legal Aid, Training of Judicial Officers, Training of Public Prosecutors, Court Managers and Maintenance of Heritage Court Buildings.

### ITEMWISE PHYSICAL PROGRESS:

#### 1. MORNING/EVENING SHIFT COURTS:

In view of the non-feasibility of the holding of Morning/Evening Shift Courts in Manipur and also that there is no requirement of Special Magistrate Courts for offences of Cheque bouncing etc State Government, in compliance of Directions of the Hon'ble supreme Court of India in the case of Brij Mohonlal, is considering for regularization of the existing Fast Track Courts.

#### 2. TRAINING OF PUBLIC PROSECUTERS

Sl. no.	Actions taken
1.	Training of Computer Literacy of Prosecutors for five days at State Academy of training in 3 batches (10.1.2011-14.1.2011), (19.1.2011-24.1.2011) and (1.2.2011-5.2.2011)

2.	4 Batches of 2- Days Training Programme on Law subjects at State Academy training, Imphal in March, 2011
3.	Purchase of 6(six) Laptops for providing to PPs
4.	Purchase of 1(one) Digital Still Camera
5.	3 nos. of 6-Days Training Programme of PPs on law related topics in May, 2011 & June, 2011 at State Academy of Training, Imphal
6.	Deputation of 3 Public Prosecutors at LNJN National institute of Criminology & Forensic Science (MHA), New Delhi from 4.4.2011- 8.4.2011 to attend 80 <sup>th</sup> Conference on Crime & Justice.
7.	Deputation of 3 Public Prosecutors at LNJN National institute of Criminology and Forensic Science(MHA), New Delhi from 19.4.2011-21.4.2011 to attend 2 <sup>nd</sup> Seminar on Domestic violence

### 3. SETTING UP OF ADR CENTRES:

Sl. no.	Actions taken
1.	Construction of one main ADR Centre at Imphal west and training of mediators and conciliators are planned to be taken in coordination with the Manipur State Legal services Authority.

### 4. LOK ADALAT & LEGAL AID:

Sl. no.	Actions taken
1.	This portion of grant is released to the Manipur State Legal services Authority above the annual grant by State Government in connection with implementation of the Legal services Authority Act.

### 5. TRAINING OF JUDICIAL OFFICERS: :

Sl. no.	Actions taken
1.	The training of Judicial Officers under this Award is to be sponsored by the Gauhati High Court within the State and outside the State.

### 6. RESTORATION AND PRESERVATION OF HERITAGE COURT BUILDINGS.:

Sl. no.	Actions taken
1.	Under this component State Government has decided to take up two ancient court buildings at Uripok namely:- 1. Cheirap and 2. Panchai which are believed to have been constructed in the year 1904 by renovation and preservation of the old buildings. One State Level Committee under the Chairmanship of the Hon'ble Minister (Law), Manipur. On the recommendation of the Committee the work of renovation and preservation had been entrusted to the State PWD(Public Works Department). The committee resolved for repairing/renovation of the said heritage buildings and preservation of the paintings in the court rooms of the said heritage buildings drawn by the renowned Artist Shri Bhadra Singh

### **3. Gram Nyayalayas**

State Government has already decided to set up 15(fifteen) Gram Nyayalayas in the Gram Panchayat areas of Manipur and an Action Plan for this had been already approved by the State cabinet and the same has been placed to the Gauhati High Court for concurrence vide letter no. 4/3/2009-Judl/L dated 27.5.2011. Further the matter of framing of required Rules under the Gram Nyayalayas Act is undergoing.

## **CHAPTER-VII**

### **MANIPUR HUMAN RIGHTS COMMISSION:**

The Manipur Human Rights Commission constituted under the Protection of Human Rights Act, 1993, is autonomy, is a statutory grant-in-aid body it was set up on 27.6.1989.

At present the Chairperson and Members are vacant .