

Manipur State Constitution Act, 1947

Whereas it is expedient to enact a law for the governance of the Manipur State, His Highness the Maharajah of Manipur is pleased to enact as follows:

Chapter 1

MSC.1

1. Title: This Act shall be called the Manipur State Constitution Act, 1947.

MSC.2

2. Extent and Application: This Act shall extend to the whole of the Manipur State inclusive of the Hill Areas saving that it shall not apply in any matter where a specific reservation of powers is made to any Authority in the Hills under the provisions of the Manipur State Hill (Administration) Regulation, 1947.

MSC.3

3. Government of the State by His Highness the Maharajah: The territories for the time being and hereafter vested in the Maharajah are governed by and in the name of the Maharajah. All right, authority and jurisdiction, which appertain or are incidental to the Government of such territories, are exercisable by the Maharajah subject to the provision of this Act.

MSC.4

4. Succession: Succession to the throne shall be governed by the law of Primogeniture provided that the heir must be the legitimate son of a marriage recognized by the Council of Ministers. In the event of failure of heirs in the direct male line, His Highness the Maharajah shall, after consultation with the Council of Ministers and the Assembly, designate his heir.

MSC.5

5. Attainment of Majority: The Maharajah or his heir shall be taken to attain majority at the age of 21 years.

MSC.6

6. Council or Regency:

(a) Where by reason of the Maharajah being a minor or where by reason of any mental defect or grave bodily sickness as a result of which the Maharaja becomes permanently incapable of exercising his powers, the Council of Ministers shall take steps to set up a Council of Regency which shall exercise those powers in the State and shall continue in office for such time as the Council may determine.

(b) Notwithstanding the provision of Sub-Section (a) above, the Maharajah in consultation with the Council of Ministers may, at any time or for any reason, which may appear suitable, set up Council of Regency to exercise his functions.

(c) A Council of Regency set up under Sub-Section (a) and (b) above, may comprise of one or more persons as may seem desirable. The Regent or Council of Regency shall before taking office be

required to take an Oath before the State Assembly to be loyal to the State and to observe faithfully the Constitution and Laws.

(d) Wherein any event it shall be necessary to set up a Council of Regency either for the reasons laid down in Sub-sections (a) and (b) above or for any other reason or where for any reason the Maharajah has become incapable of exercising his powers before such regency can be set up, the Council of Ministers shall take whatever steps may be necessary for the Governance of the State till such time as the Regency is created.

MSC.7

7. Failure of Heirs and Disputed Succession:

(a) In the event of failure of Heirs in the direct male line and the failure of the Maharajah to designate his Heir under section 4 above, a joint extraordinary session of the State Assembly and the Council of Ministers shall immediately be convened and shall remain in closed and continuous session till it shall have determined by a 75%majority of the members present and voting, the person to whom the throne shall pass.

(b) Where for any reason the succession to the throne is disputed, the Council of Ministers shall, on the death of the Ruler, take such steps as may immediately be necessary for the good governance of the State and shall refer the matter under dispute to the Chief Court for the decision. Where any party is aggrieved by the decision of the Chief Court, and appeal shall lie to such authority as may be determined hereafter.

MSC.8

8. The Maharajah's Prerogatives:

(a) All family matters which are the Maharajah's sole concern as head of the Ruling family, all matters which are his sole concern as the Defender of Faith and all matters connected with Titles, Honors and Palace ceremonial shall be deemed to fall within the Maharajah's personal prerogative and in such matters the Maharajah shall exercise full discretion subject to the provisions of the Constitution and the Laws of the State. The Maharajah's prerogative shall not, however, be taken to comprise any matter wherein the legitimate interests of the State administration or a civil right sustainable in a court of law is involved. It will be within the prerogative of the Maharajah to remit punishment and pardon offenders subject to the provisions of the Manipur State Courts Act provided that this prerogative shall not prejudice the right of any individual to compensation.

(b) It shall be the prerogative of the Maharajah and the Maharani that neither may be made answerable at Law or subject to any legal proceeding in the State Courts. Their persons and property shall be inviolable.

(c) Notwithstanding Section 8(b) above, it shall be lawful for the State Council in consultation with the Chief Court to draw up a Statement of charges against the Maharajah or the Maharani where it is proved beyond all possible doubt that the Maharajah or the Maharani has been guilty of Murder or any other heinous offence or of any extreme Political Crime against the provisions of the Constitution.

(d) On a statement of charges being drawn up under clause (c) above, the Council shall present it before the Maharajah or the Maharani and require satisfaction. Should satisfaction be not forthcoming the Council may refer the matter to such Authority as may be determined hereafter.

Chapter II – Definitions

MSC.9

9. In this act and the Rules issued there under unless there is something repugnant to the subject or the context:

- (a) State shall mean the Manipur State comprising the whole territory of Manipur as delineated in the maps of the Survey of India current at the date of this enactment.
- (b) The Maharajah means His Highness the Maharajah of Manipur, the constitutional Head of the State.
- (c) Chief Minister means the Office entrusted with the Chief Executive Function of the State.
- (d) Minister means a member of the Council of Minister appointed under this Act by name or by virtue of his office to administer certain branches of the State Administration and to perform the duties and exercise the power imposed and conferred upon a Minister by this Act and Rules framed there under.
- (e) Council means the State Council of Ministers constituted under this Act.
- (f) Assembly means the State Assembly as constituted under this Act.
- (g) Gazette means the Official journal of the State by means of which important orders, notices, communiqués, etc., are published.
- (h) Speaker means the President of the Assembly and include the Deputy Speaker in the absence of the Speaker or in the absence of both, a member voted to the chair.
- (i) Civil List means the appropriation of funds for the expenses of the Ruling Family and the Privy Purse of the Ruler.
- (j) Privy Purse means such portion of the Civil List as is appropriated exclusively for the personal expenses of Maharajah.
- (k) Revenue includes all receipts of the State from State assets, from all lands, Forest, Taxes, Fines, Penalties, Forfeitures, Escheats, Lapse and other sources.
- (l) Rules means any Rule issued under this Act.
- (m) Fundamental Rights shall mean those rights, which the State People shall enjoy as of right under this Act.
- (n) The pronoun “he” and its derivatives are used of any person whether male or female.

Chapter III- The Executive

MSC.10

10. Council of Ministers:

- (a) Subject to the provisions of this Act and subject also to the provisions of the Rules for the Administration of the Manipur State, the Executive Authority of the State is delegated to and shall vest in the Council of Ministers.
- (b) Where under this Act or the Rules for the Administration or the State, it is requisite that the approval of the Maharajah shall be taken to any measure, the Chief Minister shall seek the approval

of the Maharajah in person or in writing and shall obtain the Maharajah's orders thereon. Should in any case the Maharajah's approval be withheld, the Maharajah shall be pleased to inform the Chief Minister in person or in writing and to communicate his reasons for withholding such approval in writing to the council.

(c) The Council of Ministers shall consist of the Chief Minister and six other Ministers.

(d) The six Ministers on the Council shall be elected by the State Assembly subject to the proviso that two of these Ministers shall be representatives of the Hill people of the State elected in such manner as shall be laid down in the Rules of Business of the State Assembly.

(e) The Chief Minister shall be appointed by the Maharajah in consultation with the elected Ministers on the Council.

(f) The Chief Minister and Ministers shall receive letters of appointment over the seal of Maharajah.

(g) The Chief Minister in consultation with the Ministers shall allot portfolios.

MSC.11

11. The Chief Ministers shall be the President of the Council and the Vice-President shall be appointed by the Council.

MSC.12

12. The Council of Ministers shall have a common seal and shall be jointly responsible to the Maharajah for the administration of the State.

MSC.13

13. The Council of Ministers and the Ministers individually shall exercise such powers and functions as may be assigned to them by or under this Act or by or under the Rules for the Administration of the State.

MSC.14

14. The quorum necessary for the transaction of business at a meeting of the Council shall not be less than three excluding the President.

MSC.15

15. The Chief Minister and Ministers shall, on taking Office, swear an oath of loyalty and allegiance to the Maharajah in the following form: "I (Name of Minister) having been appointed as a Member of the Manipur State Council, do solemnly swear that I will be loyal and faithful and bear true allegiance to the Maharajah, his heirs and successors and that I will faithfully discharge the duties laid on me under this Act."

MSC.16

16. A Minister of the Council shall not be removable from office except in accordance with the provisions of the Chapter IV below.

Chapter IV – The State Assembly

MSC.17

17. There shall be constituted a State Assembly. The Assembly shall be elected for a period of three years and shall comprise Representatives freely elected by the people on an adult franchise and on the principle of Joint Electorate. Elections shall be in such manner and by such franchise as may be laid down under the Rules for the elections to the State Assembly provided always that the Representatives returnable from General, Hill and Mahamadan Constituencies shall be in the ratios of 30:18:3 respectively with an additional two seats for the Representatives of educational and commercial interests.

MSC.18

18. The State Assembly may debate all matters concerning the Government and well being of the State, which, in the opinion of five Members of the Assembly, it is in the public interest to debate. The Assembly shall tender such advice to the Council of Ministers in any matter in which a majority of the Members present, are agreed on the advice which shall be tendered provided that no matter touching the Maharajah's Prerogative shall be debated and provided that the Maharajah may on the advice of the Council, veto debate on any matter where such course shall in the public interest be necessary.

MSC.19

19. The State Assembly shall not tender advice to the Council on any matter, which is of primary concern to the Hill people unless such advice has the support of a majority of the Hill Representatives in the Assembly.

MSC.20

20. Subject to the provisions of this Act, the Assembly may make rules for regulating its proceedings and the conduct of Business.

MSC.21

21. Where in any case it is required to pass a veto of no confidence against a Minister of the Council for his individual acts, a motion of no confidence, signed by not less than ten Members of the Assembly and laying out in detail, the facts giving rise to the motion, may with the permission of the Speaker of the Assembly be moved. If such motion shall receive the support of at least 75% of the Members present and voting, it shall be forwarded through the Chief Minister to the Maharajah, who, unless there appear strong and valid reasons to the contrary which shall be recorded in writing, shall after consultation with the Chief Minister require the Minister against whom the motion has been passed to resign.

MSC.22

22. Wherein any case the State Council or the Maharajah is in the special circumstances of any case, unable to accept the advice of the Assembly, the Maharajah or the Council as the case may be, shall communicate in writing the reasons which have led to such course and shall give facilities for personal discussion of the matter with a representative or representatives deputed by the Assembly.

MSC.23

23. Subject to the provisions of this Act and the Rules framed under it for the disposal of the Assembly business, there shall be Freedom of Speech in the Assembly and no member shall be

liable to any proceedings in any court in respect of any speech or vote given by him in the Assembly or a committee thereof and no person shall be liable in respect of any publication by or under the authority of the Assembly of any report, paper, vote or proceedings.

MSC.24

24. No member of the Assembly shall be liable to arrest or detention in prison under a Civil process:

(a) If he is a member of the Assembly, during the continuance of the Assembly.

(b) If he is a member of any committee of the Assembly, during the continuance of the meeting of the Committee.

MSC.25

25. The elected Ministers, the Speaker, Deputy Speaker and members of the Assembly shall receive such emoluments as may be determined from time to time by the Assembly.

Chapter V – The Law Making Authority

MSC.26

26. The Law Making Authority in the State shall consist of the Maharajah in Council in collaboration with the State Assembly acting under Section 18, above.

MSC.27

27. When the Council or the Assembly consider that a law should be enacted the Council shall cause a Bill to be drafted, which shall be laid before the Assembly and a reasonable time shall be given for consideration thereof. The Council shall then cause to be made such alternations or amendments as may be deemed necessary in the light of the advice tendered by the Assembly and the Chief Minister shall submit the Bill in its final form for the assent of the Maharajah.

MSC.28

28. On the receipt of the Maharajah's Assent the Bill shall be published in the State Gazette and shall become an Act having the force of law.

MSC.29

29. Should the Maharajah in any case with his Assent to a Bill, that Bill shall lapse as if it had not been passed. If the Assent of the Maharajah is not forthcoming with one calendar month of the Bill being submitted to him, he shall be deemed to have withheld his assent.

MSC.30

30. Where the Assent of the Maharajah to any Bill is withheld, the Council may cause the same Bill to be introduced in the next session of the Assembly and if passed without amendment by a 75% majority of the Assembly, the Bill shall be certified over the Seal of the Council and shall become law.

MSC.31

31. Nothing in this Chapter shall be deemed to derogate from the absolute right of the Maharajah in Council to promulgate, in emergency cases, orders having the force of law without previous

reference to the Assembly where the public interest in their opinion demands that such order shall be promulgated provided that the first opportunity shall be taken of laying the order before the Assembly for consideration. Any such order shall not have the force of law for period of more than six months.

Chapter VI – Finance

MSC.32

32. The Revenue of the State and such other receipts as may accrue from whatever source, less such reasonable percentage of the total real Revenue as may be reserved for the Civil List, are placed at the disposal of the Council for expenditure on the Government of the State in the manner prescribed by State Account Rules saving that in every year a sum representing not less than 17% of the average real revenue of the State for the preceding three years shall be allocated for expenditure on the welfare and administration of the Hill people.

MSC.33

33. The Minister in charge of Finance shall prepare an Annual Budget showing the estimated receipts and expenditure for the ensuing year classified under the prescribed heads of account and shall submit it to that Assembly within fifteen days of its meeting for the Budget session along with a statement of account for the previous year.

MSC.34

34. The Assembly shall after considering the Budget, submit it with their recommendation to the Council, who, having made such modifications may be deemed necessary shall submit it to the Maharajah for approval. Where any delay occurs in the granting of Assent to the Budget by the Maharajah and were such Assent has not been obtained by the first day of the financial year, provisional effect should be given to the Budget as passed by the Assembly and funds shall be drawn against its provision as if it had received Assent.

MSC.35

35. The Maharajah's Civil List shall be fixed at a figure equal to 10% of the real revenues of the State over the preceding three years, provided that no extraordinary revenues shall be taken into account when determining this amount and provided that no State revenue in excess of Rupees twenty lakhs shall be taken into account in any one year. The appropriations to the Maharajah's Civil List shall be non-votable and shall not be the subject of debate in the Assembly.

MSC.36

36. No tax whatsoever shall be shown in the budget and no tax shall be collected by any officer of the State or by any person unless such tax has been imposed by due process of Law.

MSC.37

37. (a) There shall be a State Auditor who shall be appointed by the Maharajah in Council on a nomination to be made by the Comptroller of Audit, Assam, or such other officer as may be deemed suitable. Such nominee shall be employed on contract for a period of not less than five years and shall be removable only by the Maharajah in Council in consultation with the authority making the nomination.

(b) The conditions of Service of the State Auditor shall be such as may be prescribed by the Maharajah in Council provided always that he shall not be eligible for any office of profit in the State after his retirement.

(c) The Auditor shall exercise such powers and perform such duties as may be laid down in the State Account Rules.

Chapter VII – Hill People

MSC.38

38. The Council shall be responsible for the welfare and the good administration of the Hill people of the State and shall provide such funds for this purpose as may, subject to the provision of Section 32 above, be deemed necessary, provided that the local authorities in the Hill shall exercise such powers of Local Self Government as may be laid down in the Manipur State Hill (Administration) Regulation 1947.

Chapter VIII – The Services

MSC.39

39. The Council shall issue Rules regulating the Conditions of Service in the Departments of the State.

MSC.40

40. A Manipur State Appointments Board shall be constituted and the Council shall issue Rules regulating the constitution, functions and procedure of the Board. The Board shall consist of not less than three members, one of whom must be a Hillman and a Chairman and shall be final authority in all matters connected with appointments and promotions to the State Service except in so far as specific powers may be reserved under this Act or the Rules for the Administration of the State.

Chapter IX – The Judicature

MSC.41

41. (a) There shall be a complete separation of the Judiciary from the Executive.

(b) The judicature of the State shall be as laid down in the Manipur State Courts Act, 1947.

MSC.42

42. The Chief Justice of the State and two Puisne Judges shall be appointed by then Maharajah in Council under the Royal Seal and shall hold office until the age of 65 years provided that: –

(a) A Judge may resign his office.

(b) A Judge may be removed from his office by the Maharajah in Council only on the grounds of misbehavior or infirmity of body or mind.

MSC.43

43. A person shall not be appointed as a Judge of the Chief Court unless he: –

(a) be a graduate in law and has held Judicial Office at least for five years, or

- (b) is a barrister qualified in England of five years' standing, or
- (c) has for at least five years held Judicial Office in British India in a post not inferior to that of a Subordinate Judge, or
- (d) has for at least a period of ten years been a pleader of any High Court or the Manipur Chief Court, or
- (e) be a person recognized as having a special capacity for the exercise of judicial functions.

Chapter X – Fundamental Rights and Duties of Citizenship

MSC.44

44. All citizens shall be equal before the law. Titles and other privileges of birth shall not be recognized in the eyes of law.

MSC.45

45. The liberty of the individual shall be guaranteed. No person may be subjected to any judicial interrogation or placed under arrest or be in any other way deprived of his liberty, save as provided by law.

MSC.46

46. No person shall be tried save by a competent Court.

MSC.47

47. No person may be tried except by a competent Court who shall give full opportunity to such person to defend himself.

MSC.48

48. All penalties shall be as determined by law.

MSC.49

49. Capital punishment may not be inflicted for purely political crimes.

MSC.50

50. No citizen may be banished from the State, expelled from one part of the country to another, and obliged to reside in a specific place save in such cases may be expressly determined by law.

MSC.51

51. Every dwelling shall be inviolable save under express provision of law.

MSC.52

52. There shall be guaranteed to all people justice, social, economic and political; equality of status, of opportunity and before the law; freedom of thought, expression of belief, faith, worship, vocation, association, and action, subject to law and public morality.

MSC.53

53. The practice of Arts and Sciences shall be unrestricted and shall enjoy the protection and support of the State.

MSC.54

54. Without any prejudice to the communities concerned, public institutions shall be opened to all citizens of the State.

MSC.55

55. (a) All officials of the State or of a local Government shall be answerable before the law for their individual and unlawful actions.

(b) Where damage is caused to an individual by the act of an official of the State or an official of a Local Government, such an individual may sue the State before the Chief Court and may seek redress save where such damage has been caused by a bonafide act of a State servant in pursuance of a policy duly laid down by a Competent Authority.

Chapter XI – General Clauses

MSC.56

56. Any provision of this Act may be subject to amendment by the Maharajah in Council provided that such amendment is laid before the Assembly and receive the support of at least 80% of the members of the State Assembly present and voting, when such amendment is debated.

MSC.57

57. Where in any case circumstances arise which prevent the proper operation in law or in spirit of this Constitution Act, the Council may at their discretion refer the matter for decision to such authority outside the State as may be decided hereafter and the decision of that authority shall be binding.

MSC.58

58. The Court language of the State shall be Manipuri or English.

Bodh Chandra Singh,

MAHARAJAH OF MANIPUR.