

MANIPUR



GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 205

Imphal, Friday, July 29, 2022

(Sravana 7, 1944)

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

NOTIFICATION

Imphal, July 25, 2022

No. 2/33/2022-Leg/L: In pursuance of rule 150 of the Rules of Procedure and Conduct of Business in Manipur Legislative Assembly, the following Bill as introduced in the Manipur Legislative Assembly, in its sitting held on July 25, 2022 is hereby published in the Manipur Gazette Extraordinary:

1. The Manipur Goods and Services Tax (Fifth Amendment) Bill, 2022 (Bill No. 6 of 2022).

NUNGSHTOMBIATHOKPAM,
Commissioner (Law),
Government of Manipur.

The Code of Criminal Procedure (Manipur Third Amendment) Bill, 2022

A

Bill

further to amend the Code of Criminal Procedure, 1973 (2 of 1974) in its application to the State of Manipur.

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

1. (1) This Act may be called the Code of Criminal Procedure (Manipur Third Amendment) Act, 2022.

Short title,
extent and
commence-
ment.

(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 section 20 of the Code of Criminal Procedure, 1973 (2 of 1974), after sub-section (5), the following sub-section shall be inserted, namely,-

Amendment of
section 20.

“(6) Notwithstanding anything contained in the above provisions, the State Government may, by general or special order, confer powers of District Magistrate or Additional District Magistrate or Sub-Divisional Magistrate or Executive Magistrate to Deputy Commissioner or Additional Deputy Commissioner or Sub-Divisional Officer or Assistant Commissioner to Deputy Commissioner or Sub-Deputy Collector on ex-officio basis.”.

STATEMENT OF OBJECTS AND REASONS

Every time an officer is posted as DC/ADC/SDO/ACtoDC/SDC by Department of Personnel/Revenue Department, an order for conferment of magisterial powers is to be issued by Home Department separately under section 20 of the CrPC to enable such officer to exercise the powers of DM/ADM/SDM/EM. This made the officers to wait for the orders of conferment of magisterial powers sometimes causing delay in executing their magisterial powers even when situation demands.

Therefore, the State Government has decided to amend the provisions of CrPC applicable in the State of Manipur by adding a clause under the provisions of section 20 of the CrPC, 1973 as follows:-

In Section 20 of the Code of Criminal Procedure, 1973 (2 of 1974), after sub-section (5), the following sub-section shall be inserted, namely:-

“(6) Notwithstanding anything contained in the above provisions, the State Government may, by general or special order, confer powers of District Magistrate or Additional District Magistrate or Sub-Divisional Magistrate or Executive Magistrate to Deputy Commissioner or Additional Deputy Commissioner or Sub-Divisional Officer or Assistant Commissioner to Deputy Commissioner or Sub-Deputy Collector on ex-officio basis”.

Hence, this Bill.

Imphal,, 2022

N. Biren Singh
Chief Minister, Manipur

FINANCIAL MEMORANDUM

As and when the proposed legislation is enacted, there shall be no financial involvement from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the proposed legislation empowers the State Government to issue general or special order to confer powers of District Magistrate or Additional District Magistrate or Sub-Divisional Magistrate or Executive Magistrate to Deputy Commissioner or Additional Deputy Commissioner or Sub-Divisional Officer or Assistant Commissioner to Deputy Commissioner or Sub-Deputy Collector on ex-officio basis.

**EXTRACT OF THE RELEVANT SECTION OF THE CODE OF CRIMINAL
PROCEDURE, 1973 (2 OF 1974)**

* * * * *

20. Executive Magistrates.—(1) In every district and in every metropolitan area, the State Government may appoint as many persons as it thinks fit to be Executive Magistrates and shall appoint one of them to be the District Magistrate.

(2) The State Government may appoint any Executive Magistrate to be an Additional District Magistrate, and such Magistrate shall have 3[such] of the powers of a District Magistrate under this Code or under any other law for the time being in force 4[as may be directed by the State Government.

(3) Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the executive administration of the district, such officer shall, pending the orders of the State Government, exercise all the powers and perform all the duties respectively conferred and 28 imposed by this Code on the District Magistrate.

(4) The State Government may place an Executive Magistrate in charge of a sub-division and may relieve him of the charge as occasion requires; and the Magistrate so placed in charge of a sub-division shall be called the Sub-divisional Magistrate.

(4A) The State Government may, by general or special order and subject to such control and directions as it may deem fit to impose, delegate its powers under sub-section (4) to the District Magistrate.

(5) Nothing in this section shall preclude the State Government from conferring, under any law for the time being in force, on a Commissioner of Police, all or any of the powers of an Executive Magistrate in relation to a metropolitan area.

* * * * *