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# *The Complexities of Tribal Land Rights and Conflict in Manipur : Issues and Recommendations*

*Brigadier Sushil Kumar Sharma*



## About the Author

**Brigadier Sushil Kumar Sharma, YSM**, commanded a Brigade in Manipur and served as the Deputy General Officer Commanding of a Mountain Division in Assam. He has been conferred with a PhD, for his study on North-East India. He is presently posted as Deputy Inspector General of Police, Central Reserve Police Force in Delhi.



# The Complexities of Tribal Land Rights and Conflict in Manipur: Issues and Recommendations

## Abstract

*Land is at the center of most conflicts in Northeast India because of its importance in the life of the people of the region, particularly its tribal communities. Manipur, the Land of Jewels, has been besieged with conflicts on issues ranging from exclusivity, integration and governance. All these have stemmed from the basic dispute over the land. The tribal people of the hills and the valley based people have different approaches and laws towards governance of their land which they consider their exclusive territories. This study attempts to track the issues concerning the land rights of various people in the state and the ethnic conflict surrounding it and attempts to identify land issues that are leading to ethnic conflict in Manipur and tries to address the issue of conflict and make suggestions thereof.*

## Introduction

### The Study

Over the landscape of the history of mankind that we know, since times which have been chronicled there has always been conflict amongst human beings to possess, cherish and control land. The lure for real estate has always been the root cause for even members of same family, clan or society to enter into conflict. The Northeast in general, and Manipur in particular, has been in the throes of a violent conflict in recent times. More specifically, the momentum gained by the Naga political movement in the state has revived and intensified strife between the tribal and the valley based people. The conflict can be understood in the context of territorial claims postulated by Nagas, Kukis and the Meiteis in their construction of separate 'nation states'. It is thus a direct result of the ongoing pan-Naga political struggle for a greater Nagaland in the northeastern region. Related to this is the assertion of ethnic supremacy and glorification of a golden past by a section of the dominant Meiteis while the Kukis want a separate state carved out of Sadar Hills.

Today Manipur is not only suffering from armed movements of innumerable underground organizations but also from a complex ethnic crisis. Being inhabited by different groups of people such as the Meiteis, Nagas and Kukis, a harmonious existence of the state is being threatened as the interests of one group clash with the other. This has given rise to assertion of group identity; inter group competition for resources, political instability, insecurity and underdevelopment. Growth of nationalism amongst these groups forms a historical context as they rely mostly on historical accounts for claiming their uniqueness as well as setting the inter-group relations<sup>1</sup>. These three groups of people stayed together side by side for centuries; they have developed their parallel heritage under the respective ethno-social boundaries<sup>2</sup>. There

<sup>1</sup> K. Gyanendra Singh Understanding the Ethnic Faultlines in Manipur: A Historical Perspective page 1 [www.nits.ac.in/departments/Humanitiespercent20new/new\\_hum/social.../7.doc](http://www.nits.ac.in/departments/Humanitiespercent20new/new_hum/social.../7.doc). Accessed on August 16 2013.

<sup>2</sup> Immanuel Zarzosang Varte, Ethnic Integration: Issues, Challenges and the way forward : Paper presented at the Workshop on "Ethnic Integration in North East India: Issues and Challenges" Organized by Institute of Social Research and Development, Imphal, Manipur from 20th –21st September 2013, [http://www.academia.edu/4718864/Ethnic\\_Integration-Issues\\_Challenges\\_and\\_Way\\_forward](http://www.academia.edu/4718864/Ethnic_Integration-Issues_Challenges_and_Way_forward), Accessed on October 02, 2014.

was, however, no attempt on the part of the tribal/feudal elites to coordinate these struggles which could have ignited the process of assimilation in pre-colonial era. The 'divide and rule policy' of the colonial administration in relation to administering the hills and plains of Manipur and the introduction of Christianity to tribal groups of Nagas and Kuki had further widened the cultural gap with Meiteis who are a predominant Hindu society.

After India's independence, these communities continued to coexist peacefully, however, owing to separate aspirations and perceived insecurity regarding overlapping claim over natural resources, gradually they moved apart. Certain post-independence developments deepened these prejudices leading to inter-community ethnic clashes. These clashes also hastened the formation of various armed groups affiliated to respective ethnic communities. The insurgent outfits therefore were not only waging struggle against the establishment, but were now seen more as a necessity against the hegemony and violence perpetrated by rival communities.

## Objectives

Broadly, the study aims to understand the land rights and their various provisions for different ethnic groups in Manipur, existing disparity in land holding and to arrive at useful suggestions for effective land rights formulation, which, inter alia, will usher into harmonization between various ethnic groups leading to inclusive growth and long lasting peace in Manipur. The specific objectives of the study are to:-

- a) Understand the genesis of land rights and conflict in Manipur.
- b) Analyse land rights and their provisions in Manipur to bring out different systems and disparity between the hill districts and Imphal Valley as well as between various ethnic groups.
- c) Review how land rights and land policies have led to ethnic conflict in Manipur.
- d) Address issue of land Rights and conflict in Manipur and make recommendations thereon.

## Data Sources, Methodology and Scope

The study is primarily based on the author's own experience as a serving combatant in the state of Manipur. Review of the existing literature on the subject was carried out to obtain current perspective on the subject. Field survey was carried out in order to obtain viewpoints of the people, right from the grass root level to the intellectuals who contribute on a regular basis in the media, nationally and internationally. Perceptions received from wide-ranging strata of society were studied, analyzed and incorporated while authoring the study. Besides, an exercise was also undertaken to solicit the opinion of experts from various domains in order to carry out a holistic analysis on the issue in the light of the views obtained from the common people. This detailed analysis has formed the basis of arriving at the strategy and recommendations for resolution of the complex issues of land rights in Manipur.

## Understanding the Conflict in Manipur

### Background

The present boundary of Manipur with an area of 22,327 sq. km. more or less has remained fixed since the controversial transfer of the Kabaw Valley on lease to Burma(now Myanmar) in 1834. In 1952, then first Indian Prime Minister Jawaharlal Nehru permanently ceded (as a gift) the Kabaw valley to the Burmese government as a token of peace. But in the olden days the boundary was much bigger than its present size with fluctuations at various stages<sup>3</sup>.

Manipur was a princely native state during the British rule, in which the Meitei kings enjoyed considerable autonomy. Manipur lost its autonomy after its merger with India in 1949 and 23 years later it became one of the states of the country. Manipur is inhabited by ethnic groups broadly classified into Meiteis, Meitei-Muslims (also called Pangals), Nagas, and Kukis. The last two are concentrated in the hill areas, while others are concentrated in the plain areas. Most Nagas and Kukis are officially recognized in 29 scheduled tribes owing to their social and economic backwardness. Hence, they enjoy the benefits of reservations in jobs, education, and other welfare programs. Since the Meiteis and Meitei-Muslims are considered more advanced, they are not recognized as scheduled tribes, and are restricted by law to purchase and own real estate and other land in the hill areas while the members of scheduled tribes can buy and own land anywhere in Manipur. Manipur has been witnessing armed conflict between the government and several insurgent groups, and the conflict between ethnic groups over the demand for the creation of new states within India's federalism or independence from India<sup>4</sup>. The reasons are varied and include a host of issues ranging from reservations, varied land holding pattern, ethnic divide and perceived isolation, poor educational infrastructure and resultant unemployment, underdevelopment, corruption, illegal weapon and drug trade, illegal activities through the porous borders with Myanmar etc.

### Tribes under the Colonial Rule

After the British conquest of Manipur in 1891, the Hill Areas came under the rule of the British Political Agent who acted on behalf of the then, minor king, Raja Churachand Singh. Though Raja Churachand Singh was handed over the administration of the State of Manipur, his jurisdiction was confined to the valley. The British introduced the system of indirect rule. Under this system, they did not interfere in the internal affairs of the tribal villages. They introduced the Hill House Tax of Rs 3/- per household per year. They made the chiefs or the headmen of the villages responsible for the administration of the villages.

In 1913, a British ICS officer was appointed as the President of the Manipur State Durbar (PMSD) and he was entrusted in his discretion to look after the hill areas. Thus, the PMSD was the most important colonial officer to look after the hill areas. The

<sup>3</sup> History of Manipur – an Independent Kingdom (A.D 33-1949), available at [http://shodhganga.inflibnet.ac.in/bitstream/10603/2710/1/11\\_chapterpercent203.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/2710/1/11_chapterpercent203.pdf), accessed on April 10, 2017.

<sup>4</sup> Amarjeet Singh, 'Ethnic Groups in Conflict in India's Manipur', February 19, 2014, South Asia Journal, available at <http://southasiajournal.net/2014/02/ethnic-groups-conflict-indias-manipur/> Accessed on October 12, 2015.

British created hill sub-divisions after the Kuki Rebellion (1917-1919). The British Government ultimately framed the Rules for Management of Hill Tribes in 1945. During the Second World War, Manipur became a battle field between the invading Japanese forces and the Allied Forces (1942-1944) and the administration in the hills collapsed.

After the war, there was a spontaneous growth of political consciousness among the people of Manipur including the hill people. Due to public pressure, the Maharaja of Manipur introduced two important legislations, namely, the Manipur State Constitution Act and the Manipur Hill People's Regulation in 1947<sup>5</sup>. It was the British who first recognized this aspect of Manipur's social dynamics and used it for their own purposes. Accordingly, the Kukis, Nagas and Meiteis were used as a buffer group in the war against the Burmese<sup>6</sup>.

## Genesis of Conflict

Conflict is an ever present process in human relations. It has been defined by A. W. Green "as the deliberate attempt to oppose, resist or coerce the will of another or others. According to Gillin and Gillin, "Conflict is the social process in which individuals or groups seek their ends by directly challenging the perceived antagonist, by violence or threat of violence." But in the action of these groups there is no deliberate intent to oppose, resist or coerce and it cannot, therefore, be called a conflict situation. Conflict is, in other words, a competition in its more hostile, personal and occasional forms. It is a process of seeking to obtain rewards by eliminating or weakening the competitors. Through it, one party attempts to destroy or annihilate or at least reduce to a subordinate position the other party. Further, though normally violence is associated with conflict, it can occur without it also<sup>7</sup>.

Manipur has witnessed varied conflicts throughout the ages, however this paper alludes to conflict in the present day context. Following the 1891 Anglo-Manipuri war, Manipur came under British suzerainty, its status remaining unchanged until the British left Manipur in 1947. It became a part of the Indian Union in 1949. However, with the discontentment of some section of Manipuris regarding the merger and alleged discriminatory treatment, resistance movements started and escalated into open armed conflict in the late 1970's. The government of India responded by promulgating the colonial Armed Forces Special Powers Ordinance on 16 April 1950, six months after the merger, through the provision of an Act, in Manipur<sup>8</sup>. Hence, technically speaking the conflict had already arisen on ethnic fault-lines. It only spilled over to geographic lines when the land issues started emerging in Manipur under an independent India.

<sup>5</sup> Prof Gangmumei Kamei, "Hill Area Committee (HAC) of Manipur Legislative Assembly: An assessment" December 12, 2012, available at [http://e-pao.net/epSubPageExtractor.asp?src=news\\_section.opinions.Politics\\_and\\_Governance.Hill\\_Area\\_Committee\\_of\\_Manipur\\_Legislative\\_Assembly\\_An\\_assessment\\_Part\\_1](http://e-pao.net/epSubPageExtractor.asp?src=news_section.opinions.Politics_and_Governance.Hill_Area_Committee_of_Manipur_Legislative_Assembly_An_assessment_Part_1) Accessed on December 15, 2015.

<sup>6</sup> Kailash S. Aggarwal (1999), Dynamics of Identity and Inter-Group Relations in N.E. India. Shimla: Indian Institute of Advanced Studies, p. 184.

<sup>7</sup> Shelly Shah, "Conflict in Society: Definition, Causes ,Types and other Details, available in <http://www.sociologydiscussion.com/society/conflict-in-society-definition-causes-types-and-other-details/2202>, accessed on December 16, 2015.

<sup>8</sup> Brief political and historical context, breakdown of democratic governance in Manipur,History of issues in Manipur, available in <https://coremanipur.org/about/history-of-issues-in-manipur/>, accessed on December 12, 2016.

## Merger of Manipur with the Indian Union

After partition of India, the Government of India merged Manipur within the Indian Union by virtue of a document called 'The Manipur Merger Agreement', signed on 21<sup>st</sup> September 1949 at Shillong between Shri V.P. Menon, Adviser to the Government of India, Ministry of States, on behalf of the Dominion of India and the then Maharaja of Manipur Shri Bodha Chandra Singh. A parade for 'Merger Function' was held on the 15<sup>th</sup> October 1949 at Imphal Polo Ground with the Maharajah taking the salute. At this function the Maharaja surrendered his territory, titles, authority, rights and privileges, except his personal properties and right to oversee religious rites. He was also allocated a sum of Rs. 3 lakh per year. Thus, the sovereignty and independence of Manipur as a 'Country' came to an end on the date the Maharaja appended his signature on the historic merger agreement. A congratulatory message from Sardar Patel, the then Home Minister of India, was read out before the public in the merger function. As a result, Manipur became a Part-C State, administered by the Government directly through a Chief Commissioner. The total area which the Manipur merger agreement covered was his territory of 700 square miles or 26,500 paris/hectares. Not even a single inch of hill areas was covered under this agreement.

## No Merger of the Tribal Chiefs and their Territories

Most tribes in North-East India predominantly lived as independent and sovereign nations till the British advent in history. Their sovereignty and authority existed without any outside interference by governing and ruling themselves in accordance with their own customs and traditions under the despotic administration of their Chiefs. The decision of a village chief was the last and final word on a subject and binding on all members of the tribe. Thus, their land properties were protected and their institutions of administrative machinery under the chiefs of the tribes were fully preserved. They were the lords of the soil within the territory they occupied, ruled and governed. They collected taxes and levies from their subjects independently. No tribal Chief was invited to sign the accession agreement along with the Maharaja of Manipur<sup>9</sup>.

## Ethnic Identity

In Manipur, every ethnic group, no matter how small, wants to protect, preserve and cherish its identity at all cost. Every tribe has a socio-political organization working for the consolidation of linguistic-cultural uniformity. In fact, since the creation of the 'Schedule' of recognized tribes there has been considerable flux in nomenclature, tribal group formation and self-identification. Control over territory and land are related to the issue of identity and territoriality. While the valley based Meiteis desire a uniform land norm all over Manipur, the hill based tribal people do not want to forgo the traditional land laws based on the powers of the village chiefs. They invoke the rights of the scheduled tribe status that they enjoy and contend their arguments based on their indigenous identity. Also, the Sadar Hills in Senapati district is a crucial issue between the Nagas and Kukis. The Nagas oppose the Kuki's claim for the formation of a district here and object to their refusal to pay the tax levied by the Naga insurgents. They argue

<sup>9</sup> B. Pakem (1990). Nationality, Ethnicity and Cultural Identity in North-East India, Omsons Publications, New Delhi.

that Kukis are later migrants and interlopers and that Nagas are the original inhabitants of the hills<sup>10</sup>.

## Exclusive Territorial Claims

In Manipur, the socio-economic and political system revolves around the issue of land. Land, particularly for the tribes, has remained as the single most important physical possession. Land as a territory also plays an important role in shaping their cultural and ethnic identity. Furthermore, the tribal communities have a symbiotic relationship with the land and forests on which their livelihood depends. Therefore, for many centuries they have been recognized as the dwellers of the forests<sup>11</sup>.

The coexistence of high dependence on land and lack of alternative source of employment has resulted in a strong assertion of exclusive territorial claims over land and forests, creating a potentially explosive situation. The hill people oppose any policy that treats the hills and valleys as homogeneous or entails the enactment of a uniform law applicable to both the valley and hills. Any special protection accorded is seen by them as a legitimization of their distinct identity and a prelude to state formation consisting of the hill areas. Conversely, the Meiteis oppose any policy that treats the two as distinct entities<sup>12</sup>.

## Land Rights and Reforms<sup>13</sup>

### Property Systems

There are broadly three property systems, based on ethnic features that govern land rights in Manipur. Each system has its own enforcement mechanism and the genesis of land ownership system. There is a marked difference in land holdings and ownership system between the tribals and non-tribals in the State. There is a feudal system of ownership of land amongst Kuki where the chiefs are the masters of the land and the villagers are tenants. Whereas the Naga villages have community, clan, and individual lands. But the individual tillers of the land have rights of possession of the land inhabited. The valley areas under the Meiteis have a system of property rights where complete private individual ownership exists and is protected by the state through its laws and institutions<sup>14</sup>.

### Community Ownership in Hill Areas

In the hill areas the community, not the state, owns most of the land, though private plots of terraces and forests as well as private encroachment of common property (not sanctioned by customary law) is prevalent in some places. Urbanization is

<sup>10</sup> Land Rights, Autonomy and Conflict in Manipur, available at [http://manipur.nic.in/planning/DraftMSDR/Draft\\_SDR\\_pdf/Chapterpercent2017\\_Landpercent20Rights\\_Autonomy.pdf](http://manipur.nic.in/planning/DraftMSDR/Draft_SDR_pdf/Chapterpercent2017_Landpercent20Rights_Autonomy.pdf). Accessed on February 20, 2016.

<sup>11</sup> Roluahpuia, Tribal Discontents in Northeast India: The Cry of the Subaltern in Manipur, *Journal of North East India Studies (JNEIS)*, Jan 12th, 2013, available at <http://www.jneis.com/?p=463> Accessed on February 20, 2016.

<sup>12</sup> Land Rights, Autonomy and Conflict in Manipur, *ibid*.

<sup>13</sup> Chinzakham Ngaihte 1998, *Tribal Agrarian System of Manipur: A Study of Zomi*, Anmol Publications Pvt. Ltd. p.92, Section 158.

<sup>14</sup> Amar Yumnam(1999), 'Ethnic and Intergroup Tensions in Manipur: An Institutional Perspective', Aggarwal, page 188.



usually low in the region. The Nagas and the Kukis both have a system of community ownership governed by unwritten customs and traditions<sup>15</sup>.

- a) There are, however, two fundamental differences between the Nagas and the Kukis; in the case of the former, the tiller or direct producer has inalienable occupancy and inheritance rights, which cannot be superseded by the chief, while in the case of the Kukis, the chief has far greater overriding power over land use and access.
- b) The Nagas enjoy the rights of inheritance and occupancy and every village has more than one clan. They have a three-tier system of land ownership – clan, village and private land. The Kuki have a more semi-feudal system of landownership with built-in disincentives against private or farm investment. The Kuki families are far more at the mercy of their Chief, who often tends to be autocratic and arbitrary.
- c) In the Naga areas, the land holdings are under the control of the village administration which exercises executive, judicial and administrative autonomy. The Naga Chief is bound by the advice of the village elders and council. This is not necessarily true of the Kuki areas where the Chief is seen to be more arbitrary in exercising his authority. However, in doing so even he is bound to take the village elders into confidence.
- d) Again, though both tribes own village lands, in Naga villages, individual households have land tenures and can sell land to anyone from their own village although transactions with people outside the village are prohibited. In Kuki villages on the other hand, no individual household can lay claim to any land. The Chief distributes this land to village people for paddy cultivation, and in return the latter have to give a portion of their paddy to the Chief. Apart from these systems there are also several other systems of smaller tribes like the Hmar's where the entire village community owns the land, but in practice has to give the Chief a portion of their paddy or hunted animal as the case may be. Land rights are dialectically tied to the method of production and land use. Communal systems go well with shifting cultivation; private ownership is associated with settled agriculture, and horticulture with the use of some productivity-enhancing non-labour inputs and plough as well as labour intensive capital formation. As seen above, land ownership in Manipur is a combination of community and private ownership of land.

## The Manipur Land Revenue and Land Reforms Act, 1960

The history of the Manipur Land Revenue and Land Reform Act (MLR & LR) dates back to the pre-independence period. With Manipur coming under British Empire in 1891, the colonialists introduced a new land system in the region. However, this new system was limited to the valley areas only. The Assam Land and Revenue Regulation (AL & RR) 1886 was introduced in 1947 as the Manipur State Hill People's Regulation (MSHPR), Act 1947. The MSHPR was subsequently replaced by the Manipur Land

<sup>15</sup> Ibid.

Revenue and Land Reforms Act, 1960 (MLRE&LR) Act<sup>16</sup>. The Manipur Land Revenue & Land Reform Act, 1960 (MLR & LR Act, 1960)<sup>17</sup> was enacted by the Parliament to consolidate and amend the law relating to land revenue in the State of Manipur and to provide certain measures of land reform.

The MLR & LR Act, 1960 was intended to bring about uniformity in distribution of land throughout the State. However, Section 2 of the Act says, 'It extends to the whole of the State of Manipur except the hill areas thereof'. Under the Act, hill districts do not automatically mean hill areas. According to Section 2(1) of the Act, hill area means such areas in the hill tracts of the State of Manipur as the State Government by notification in the official Gazette declared to be hill areas. Though Section 2, of the Act says that it does not apply to the hill areas of the State, it again says, 'Provided that the State Government may, by notification in the official Gazette, extend the whole or part or any section of this Act to any hill areas of Manipur also as may be specified in such notification'. The State Government had made a provision in the Act to restrict land transfer i.e. if the transfer was made by way of mortgage to a co-operative society, the consent of the District Council and written permission of the Deputy Commissioner was not required. The co-operative society to whom the land is to be transferred is not clearly identified. This provision is seen as a threat by the tribals<sup>18</sup>. Tribes apprehend that its introduction will result in dispossession by the more affluent 'outsiders' by invoking community ownership. The LRA is also seen as a precursor to the ban on '*jhum*' and restriction on forest rights.

On the other hand, the Meiteis feel that The Manipur Land Revenue Act-1960 is discriminatory on the following accounts<sup>19</sup>:-

- a) The hill region, comprising about 90 percent of the total area of the State, but contains only 35 percentage of the State's total population, while the valley region with only 10 percent of the total area has to support 64.9 percent of the total population.
- b) The valley people cannot purchase land and settle in the hills whereas hundreds of thousands of hill people comprising of all ethnic groups are purchasing land and are settled in the valley.
- c) The valley people cannot even buy back the land from the hill people.

## Inclusion of Hill Tribes under the Sixth Schedule

The Sixth Schedule was introduced in the hill districts of Assam after Independence. Under this Schedule, autonomous tribal councils could be formed in tribal areas and governed by their own self-governing institutions. Areas under this Schedule were to have separate elections, their own customary patterns of land tenures,

<sup>16</sup> Roluahpuia, "Tribal Discontents in Northeast India: The Cry of the Subaltern in Manipur", Journal of North East India Studies (JNEIS), available at January 12, 2013, <http://www.jneis.com/?p=463>, Accessed on January 15, 2016.

<sup>17</sup> The Manipur Land Revenue and Land Reforms Act, 1960.

<sup>18</sup> K Daimai, "Land Rights Of Tribal And State Land Laws: Manipur", , Manipur Online, January 9, 2011, available at <http://manipuronline.com/features/land-rights-of-tribal-and-state-land-laws-manipur/2011/01/09>, Accessed on January 15, 2016.

<sup>19</sup> Khomdon Singh Lisam, Amending Article 371C can bring peace, prosperity in Manipur, E-Pao, March 01, 2013, [http://e-pao.net/epSubPageExtractor.asp?src=news\\_section.opinions.Opinion\\_on\\_Manipur\\_Integrity\\_Issue.Amending\\_Article\\_371C\\_can\\_bring\\_peace\\_prosperity\\_in\\_Manipur](http://e-pao.net/epSubPageExtractor.asp?src=news_section.opinions.Opinion_on_Manipur_Integrity_Issue.Amending_Article_371C_can_bring_peace_prosperity_in_Manipur), Accessed on January 15, 2016.

and, amongst other things, a council fund for which they could raise resources. In Manipur too, district councils were formed under the Manipur District Councils Act of 1971, in the hill areas of Senapati and Sadar (Senapati district), Ukhrul, Chandel, Churachandpur and Tamenglong districts. But these councils were different from the ones formed under the Sixth Schedule in at least two ways:-

- a) First, no area was declared as 'tribal area' as in Assam, Meghalaya, and Mizoram; and second, these councils only had the status of territorial councils with some administrative control.
- b) They were not put under the Sixth Schedule and were completely dependent on the state government for their survival.
- c) While Section 29 of the Act empowered these councils to manage "any forest which was not a reserved forest" and gave it the mandate for controlling jhum cultivation, tribal welfare and in many other sectors these powers were merely recommendatory in nature. Moreover, the councils were completely dependent on the state governments financially. They are required to submit a yearly budget to the state government, which is at liberty to modify, accept or reject this demand. The Act also empowers the District Commissioner to suspend or modify any decision and function of the councils

The Hill Areas Committee of the Manipur State Assembly passed a resolution in 1974 recommending the replacement of district councils by the Sixth Schedule. Two successive state governments in 1991 and 1992 echoed this demand and recommendations were sent by the state government to the Centre. However, the issue still remains pending with the Government of India. Can the Sixth Schedule help resolve the conflicts centered on land and forest resources? The public debate within Manipur is polarised on this issue. At one end of the spectrum are local committees like the Sixth Schedule Demand Committee of Manipur – which states that though the Schedule is the best available mechanism to govern autonomous tribal areas, it needs to be further strengthened and improved. .

At the other end of the spectrum are the organizations of the two main tribes, i.e., the Kukis and Nagas, who see the Schedule as a means of suppressing the demands for a separate homeland. They want extension of Article 370 and amendment of Article 371 to maintain the 1949 territorial integrity of Manipur. The Meiteis, prefer the recognition of traditional village council structures instead of the Sixth Schedule. The Meiteis oppose the demand because historically this has been the precursor to the attainment of statehood in the areas that now fall in Nagaland and Mizoram and they fear that history might repeat itself. A Consultation Paper of the National Committee for the Review of the Indian Constitution recommended the Sixth Schedule for Manipur's councils, with certain changes on the basis of past experience in other northeastern states. These will address the confrontation between the state governments and the councils and between traditional structures of authority and the councils.

## The Sixth Amendment Bill

The MLR and LRA, 1960 was sought to be amended through the Sixth Amendment Bill (1989) or The Sixth Schedule by repealing the provision which (a) excluded the hill areas of Manipur from the ambit of the Act and (b) protected tribal land under Section 158. Tribes apprehend that its introduction will result in their dispossession / displacement by the more affluent 'outsiders'. Their demand is that the customary tribal land ownership institutions should not be tampered with on the plea that the land rights of the people are closely linked to the authority of the Chiefs and the community over the land. This implies that there is no government land in the hills and the villagers hold the land with the sanction of the Chief and community and not the government.

## Seventy Third Amendment vs. the Sixth Schedule

A comparative assessment of the Sixth Schedule and the 73rd Amendment 1992 (STA) demonstrates the fact that while the former is subject to interference, supersession and dissolution by the Central government through the Governor, the STA on other hand, aims to create institutions of local self-government for decentralized development with statutory financial devolution to the Panchayati Raj institutions, even though the experience is uneven across the country<sup>20</sup>.

## Forest Rights Act, 2006

The Ministry of Tribal Affairs is the nodal agency for implementing the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers known as Recognition of Forest Rights Act, 2006. The Act seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling by Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. As per the provisions of the Act and the Rules framed there under, the onus of implementation of the Act lies at the level of the State/UT Governments. The Act seeks to recognize and vest certain forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers<sup>21</sup>.

## Manipur Land Revenue and Land Reforms (7<sup>th</sup> Amendment) Bill 2015<sup>22</sup>

Manipur Land Revenue and Land Reforms (7<sup>th</sup> Amendment) Bill 2015, was passed to amend the Manipur Land Revenue and Land Reforms Act, 1960 (No. 33 of 1960). The aim of this act was "to regulate the sale of land to Non Manipuri persons of the State so that the limited available land in the valley area is available to all the permanent residents of the State in the interest of the general public". The objects and reasons were: "The population of Manipur has reached 28.56 lakh as per 2011 census. The population density of the four Valley Districts has reached 730 while in the five Hill Districts where there is restriction of purchase of land by non-scheduled Tribe is 61.

<sup>20</sup> B.K. Roy Burman, op cit, page 100.

<sup>21</sup> Forest Rights Act 2006, Ministry of Tribal Affairs, Govt of India, available at <http://tribal.nic.in/Content/ForestRightActOtherLinks.aspx>, Accessed March 15, 2016.

<sup>22</sup> Binalakshmi Nepram, "Manipur violence: Why the protest and what are the demands" *The Indian Express* September 6, 2015, available at <http://indianexpress.com/article/blogs/summer-of-revolt-why-manipur-is-one-of-the-worst-conflict-affected-states-in-south-asia/> Accessed March 20, 2016.

Hence there is tremendous pressure on land especially in the four Valley Districts of Manipur. The Manipur Conservation of Paddy Land and Wetland Act, 2014 has been enacted to conserve the Paddy Land and Wetland spreading in the four Valley Districts. There has been apprehension among the general public of Manipur that without regulation on sale of land in the very near future many families in the State may not have a roof over their heads. Hence, there is an urgent need to regulate the sale of lands to Non-Manipuri persons”.

Once the bill was passed, vested interests prevailed and rumour spread soon after the passing of the bill saying the bill was to “snatch away tribal lands” and violence broke out in Churachandpur District of Manipur where houses of the members of legislative assembly and parliamentarians were burnt and eight people died in the violence that ensued. Manipur government subsequently clarified that this was not the case. In a statement issued on 01 September 2015 after an emergency Cabinet Meeting which stated: “The present amendment of Manipur Land Revenue and Land Reforms Act which was passed in the Assembly does not extend to Hill Areas and in no way it will affect or alter the present status of tribal land”.

### Creation of New Districts and Land

The Government of Manipur on the midnight of December 8, 2016, announced the creation of Seven New Districts, viz., *Jiribam, Kangpokpi, Tengoupal, Pharzol, Kakching, Noney and Kamjong*. The newly-created districts have been carved out of from the existing districts, such as Tengnoupal from Chandel, Kamjong from Ukhrul, Pherzawl from Churachandpur, Kangpokpi from Senapati, Noney from Tamenglong and Jiribam from Imphal East districts. The creation of these districts came in the wake of the ongoing indefinite economic blockade enforced by the United Naga Council (UNC), protesting against the likely creation of two districts, Sadar and Jiribam, alleging that these new districts would encroach on the ancestral land of the Nagas<sup>23</sup>. Creation of these new districts resulted in a mixed response, while the decision was welcomed by Meities and Kukis, it was vehemently protested against by the United Naga Council (UNC), the apex Naga Civil Organization. Naga Leaders alleged that Naga villages have been merged with non-Naga areas to form the new districts which is seen by Nagas as a threat which would lead to encroachment on the tribal land rights. A case in point is the creation of Jiribam District where in some eastern villages of Jiribam has Naga settlers who have been advocating that their villages be merged with Naga dominated Tamenglong district.

### Autonomous District Councils (ADC) and Devolution of Powers

The first election to the Autonomous District Councils was held in May, 1973. Each district council consisted of 18 directly elected and two nominated members. Unlike their counterparts in Assam, Meghalaya, Mizoram and Tripura, no provision under the Sixth Schedule is extended to the Manipur District Councils. To press the public demand for extension of the provisions under the Sixth Schedule to the

<sup>23</sup> Manogya Loiwal, “7 new districts formed in Manipur amid opposition by Nagas” Indiatodayin News, available at <http://indiatoday.intoday.in/story/manipur-7-new-districts-united-naga-council-okram-ibobi-singh-sadar-hills-nagas/1/830729.html> Accessed March 20, 2017.

Constitution of India, the Manipur Hill District Councils had been kept in abeyance since 1978 to 2008<sup>24</sup>. In 2010, Manipur State Government conducted elections, after a gap of nearly 20 years, to all the six District Councils. However, these councils remained ineffective. The ADC members are demanding adequate devolution of powers with respect to central schemes and the 26 subjects (Government. Sectors) provided for under the Manipur (Hill Areas) District Council (Third Amendment) Act 2008. They also want a separate budget for the six ADCs. This impasse is likely to continue unless the State devolves the requisite powers. ADC elections in 2015 were keenly contested with enthusiastic participation. It is important that necessary policy interventions are made to empower ADCs and make them effective.

### Practical Problems Faced in Implementation of the ADC

Though the Government of India has offered the formation of Autonomous District Councils in all tribal areas for their upliftment at the grassroots level, the following problems have been experienced in Manipur:-

- a) The function of the present ADC is directly under the State Government which at times has created conflicts.
- b) The ADCs are not fully empowered by the State Government as envisaged by the act.
- c) Though the State Government has amended certain provisions of administration, yet at the grassroots level the devolution of powers has not been fully implemented. As a result the ADCs have still not been empowered.
- d) No separate budget has been given to the ADCs as envisaged in the Act – another debatable issue.

### 'Alternative Arrangement' For the Nagas of Manipur

The issue of 'Alternative Arrangement' was raised in the Naga People's Declaration held at Senapati on July 1, 2010. In the same declaration, a decision was taken to "sever ties with the Government of Manipur". The Declaration further explained that the alternative arrangement was sought to fill the vacuum/gap created in recent times, without substantiating what exactly was the vacuum/gap. The Declaration was initiated by the United Naga Council (UNC) which was observed as a "Naga Peoples Mandate". Further, the issue of "Alternative Arrangement" can be seen from different perspectives. First, it is a reaffirmation of the fact that the Nagas have given up the idea of sovereignty and moved closer towards a settlement within the Indian Constitution. Second, the realization that the issue of Greater Nagaland is diminishing and the need to move towards Manipur. The whole movement for "Alternative Arrangement" only for the Manipuri Nagas as well as simultaneously joining the Manipur State election can be seen as an initiative for reconciliation and peaceful co-existence in the State.<sup>25</sup>

<sup>24</sup> Prof Lal Dena, The Manipur (Hill Areas) District Councils (4th Amendment) Bill, 2011, available at <http://www.inpui.com/2011/06/manipur-hill-areas-district-councils.html>, Accessed on January 20, 2017.

<sup>25</sup> Yenning, 'Alternative Arrangement' and the Nagas of Manipur, October 6, 2014, m [http://e-pao.net/epSubPageExtractor.asp?src=news\\_section.Naga\\_Alternative\\_Arrangement\\_Supra\\_State\\_Model\\_Demand\\_2011.Alternative\\_Arrangement\\_and\\_the\\_Nagas\\_of\\_Manipur](http://e-pao.net/epSubPageExtractor.asp?src=news_section.Naga_Alternative_Arrangement_Supra_State_Model_Demand_2011.Alternative_Arrangement_and_the_Nagas_of_Manipur) Accessed on February 10, 2017.

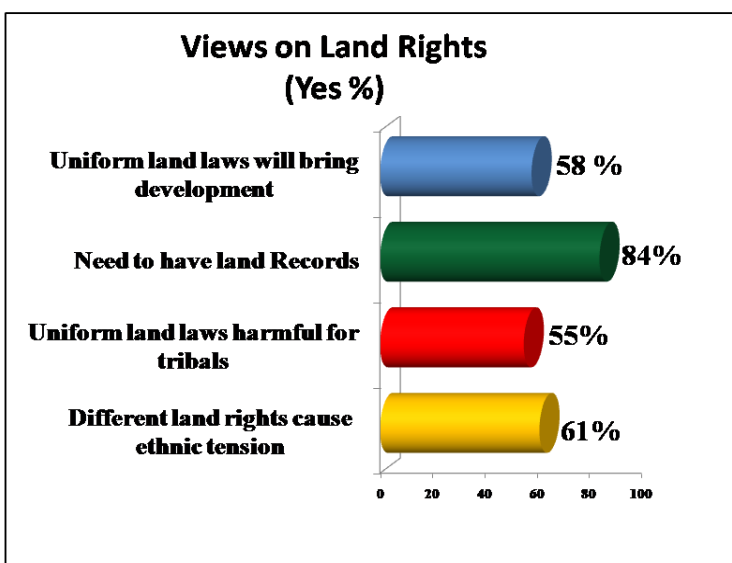
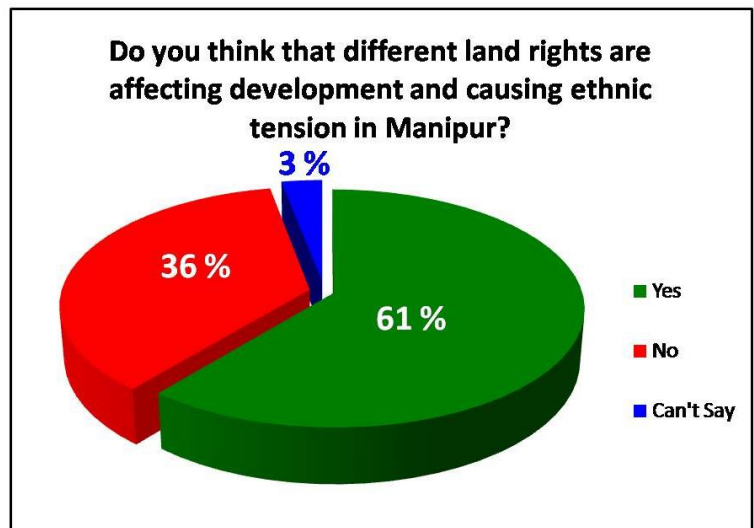
## Findings of the Survey

### Survey

A detailed survey was carried out to critically analyze the views of the people on Land Rights, development and Insurgency in Manipur. The survey used two comprehensively devised questionnaires (one for Field Survey and another for Interview) and the response of a wide cross-section of population of Manipur (comprising of common people, professionals, intellectuals, scholars, government officials and militants) was collated. A detailed analysis of the collated response has been carried out and views have been factored into the recommendations.

### Land rights, development and Insurgency

One of the questions asked in the survey was: Do you think that different land rights are affecting development and causing ethnic tension in Manipur? In response, it came out that different land rights are perceived as adversely affecting development and causing ethnic tension in Manipur (61 percent).



In response to the sub questions: a. Uniform land laws will bring development; b. Need to have land records; c. Uniform land laws harmful for tribes since different land rights cause ethnic tension; it emerged that while majority of people felt a need to have land records (84 percent), there is a difference of opinion about Uniform Land Law. While Naga and Kuki feel that Uniform Land Laws are harmful for tribes and will not bring

development (55 percent), Meiteis and others feel that uniform land laws are essential in case over all development is envisaged (58 percent).<sup>26</sup>

<sup>26</sup> A clear contrast occurs between the valley based Et hill based tribes in the matter of land rights. For militants, it is a well justified cause for their struggle against government efforts on land rights.

## Factors Leading to Conflict in Manipur

More often than not, what is seen as 'ethnic conflict' is actually a dispute over land issues governed by genuine social, political, economic, historical grievances and ethnicity which is used as a means of social mobilisation. Some of the prime factors are listed below:-

- a) **Control over Land and Territory:** Every ethnic group has, since time immemorial, been the master of its territory. Today, with the increasing population, industrialization and economic development taking place across the country, this real estate has gained significant value to for the common man and to for the community at large. A sense of control over land and territory is seen as a way of preserving ones lineage and to that extent has been a show of supremacy over each other, in the form of conflicts and violence.
- b) **Preservation of Identity:** Identity is a key factor. Control over territory and land are related to the issue of identity and territoriality. The Sadar Hills in Senapati district is a crucial issue between the Nagas and Kukis. The Nagas oppose the Kuki's claim for the formation of a district here and object to their refusal to pay the tax levied by the Naga insurgents. The Nagas argue that the Kukis are migrants and interlopers of a later period and they are not the original inhabitants of the hills.
- c) **Topographical Division:** Topographical division can also be clearly seen in the seat shares of the state legislative assembly. Whereas 40 M.L.As are from valley – based constituencies, only 20 seats are in the hills. The assembly election results show that seat sharing is done more or less on ethnic lines; for instance, the Tangkhul Nagas represent Ukhrul district (which has three seats), whereas, members from Thadou, Paite and Hmar represent Churachandpur district. Nagas and Kukis share seats in Senapati and Chandel district and Zeliangrong Nagas occupy Tamenglong district seats. In the valley, it is the Meiteis who are in a majority and a few Pangals who dominate all the seats. The ethnic feelings that have thus spilled over into the political arena have deepened the sense of ethnic separation and self-identification in Manipur.
- d) **Insurgent Groups:** Another major element of division is the large presence of ethnic group based underground organizations operating in the state, each controlling distinct areas of land to carry out their insurgent activities; These insurgent groups exploit the support bases established in the backyard of their own community and have active support of certain sections of collusive public. They generally do not foray into each other's territory for garnering support base or control territory. They target the cross section of the society in their sphere of influence for extortion purposes and have violent conflicts with security forces and rival groups for control of space for eg the Meitei insurgency is prevalent in the Imphal valley of the state while the Kuki and Naga insurgency is prevalent in their respective hill areas. Very rarely have these insurgencies clashed with each other. Hence the basic dictates of the land has also shaped the nature of armed conflict in the state. Land rights also give these insurgent groups reasons for existence.



- e) **Control over Border Trade:** One of the crucial causes of the struggle for territorial control is the control of border trade, including the lucrative smuggling and drug trafficking at points along the Indo-Myanmar international border. The internecine Naga-Kuki battles that took place in the Moreh–Tamuarea in 1993 are manifestations of this conflict.
- f) **Breakdown of Governance:** Some analysts are of the view that the real reason for such ethnic strife in recent years is the collapse of institutions of law and governance in the context of a non-expanding or stagnant economy. The local elite have accumulated wealth by resorting to corrupt practices in public works, illegal border trade and other unlawful activities. In the hill districts, there has been lip service paid to the development works initiated by the civil administration as they are remote and inaccessible at many places.
- g) **Fear of Exploitation of Resources by Outsiders:** The locals constantly fear that the outsiders, in connivance with the other ethnic groups of the state would control the markets and exploit the state's resources, especially the forest wealth. This has been largely due to self-serving interests and for the majority of the populace who get swayed by their local leaders; it is due to sheer ignorance of the actual. A simple example can be cited in the strong resistance to the oil exploration bid by the Central and State Governments. in the hill areas of Manipur and the resistance offered by the locals to even test the feasibility of the project. The people's determination to resist such activities gets articulated as struggles to preserve and protect their nationality, identity and ethnicity.
- h) **Inequality in Development / Employment:** The State of Manipur has been divided in the field of development projects to the extent that while most of the valley districts have received a large share of development projects, increasing their infrastructural base such as educational institutes, hospitals, markets, water supply and communication – the Hill districts remain devoid of these and are under-developed even today and this has created a big void as far as employment generation is concerned in the Hill Districts.

## Addressing the Issue of Conflict in Manipur

### Differing Viewpoints

The complex issue of ethnic conflict and, in essence, territorial integration in Manipur, needs to be understood in the context of its land laws. According to some observers, the Kuki–Naga conflict during 1993–1996 was primarily 'an elitist conflict over land and right to self-determination'<sup>27</sup>. However, the most immediate reason for the ethnic conflict between Tribals (Nagas and Kukis) and the valley people (Meitieis and Pangals) is the uncertainty about who actually controls the land, especially the forested hill tracts that cover the major parts of the state. Differing systems of land ownership and tenure reinforced the accentuated ethnic divide between the people of the plains and the hill tribes.

<sup>27</sup> Lal Dena (1999), *The Kuki-Naga Conflict Juxtaposed in the Colonial Context*, Aggarwal, page 183.

## Fear of Tribals over Land Alienation

Many lands would be alienated from their original owners as the State Government had a policy of extension of the Act slowly in a planned manner. The growing consciousness among the different tribes of Manipur is that the members of their communities have been dispossessed from their land by non-tribals as in the case of Tripura. This may lead to an ugly situation of clashes between tribal and non-tribal communities<sup>28</sup>. Our understanding is that the blanket application of the Land Law in all parts of the state, in its present form will create political turmoil without achieving the stated aims.

Also, the MLREtLR (Sixth Amendment) Bill proposes to insert a new section 13 (B) as: Power to regulate and control 'jhum' or migratory cultivation; the state government may make rules for regulating and controlling jhum or migratory cultivation for protection of environment, catchments areas of irrigation, hydro-electric and water supply project and prevention of land slides near National and state Highways and major district roads.<sup>29</sup> The tribal communities, on the other side, are demanding the extension of the Sixth Schedule to all the hill districts, but this demand does not get much support from the majority Meitei community. The Meiteis would rather extend the MLREtLR Act to the hill areas. As the above statements show, they want a uniform land law in the whole state.

## Views on One Uniform Land Law for All the Ethnic Groups in Manipur

There is an equal section of the population, the Meiteis in particular, who have a different view of the issue. According to them, the hill region, comprising about 90 percent of the total area of the State, contains only 35.45 percent of the State's total population, while the valley region with only 10 percent of the total area has to support 64.55 percent of the total population. The Government of Manipur is unable to give attention to proper development and utilization of lands in the hills including forest lands due to the separate laws embodying the use of land. The Meitei people cannot purchase land and settle in the hills whereas hundreds of thousands of hill people comprising of all ethnic groups are purchasing land and are settling in the valley. The valley people cannot even buy back the land from the hill people. Dr Khomdon Singh Lisam<sup>30</sup> says "In order to bring solidarity and unity of all ethnic groups in Manipur, it is proposed to the Government of India for making amendment of the Indian Constitution to bring uniform land laws for all ethnic groups in Manipur<sup>31</sup>."

<sup>28</sup> D P Panmei, "Land Rights of Tribals and State Land Laws : Manipur" E Pao, Sangai Express, January 20, 2013, available at [http://e-pao.net/epPageExtractor.asp?src=features.Land\\_Rights\\_of\\_Tribal\\_State\\_Land\\_Laws\\_2.html](http://e-pao.net/epPageExtractor.asp?src=features.Land_Rights_of_Tribal_State_Land_Laws_2.html). Accessed on February 22, 2016.

<sup>29</sup> Walter Fernandes and Sanjay Barborá (2008), North Eastern Social Research Centre International Workgroup for Indigenous Affairs in "Land, People and Politics: Contest over Tribal Land in Northeast India" page111.

<sup>30</sup> Khamdon Singh Lisam, "Why do we need Constitutional Amendment 9 points agenda for OSUNE-INDIA, Manipur" E-Pao, December 22, 2012, available at [www.e-pao.net](http://www.e-pao.net)

[Opinion\\_on\\_Manipur\\_Integrity\\_Issue/epSubPageExtractor.asp?src=news\\_section.opinions..Why\\_do\\_we\\_need\\_Constitutional\\_Amendment\\_9\\_points\\_agenda\\_for\\_OSUNE-India\\_Part\\_1](http://www.e-pao.net/epPageExtractor.asp?src=news_section.opinions..Why_do_we_need_Constitutional_Amendment_9_points_agenda_for_OSUNE-India_Part_1), Accessed on February 23, 2016.

<sup>31</sup> Khomdon Singh Lisam, Amending Article 371C can bring peace, prosperity in Manipur, E-Pao available at, [http://e-pao.net/epSubPageExtractor.asp?src=news\\_section.opinions.Opinion\\_on\\_Manipur\\_Integrity\\_Issue.Amending\\_Article\\_371C\\_can\\_bring\\_peace\\_prosperity\\_in\\_Manipur](http://e-pao.net/epSubPageExtractor.asp?src=news_section.opinions.Opinion_on_Manipur_Integrity_Issue.Amending_Article_371C_can_bring_peace_prosperity_in_Manipur), February 24, 2016.

## Way Forward: Steps towards Resolution

### Awareness Campaign

Common people are not aware about the effects of the present system of land ownership. It is preventing development activities in the hill areas. Private sectors and corporate houses are unable to acquire land for their ventures thereby denying prosperity and employment opportunities to the locals. People need to be educated about these facts. It can best be done by co-opting the Church in these campaigns through sermons during their services, awareness campaign in educational institutes, interactions among intellectuals and socio-political leaders of all communities, organizing seminars, symposiums, social gatherings and functions for informal interactions and understanding each other's view points. Other aspects like Audio/Video media Et Print media need to be incorporated.

### Separate Land Norms

The hill areas and the valley have their specific and distinct systems of land ownership and tenure. They have their own problems and institutional mechanisms to resolve them. It is recommended that the problems in the hills be addressed through the empowerment of the village and District Councils as well as a symbiotic land and forest management approach. These would require separate Acts to be drafted for different areas, after a series of consultations, perhaps through the codification of customary law and practices as they have evolved, on the principles of justice and gender-equity. As a first step for this aspect, a Land Commission that investigates the different problems related to land ownership and land rights may be set up immediately.

### Land Registration or Patta System

The absence of land registration or 'patta' system in the hill areas of Manipur, has adversely impacted the growth of the farms and industries since the people, who without having any legal title or right to the lands, are tilling them and have been living on them for centuries. As a result, the financial institutions/banks are not willing to provide credit to them because they cannot provide security in this regard<sup>32</sup>. Following Land Reforms undertaken in Mizoram<sup>33</sup> may be considered for Manipur as well:-

- a) The abolition of chieftainship and transfer of administration of Land and Land Revenue to the District Councils with consensus building.
- b) Training the youths in the field of Surveying, Conventional and Digital Cartography, Photogrammetric Et Remote Sensing, Cadastral Survey, GIS and Land Information System.
- c) Data Entry Works for computerization of all Land Records.
- d) Issue of Land Settlement Certificates Et Land Lease passes to the land holder in colour form and passport size photos of the owners pasted in the certificate.

<sup>32</sup> Priyadarshni M. Gangte, Applicability of Tribal Forest Act and Traditional Forest Rights to the Kukis in Manipur, Kuki International Forum, April 15, 2010, available at <http://kukiforum.com/2010/04/applicability-of-tribal-forest-act-and-traditional-forest-rights-to-the-kukis-in-manipur-2/> Accessed on February 22, 2016.

<sup>33</sup> Revenue Department Govt of Mizoram – Overview, available at <http://landrevenue.mizoram.gov.in/page/profile.html>, Accessed on February 20, 2016.

In the year 1994, Manitron (a Government of Manipur Undertaking) was given the task, to take up Land Record Computerization by the Government of Manipur. Manitron took up the project for the valley districts of Manipur. They completed the data entry and handed over the details to the Government of Manipur. The scheme of Computerisation of Land Records (CLR) was started in 1988-89. This is a 100 per cent grant-in-aid scheme executed by the State Governments. The main objective of the CLR scheme is that landowners should get computerized copies of their Records of Rights (RORs) at a reasonable price. The ultimate objective of the scheme is 'on-line management' of land records in the country<sup>34</sup>. The scheme could not be implemented in the Hill Areas because of resistance from the tribes.

Land registration is the first step towards a resolution. Involvement of local educated youth for the survey and maintenance of land records will ensure willing participation and acceptance. This will also create job opportunities to the educated youth.

### Land Ownership in Hills

After the land registration, the second step would be the recording of Land holdings under the traditional laws and modification of the laws/practices for codification. The issue of individual land ownership in the hills had long been delayed in the name of customary laws. There is an urgent need today to revisit and re-examine whether the traditional laws and customary practices with regard to land ownership are democratic or not and whether the present land ownership system is helping in the sustainability of the land in question.

### Classifying the Land Holdings

Third step towards reaching a resolution would be the classification of land into individual holdings, community land and reserve forests. It must be accepted that the tribes have a system of community land ownership with the Village Chiefs having arbitrary powers over that land. Adequate flexibility must be incorporated in the laws for accommodating the age old traditions being followed in the hills regarding land and its resources. On the other hand, tribal communities should be taken on board and encouraged to respect Government laws regarding ownership of reserve forests. Gradually but surely, there would be a need to accommodate the concerns of the people in the valley by allowing them migration and ownership rights in the hill districts. This shall result in mushrooming of multiethnic settlements, leading to better interaction between various ethnicities thus making them joint stakeholders in peace and development.

There should be a provision of heavy compensation for acquisition of land by the government. The land acquired by the government in the hills should thereafter be earmarked for industrialization and other such economic activities where people of all communities should be able to purchase land for setting up of factories or other such

<sup>34</sup> "Computerisation of Land records", Directorate of Settlement and Land Records, Govt of Manipur, available at <http://manipurrev.nic.in/computerise.htm>, Accessed on February 20, 2016.

institutions. The government should select a few remote villages and develop them as a radiant model for the rest of the state to emulate. The success of these models should be ensured at any cost and then they must be highlighted as inspiration for the rest of the state. Other villages will then unconditionally attempt to emulate the feat.

### New Land Use Policy (NLUP)

The New Land Use Policy of Mizoram implemented on January 14, 2011 has been observed as “Kuthnathawktute Ni” or “Farmers’ Day”. The core objectives of the new policy include keeping 60 percent of Mizoram’s total land area as rain forest, to wean away farmers from destructive jhum practices Etto employ them in sustainable economic ventures, to improve income for both urban and rural poor through sustainable farming, nonfarm activities, micro enterprises including promotion and modernization of small scale and cottage industries. It also focuses on land reclamation and promotion of agro-horticultural and plantation crops, animal husbandry, fishery and micro enterprises for income and employment generation<sup>35</sup>. Taking a cue from its success in Mizoram, the Manipur Government needs to re-initiate a New Land Use Policy (NLUP) through consensus of all.

A committee to study land holding system and practices of different tribal communities may be constituted comprising representatives from all ethnic groups i.e. Meiteis, Naga, Kuki and others and experts in the subject from the State/Central Government. A modified New Land Use Policy meeting the aspirations for all tribes may be introduced in Manipur. It will be the fourth step towards a resolution.

### The Sixth Schedule

On both sides, the conflict is for land that the state would like to appropriate. It is true that the Meitei dominate the State and may also want a share of the land because they constitute 60 percent of the population but live on 10 percent of the land area. However, the conflict itself is between the Naga tribes and the State for the implementation of the Sixth Schedule<sup>36</sup>. The Naga tribes

want to reinforce their control over land and the State wants to amend the Land Laws to get around the customary laws. Polarisation has developed around this issue with both, the State and the tribes, refusing to compromise on this issue. The State has

Autonomous Councils Under Sixth Schedule in Northeast India	
<b>MEGHALAYA</b> <ul style="list-style-type: none"> <li>● Khasi Hills Autonomous District Council</li> <li>● Jaintia Hills Autonomous District Council</li> <li>● Garo Hills Autonomous District Council</li> </ul>	<ul style="list-style-type: none"> <li>● Mara Autonomous District Council</li> </ul>
<b>MIZORAM</b> <ul style="list-style-type: none"> <li>● Chakma Autonomous District Council</li> <li>● Lai Autonomous District Council</li> </ul>	<b>TRIPURA</b> <ul style="list-style-type: none"> <li>● Tripura Tribal Areas Autonomous District Council</li> </ul>
	<b>ASSAM</b> <ul style="list-style-type: none"> <li>● Dima Hasao Autonomous Council</li> <li>● Karbi Anglong Autonomous Council</li> <li>● Bodoland Territorial Council</li> </ul>

<sup>35</sup> E Bijoy Kumar Singh, New Land use policy of Mizoram, HueiyenLanpao, 07 February 2014, <http://www.hueiyenlanpao.com/articles/item/17059-new-land-use-policy-of-mizoram>, Accessed on October, 15, 2015.

<sup>36</sup> Walter Fernandes, Tribal Commons and Conflicts in Manipur and Tripura in Northeast India, <http://www.dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/7287/1283.pdfsequence=1>, Accessed on October, 15, 2015.

offered to the hill tribes creation of District Autonomous Councils outside the Sixth Schedule and the Naga tribes have rejected as being totally inadequate since the land issue is excluded from them. This has resulted in a deadlock and the tension continues around the Sixth Schedule. As a result, development has been stagnated or slow and huge amounts of central funds pumped in are getting siphoned off by the insurgency.

Manipur is the only state of the North Eastern Region to which the provisions of the Sixth Schedule have not been extended..Why were the Manipur Hills not included in the 6th Schedule? One explanation was that Manipur and Tripura, being princely states, were treated differently from tribal areas in the then state of Assam. However, subsequently, the provisions of the 6th schedule were extended to parts of Tripura. When the bill proposing extension of 6th schedule to Tripura was discussed in Parliament in 1984 , then *union* Home minister P.V. Narasimha Rao stated that “provision of the 6th schedule to the constitution may also be extended to the state of Manipur “. <sup>37</sup>The extension of sixth schedule to the hill areas of Manipur needs to be seen in the light of empowering ADCs and bringing in inclusive development in Manipur.

## Uniform Land Law

The MLR-LR Act, 1960 is a Central Act. It can be amended by the state legislative assembly to bring all the ethnic groups in Manipur under one uniform Land Law. However, any amendment must be carried out with proper care considering the apprehensions of all the ethnic groups in Manipur. Bringing all the ethnic groups in Manipur under one uniform Land Law is likely to bring around an emotional integration and oneness among the people in the hills and the valley after initial resentment from the tribe's. A team of intellectuals, scholars and socio-political leaders from all ethnic groups should come together for consideration of a uniform land law ensuring that the aspirations of all stake holders are taken care of. This will be the last step towards a peaceful, long lasting and amicable resolution leading to inclusive development in the state.

## Concluding Remarks

It is high time for the State Authorities to review the situation and feel the pulse of the tribes to seek out the best solution to the un-resolved issues of their land holding in the state. The existing customary and traditional practices of land holding system is not free from defects and the system needs a re-look. <sup>38</sup>.Hence, there is a need to identify the nuances, or at least acknowledge the existence of the spectrum of colours and shades, between the two poles of "with us" and "against us" in looking for a resolution to these conflicts. Conflict resolution is not merely about eliminating all opposition or reducing the choices in negotiating a problem between two mutually exclusive sets of rights and wrongs. Rather, it consists of labouring to bring everybody

<sup>37</sup>Jatin Lamba, Why does the 6th schedule of constitution of India does not include the state of Nagaland and Manipur?, Quora, January 06, 2016, available at <https://www.quora.com/Why-does-the-6th-schedule-of-constitution-of-India-does-not-include-the-state-of-Nagaland-and-Manipur>, Accessed on October, 15, 2015.

<sup>38</sup> DP Panmei, Land Rights of Tribal and State Land Laws : Manipur, [http://epao.net/epPageExtractor.asp?src=features.Land\\_Rights\\_of\\_Tribal\\_State\\_Land\\_Laws\\_2.html](http://epao.net/epPageExtractor.asp?src=features.Land_Rights_of_Tribal_State_Land_Laws_2.html), Accessed on December 12, 2016.

under the same umbrella to accept reality and thereafter project a future with this understanding as the foundation<sup>39</sup>.

Also, Land Laws meeting the aspirations of various ethnic groups as suggested above should be enacted which shall dispel the apprehensions and disenchantment of all the stake holders, thereby bringing inclusiveness in growth and development and blurring ethnic fault lines and ushering in peace. A Land Commission may be set up immediately to look into issues of land ownership in keeping with the ethnic diversity and territorial rights of the people. Even if a final resolution is not hammered out, the people, if given economic empowerment, will prevail over the warring factions to either accept the will of the people or the people themselves may make the insurgent groups irrelevant. The bottom-line is that people want peace, dignity and prosperity.

Image Source:

- <http://manipurtimes.com>

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<sup>39</sup> Pradip Phanjoubam, Manipur, the search for solutions, <http://www.satp.org/satporgtp/publication/faultlines/volume15/Article5.htm>, Accessed on December 12, 2016.

## About the VIVEKANANDA INTERNATIONAL FOUNDATION

The Vivekananda International Foundation is an independent non-partisan institution that conducts research and analysis on domestic and international issues, and offers a platform for dialogue and conflict resolution. Some of India's leading practitioners from the fields of security, military, diplomacy, government, academia and media fields have come together to generate ideas and stimulate action on national security issues.

The defining feature of VIF lies in its provision of core institutional support which enables the organization to be flexible in its approach and proactive in changing circumstances, with a long-term focus on India's strategic, developmental and civilisational interests. The VIF aims to channelize fresh insights and decades of experience harnessed from its faculty into fostering actionable ideas for the nation's stakeholders.

Since its establishment, VIF has successfully embarked on quality research and scholarship in an effort to highlight issues in governance and strengthen national security. This is being actualized through numerous activities like seminars, round tables, interactive-dialogues, Vimarsh (public discourse), conferences and briefings. The publications of the VIF form the lasting deliverables of the organisation's aspiration to impact on the prevailing discourse on issues concerning India's national interest.



### VIVEKANANDA INTERNATIONAL FOUNDATION

3, San Martin Marg, Chanakyapuri, New Delhi – 110021

Phone: +91-11-24121764, 24106698

Email: [info@vifindia.org](mailto:info@vifindia.org), Website: <http://www.vifindia.org>

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