CHAPTER 4

Land Rights Discourses in the Hills of Manipur

4.1 Introduction

The Concept of land and land rights for the Hill Tribes of Manipur started as a collective enterprises. The British colonial administration formed land related laws created as a merger between the newly introduced British law and the traditional system (Sarkar, 2006). This trend of governance based on an alien mode of administration has continued in the postcolonial era in the Indian Government policies towards the hill tribes. The paper attempts to highlight the complexities in land relations as well as in the social life of the people due to the imposition of an administration, which do not really understand the existential reality of the ruled. Its irrelevance and insensitivity makes it undesirable to the local people. However, the fact that they are laws issued by a mightier authority makes it a dominant power. Therefore, the realities in most villages today are the side-by-side existence of traditional laws and government laws.

It will revisit the concepts like ‘development’, ‘democracy,’ and ‘citizenship’ by trying to understand its relevance to the hill tribes of Manipur. What is the concept of land rights based on their customary belief? What is the concept of land rights according to the state? How has the two varied concept collide over the years? What impact do they have on the Kukis concept of land rights?

In analysing land rights discourses in the Hills of Manipur, we use the two existing discourses put forward by Bonny Ibhwahoh (2007)—legitimising and oppositional rights discourses. In the postcolonial era, there is a shift in matters of land rights and distribution of land as to whom it legitimately belongs to or the concept of “legitimate ownership”. Legitimizing discourses is deployed to justify and legitimize both the colonial and the Indian State’s economic and social policies. It explains the various moves of the Indian State in trying to integrate the tribals to the mainstream in the name of the nation-building agenda of the
country. As the dominant regime sought to consolidate its control over local resources and social life, sustained challenges emerged from the locale. The present days laws are a continuation to those in the Colonial period. Colonial land policies, which restricted individual access to land and vested it in the state, were attacked as a denial of the local people's to their rightful inheritances. The oppositional right discourse is anti-establishment and is manifested is various movements against the activities of the state agencies.

4. 2 The Land Question

4. 2. 1 Chieftainship System: Land, Role Relationships and its Obligations and Privileges

In theory of authority Max Weber in, 'Economy and Society,' put forward three types of legitimate domination: Charismatic domination, Traditional domination and Rational-legal domination (Weber, 1978). Each of these types of domination gives rise to a corresponding form of legitimacy, types of obedience, administrative apparatus and mode of exercising power (Morrison, 1995, p. 284). Charismatic domination is the type in which the leaders are believed to have capabilities above those of ordinary individuals, and their powers are regarded as having a divine origin, and based on this the individual is treated as a leader (ibid). The administrative staff of a charismatic leader does not consist of 'officials,' and least of all are its members technically trained (Weber, 1978, p. 243).

Authority is traditional when its legitimacy is based on tradition and custom, on the sanctity of age-old rules and powers (ibid, p. 226). In rational-legal domination, legitimacy rests on 'rational grounds' and on the belief in the inherent legality of enacted rules and the right of those elevated to authority under these rules to issue commands (ibid, p. 215). In the light of these analyses, the chieftainship system amongst the Thadou-Kukis can be characterised as a closed type of traditional authority structure.
The Chieftainship system is weaved around the concept of privileges and obligations of both the chief towards the subjects and vice versa. The Kuki chiefs have the responsibility for care of public order and representation of the body politic. The obligations of citizenship include obedience to the law of the land and payment of tributes called 'changseo' or basketful of paddy to the chief. Obligation that bind individuals to leaders is by personal loyalties derives from the traditional status of the ruler (Morrison, 1995, p. 288). The right of citizenship includes care in sickness and old age; assistance in time of famine and disaster; protection by the courts of life, land and property (Firth, 1959, p. 254).

Land ownership is the exclusive right and prerogative of the chief. Land and land title system of the Thadou-Kukis supports the basis of legitimacy to the authority of the chiefs (Ray, 1990, p. 44). In the past, the people believed that these chiefs originally had connexion with the gods themselves, their persons was therefore, looked upon with the greatest respect and almost superstitious veneration, and their commands were in every case law (Stewart, 1855, p. 625). According to Stewart, the Rajah (chief) is the ultimate authority in the village or villages under him and no one is competent to give orders or inflict punishments except through him (ibid).

The institution of Thadou-Kuki chieftainship system might have emerged from the context of tribal wars in the past when a single authoritative figure was a necessity. In their grim struggle for existence and constant war with other tribes, they need a strong leader who could maintain the cohesiveness of the society and protect it from external threat. Thus, the evolution of a strong and authoritarian chieftainship of the Thadou-Kukis in particular and the Kukis in general was a historical requirement for survival (Ray, 1990, p. 45). The control and ownership of land became the necessary condition for maintaining the community as a homogenous community formed to provide a militant fortification against the enemy tribe (ibid).
Traditionally, there were two kinds of chiefs among the Thadou-Kukis. One is the Clan chief or principal chief called “Pipa” who have an influence over a wider network of land. The second is named “Haosha” (Haosa) or territorial chief (Bhadra, 1975, p. 23). A traditional tribal authority has its own legitimacy, which is obtained by either Kinship descent or by the sanctity of customary rules. Under the traditional types of domination, leaders derived their powers based on the concept of hereditary right. They are seen as legitimate in the light of customary rights and traditional norms (Morrison, 1995, p. 288). In the Thadou-Kuki society, the privilege of kinship descent and the law of primogeniture are the two traditional factors determining the title of chieftainship (Ray, 1990, p. 7). Except for minor local variations, the Kuki polity is ordered into seven-tiered structure, with the chief or Hausapu as the head.

Under traditional authority, Weber discussed two types of administrative apparatus, patrimonial and patriarchal (Weber, 1978). “The central characteristic of patriarchalism is the belief that authority is exercised by ‘joint right’ and in the interest of all members (Morrison, 1995, p. 290).” Unlike the case of patrimonial forms of administration, which rely on families, in patriarchal forms of administration, there ought to be personal staff retained from family members (ibid). The Chieftainship system amongst the Thadou-Kukis comes under the patriarchal forms of administration.

According to Asok Kumar Ray (1951, p. 38) the Thadou Kuki polity is ordered into seven-tiered structure, with the chief or hausapu as the head. He is assisted by the following offices:

1. *Semangpa* (prime-minister)
2. *Pachong* (secretary)
3. *Thiempu* (physician cum priest)
4. *Thihiu* (village blacksmith)
5. *Chonloi* (treasurer)
6. *Lom-upa* (youth director in charge of youth co-operative works)
7. *Kho-sam* (Announcer of the decisions of the village council)

T.S. Gangte (1993, Pp. 130-132) has listed the council members into three offices:

1. *Khawsam or Lhangsam Pa* (Information Secretary)
   He is the spokesperson of the council. Literally speaking he is the councillor in charge of information and broadcasting. He convenes meeting of the council, conveys decisions of the Council to the public, and enforces or implements the decisions of the council. He may be asked to act in any capacity, such as in any capacity, such as, emissary, negotiator, mediator, depending upon his personal talent (ibid, p. 130).

2. *Thiempu or Village Priest*
   *Thiempu* is the office of the village priest of medicine man. Literally speaking, he is the councillor-in-charge of public health in the truest sense of the term. Persons for this office are chosen from among those who knew the ‘thiem-thu’ (the secret words of medicine). This office is very often regarded as hereditary, because the secrets of the medicines are not revealed to each and every person (ibid). He also performs incantation or presides over rituals in the process of settling disputes (ibid, p. 131).

3. *Thih-kheng Pa* or Black-Smith
   The blacksmith is attributed an important status in the village. This office goes to the person who has the highest dexterity in black-smithy (ibid).

Dr. Satkhokai Chongloi (2009) describes how the *Khosung Inpi* (village government) elects prominent person for three main offices: The *Khosung Semang* (Village administrator), the *Khosung Pachong* (Village Defence Minister) and *Khosung Lhangsam* (Village Public Relation Minister or Foreign Minister). Besides these three, he also cites the existent of two other offices, which indirectly influenced the council through the important role they play in the society. The
Khosung Thempu (Village Priest) is the councillor-in-charge of public health. He used his skill in witchcraft in curing the sick and dealing with supernatural elements in the village. The Kho Thih-khengpa (blacksmith) is the authorized blacksmith of the village. In traditional village setting, he makes all agricultural tools, and repairs them free of cost. Like Thempu, he also receives "Khotha", where all villagers gave a free labour by working in his agricultural field to show gratitude for his service (Chongloi, 2009).

The chief of the village and his council of ministers wields great authority and prerogatives over the villagers within the limit of their territorial jurisdiction. He performs judiciary, executive and legislative functions in consultation with his council of ministers. He is vested with absolute powers. The chiefs had to protect the interest of villagers by providing them security socially, politically and economically. The other important roles of the chiefs were to settle disputes, provide care and protection to his villagers. Chieftainship as an institution is the perennial source of customary laws and retainer of tradition. It is a mechanism by which customary laws are interpreted in the social system.¹

From the earliest times, the hill tribes practised different land use system in their domain. Though the entire land of the village theoretically belongs to the chief in the case of Thadou-Kukis, the village community who shared the land among themselves did the actual cultivation. The general condition that prevailed among the Kukis from the earliest times is that the land within the chiefdom is distributed to the villager for cultivation and homestead. The land allotted to the villagers cannot be sold. If a family in the village wishes to migrate to another village, the land will automatically return to the chief. The member of the chiefs council with the approval of the chief superintend and transact all business matters in connection with the land—cultivation, measurement, collection of tax, etc. when a particular land is to be cultivated for Jhumming purposes by a villager

¹ Kipgen, as presented in National Seminar on Land, Identity and Development: Manipur Experience (16th and 17th Nov, 2007), organized by ICSSR, NERC
it has to be brought into the knowledge of the chiefs for approval. This shifting cultivation is necessitated by the absence of permanent allotment to the villagers.

By virtue of his status as a chief, the chief enjoyed certain privileges. The revenue exacted by these chieftains is paid in kind and labour. The chief receives tribute from the inhabitants of the village during hunting and ceremonial occasions and for making use of the land for productive purposes. They are—

1. 'Changseo' is one basketful of paddy paid to the chief annually by each household for the right of cultivation,

2. 'Samal' is the right hind leg of all hunted animals,

3. "Lamkai" is the one rupee paid to the chief by a purchaser for every head of mithun or buffalo or cattle,

4. "Khotha" is a oneday in a year free labour to the chief by one person from each household²,

5. "ThilKotkai" is an export fee paid to the chief and

6. "Sukai" is the four rupees paid to the chief by the bridegroom when he takes a girl for his wife.

One of the chief characteristics of the Thadou-Kukis was the essential habit of migration due to their mode of cultivation and due to the organisation of Chieftainship (Bhadra, 1975, p. 25). Their migration was never smooth. It was in most cases either followed or caused by inter-tribal feuds. If the opponents were stronger, and in fact they were so in many cases, the former had to move out of the place and migrate elsewhere. Hodson also wrote how a Kuki man once told him:

We are like the birds of the air. We make our nests here this year and who knows where we shall build next year (as cited in Bhadra, 1975, p. 26).

² Lieut. R. Stewart, 1855, "Notes on The Northern Cachar," however records that the villagers were obliged to work in the chief field for four days in a year.
Stewart, a colonial administrator wrote in 1855, "...Kookie (Kuki) is also a migratory animal, and never remains more than three or four years at the same place (Stewart, 1855, p. 7).” Shaw also wrote, “The Thadou is a migratory and moves from village to village on the slightest pretext (Shaw, 1929, p. 16).” The practice of Jhum cultivation necessitates the process of migration as a means to search for virgin soils to increase the superior quality of produce (Bhadra, 1975, p. 26). Another interesting issue in the Thadou society is the obsession for the formation of new villages in order to form new leadership. The younger son of the chief or an influential adversary of the chief can form a new village.3

The Government of the neighbouring Naga tribes cannot be regarded as akin to the Kukis (Carey et al, 1983, p. 3). On the contrary, the Government of the Naga tribes is distinctly democratic. Their chieftainships are not necessarily hereditary, but are practically dependent on the determination of the tribesmen and their rule is based on the general approval of the clan. The position of the Kuki Chiefs, on the other hand is ascribed to them by birth and they take the initiative in all matters concerning the administration of their clansmen, by whom they are respected and feared (ibid).

4. 2. 2 Law and Justice

3 Permission from the chief of the village is necessary for one intending to establish a new village. Accordingly, the intending person first approaches the village chief for his approval. Once the approval is obtained, the intending person has to perform certain social and ritual functions. Along with his Becha and the Tucha the person has to bring a jar of wine and a pig as offering to the chief of his native village. A feast arranged in the house of the village chief follows this. Counsellors of the village chief and other important elders are invited to the feast. On this occasion, the village chief holds discussion with his counsellors about the request for permission to build a new village. Only after such a discussion, the village chief expresses his approval or disapproval to such a proposal. If the village chief agrees to the proposal, the intending person is free to go ahead with building a new village. The pioneer automatically becomes the chief of the new village and every new inhabitant of the new village and every new inhabitant of the village is required to contribute a basketful of paddy to the village chief every year. This system of contribution of a measured quantity of paddy to the village chief every year is known as Changseo.
In any society, the primary needs are order and discipline, welfare and security. It is natural, therefore, that these should be important subjects of tribal law (Archer, 1984, p. 451). Shri Gopinath Bardoloi in the Constituent Assembly Debates of the Sixth Schedules gave the autonomous character of village administration amongst the hill tribes. He says:

One of the things which I felt was very creditable to these tribals was the manner in which they settle their disputes. Cases, which would go in the name of murder according to our Penal Code, were settled by these people by the barest method of Panchayat (village customary court) decision and by payment only of compensation (as cited in Savyasaachi, 1998, p. 122).

The Thadou-Kukis like all hill tribes of Manipur have their own customary court unique and known by different names in each village. By Customary Court, the paper meant the traditional law enforcing body comprising of the chief and his Semang Pachong (council of ministers). The Customary Court is the highest body of law in any villages dominated by the Thadou speaking group of the Kuki Tribe. It has as its constitution the traditional customary laws that are unwritten and retained orally. Colonial administrator like Lieut. R. Stewart (1855, p. 627) referring to the North Cachar wrote as early as 1855 the appointment of ‘muntries’ by the Rajah (Chief) to assist him in carrying on the affairs of the government. They are exempt from free labour and taxation that is due to the Raja from all villagers. The office is not, strictly speaking, hereditary, although in most cases, except when thoroughly incompetent, the son succeeds the father, but is given to those qualified for it, as being men of property and influence as well as of ability and good spokespersons (Stewart, 1855, p. 627). Dr. Satkhokai Chongloi uses the phrase “Khosung Inpi Thutanna” or village court to describe it (Chongloi, 2009). The Chief’s house or a separate one in the compound of the chief is used as the court. This Customary Court also exists in areas that are not under chieftainship
system like Kangpokpi Urban Town.⁴ The term of the village authority is for 2 years in Tujang Vaichong, 3 years in Motbung and 3 years in Kangpokpi.

In settling disputes, the customary laws are respected and have an overall authority. Howard S. Becker (Becker, 1963) one of the early exponents of the interactionist approach argues that deviance is not a quality that lies in behaviour itself, but in the interaction between the person who commits an act and those who responded to it. From this point of view, deviance is produced by a process of interaction between the potential deviant and the agents of social control. Deviant behaviour or social deviance generally threatens social stability. A culture or society can function efficiently only if there is order and predictability in social life. Non-compliance to the norms threatens this order and predictability. The Customary Court ever since its inception has laid down rigid norms that have to be followed by every member in their jurisdiction. These laws are incongruence with the customary laws of the Kuki society. There are of course certain instances in which the laws are modified according to the context or the gravity of the situation. Besides mapping out the rules and regulation, they have also stipulated the mode of punishment for non-compliance of such laws.

C.A. Soppitt (1893, p. 21) recorded the case of the Kukis in North Cachar Hills. All crimes, even the most serious, appear to have been punished by fine only. On the occasion of any oath being taken, either on the restoration of peace between villages or between private individuals, the following is the procedure: A bear’s or tiger’s skull is placed upon the ground, a nettle-leaf, husk (paddy), and a sword blade. The persons (or person) to be sworn then step forward, and repeat the terms of the treaty or agreement, and, pointing to the skull, say—“If I break faith, may a bear or tiger, similar to the one this skull belonged to, devour me; may I be stung by the nettle now before me; may the seed I sow be as fruitless as this husk; and may I struck by a sword. Heaven and earth now witness this oath (Soppitt, 1976, p. 21).”

⁴ Kangpokpi is not under chieftainship system but under the Kangpokpi Urban Town Committee. It is under Sadar Hills Autonomous District Council Administration.
He also records another practice, which he considers a very strange custom that was in force among all the Kukis as a method for testing the truth of a man’s words. He wrote:

It being impossible to ascertain the respective veracity of two statements, the parties interested agrees to appeal to the water-test. All the villagers are assembled, and proceed to some spot on a river where the water is deep. Here two bamboos are fixed firmly in the mud or gravel at the bottom. The priest of the village then cuts the throat of a white fowl on the brow of each disputant, allowing the blood to run down the face. Should the blood flow red in one case and blackish in the other, the matter is considered half proved, the red showing the man whose statement was true. To make matters certain the test has to be completed. At a given signal, both men plunge into the river, and by the aid of the bamboos, attempt to get to the bottom, and bring up some mud or a stone. The one who fails is the guilty party (Soppitt, 1976, p. 22).

William Shaw records the method of trial by chiefs. Both the parties bring a jar of *ju* (wine) each to the chief’s house where the matter in dispute is tried. The old men of the village are usually present also and generally the influence of the *ju* makes a compromise by the chief easy as most are well under the influence of it before leaving and are so genially inclined that they will agree to a great deal (Shaw, 1929, P. 66).

Bloodshed is classified into two types—(1) *Bil Tan Deh Keh* (injury in the ear and the forehead) and (2) *Thi-kiso* (murder). According Letpao Lhouvum in the proceeding over the killing of a person, the redressal mechanism is slightly more elaborate as the act of terminating human life is considered the gravest of all crimes. There are fines stipulated to represent certain parts of the body. The

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5 By old men, Shaw must have meant the village elderly. The Kuki society being a highly gerontocratic society in the past had high regards for the wisdom of the aged population. Their grey hair commands respect from the rest of the population and they constitute an important vote banks in the village administration and legal proceedings.

6 Lhouvum, Letpao, Cultural Specialist, Motbung Village, Interviewed on the 13th Oct, 2008
murderers are classified into two kinds—accidental and intentional. The penalty and mode of dealing depends on which category it falls on.

- **Dahpi (gong)**—Represents the head of the victim
- **Khichang/ Khichoung** (beads or chain of beads made of cornelian stone)—represents the eyes
- **Khivui (garland)**—representing the umbilical chord

Moreover, the murderer and his family have to pay for certain materials that are necessary as per the customs for the decent burial of a death body.

- **Puondum** (Among the Thadou speaking clans, the prescriptive colour of the cloth should be black with two lines of white colour on the border, length-wise. This is no longer a compulsion today.)—for covering the dead body
- **Kosa**—After the dead body is taken out of the house, it is customary for the family of the deceased to feed the guest who had come to condole or to participate in the funeral. This is called ‘Kosa’. It is also meant for purification of the house and to pray for blessing for the bereaved family so that no similar calamity would befall in the house after that.
- **Luongman**—price of the dead body

As a redressive mechanism, *Sa-lam-sat* is a fine imposed on a guilty person paid in terms of mithun. Another official term is *Hem Kham*, which literally means stopping the sharp edge of a knife is another important mechanism for maintaining peace and tranquillity. It means that the village chief has already avenged the death of the persons and no further action is required to avenge the

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7 Thuchih Gil Thulom, 2000 Minkut Committee, Molvom, Nagaland, p. 3
8 I have not included the cultural meaning of ‘luongman’ for this paper. Loungman in this paper would only apply to the price that the murderer has to pay to the victim’s family as penalty for committing the crime.
9 Lhouvum, Kailal, Cultural Specialist, Motbung Village, Interviewed on 12th Oct, 2008
death. Tol-theh in its literal term means ‘ground cleaning.’ The guilty person has to bring a pig and a jar of wine due to the chief from the person who sheds any human blood in a village affray (Shaw, 1929, p. 66). In cases of theft, it is customary for the thief to return the articles stolen and to pay one mithun as compensation (ibid). Mithun as a penalty was the most common form of fine imposed in the past. This either has assumed the form of monetary transaction or been largely replace by the pig. On this subject Shaw wrote, “The penalty of a mithun is, of course, theoretical, and would not be exacted in serious cases or where the thief proved indecently contentious (Shaw, 1929, p. 66).”

Victor Turner’s (1957) book on ‘Schism and Continuity in an African Society’ is relatable to understand the institution of the Customary Court in the Kuki society. The kind of redressive mechanism deployed to handle conflict and the sources of initiative to end crises, which are all clearly manifest in any social setting, provide valuable clues to the character of the social system. It is interesting at the way in which the punishment always entails distancing them from the things that matters most or actions that have direct consequences on their livelihood or status in the society.

Though all Customary Court in any Thadou speaking group of the Kukis will have similar customary laws that governs it, there is sure to be difference from region to region even as the structure remains the same. The difference could be due to modifications to suit the context or changing times or the manner in which it have been passed down orally from generation to generation. The main aim is to maintain tranquillity and normalcy in the social structure.

4. 3 The Post Colonial Experience: Administration of Hill Areas after Independence

There has been two opposed positions with regard to the Tribals in India, namely, either the tribal people should be ‘left alone’ or they should be ‘integrated into the

10 Guite, Haokholien, Chairmen of Kangpokpi Urban Town Committee, Interviewed on 26th November, 2008
mainstream dominant social order’ without destroying their rights to livelihood (Savyasaachi, 1998, p. 1). The State policy towards tribal forest dwellers in India, is aimed at bringing them within the dominant mainstream social order (ibid, p. 2). The State agencies while not directly questioning the relevance of the traditional land systems enact new land laws in order to keep pace with the democratic norms of the country. Consequently, there have been inevitable changes in land ownership system, such changes largely affecting community land and village forest. Shimray rightly says that the main factors responsible for the changes in land ownership system are: socio-economic transition, population pressure on land and also internal transformation in the village system (Shimray, 2009, pp. 250-251). A series of acts was passed regarding the improvement of the administration in the hill areas.

There exists a dual system of administration for the hills and the valley ever since the British annexed the independent kingdom of Manipur in 1891 (Bhatia, 2010, p. 40). With the passing of the Indian Independence Act in 1947, Manipur became independent along with other princely states of India (Kshetri, 2006, p. 6) and the administration of the hill areas fell in the hands of the Maharaja of Manipur. Manipur remained a constitutional monarchy from the later part of the year 1947 up to the accession to that Indian Union on September 1949. The Hill Administration, which was under the exclusive jurisdiction of the president of Manipur State Darbar, was transferred to the Maharaja of Manipur with effect from 10th of August 1947 and was to be exercised in accordance with the constitution act of the state and provision of this regulation (Ray, 1990). The draft constitution of Manipur had two parts—The Manipur State Constitution Act, 1947 and The Manipur Hill Peoples Administration Regulation Act, 1947 (ibid). When the state of Manipur was undergoing transition from being a union territory to statehood in 1972, there were successions of Acts conceded to administer the hill areas. These were: (1) The Manipur Hill people’s (Administration) Regulation Act, 1947, (2) the Manipur Village Authorities (Hill Areas) Act, 1956, (3) the Manipur

4.3.1 The Manipur Hill Peoples Administration Regulation Act, 1947

The Manipur State Hill peoples (Administration) Regulation Act, 1947 constituted a village authority to replace the traditional village council. It curtailed the Thadou-Kuki customs of forming new villages to form new chiefs or local migratory habits. The purpose of restricting the minimum number of houses to twenty was to check the fragmentation of the villages in the hills, which was convenient from the administrative point of view (Ray, 1990, p. 88). The Thadou-Kukis as a tradition has an obsession for forming new villages for changing leadership. The younger son of the chief or an influential adversary of the chief can form a new village. This resulted in the formation of new villages, which were insignificant. This had poses difficulty for the colonial rulers who were going to administer it.

For the purpose of administration conveniences, the hill areas were divided into circles, sub-divisions and villages. A village authority was formed in each village having twenty or more tax paying houses. The members of the Village Authority were nominated by the village elders in accordance with the traditional customs of the village concerned (Kshetri, 2006, p. 7). This need to be formally recognised by the Sub-Divisional officer with whom is vested the final authority in appointment and constitution (Ray, 1990, p. 89). For the purpose of administration, all villages to which the regulation applies were divided into Circles and Sub-Divisions. In each ‘Circle’ there shall be constituted a circle authority and a council of five members elected by village authorities falling within the circle.

The following votes was recorded in according to the number of taxpaying houses—

\[20-50 \text{ tax paying houses} \quad \rightarrow \quad \text{one vote}\]
In the villages which had more than 200 taxpaying houses, one additional vote may be recorded for every 100 in excess of 200 (ibid). Those villages with less than 20 tax-paying houses were not recognised as villages for the purpose of regulation and those villages came under the direct control of the Circle Authority, the next higher administrative body (ibid). The numbers of the recognised chiefs were reduced and smaller villages with less than twenty houses were left unrepresented in the Circle Council.

The Circle Authority was responsible for the promotion of lower and upper primary education, maintenance of the bridle paths and bridges, maintenance of land record, assessment and collection of land tax. The responsibility of improving agricultural products and checking or reducing jhum cultivation was also given to the Circle Authority. With the assistance of the village authorities, the circle authorities were to maintain law and order in their respective areas (Kshetri, 2006, p. 7).

The financial provision as under the Manipur Hill People’s (Administration) Regulation Act was ambiguous. It stated that when a village authority levies a fine, the authority may retain the customary village fine and the balance shall be credited to the state revenues. According to Ray (1990, p. 91), neither the words “customary due” nor the word “balance” were properly defined to fit in with the requirement of financial provision the core of the regulation.

The Circle Council as constituted under the Hill people’s (Administration) Regulation of 1947, took drastic steps towards curtailing the Customary rights enjoyed by the chiefs and the village elders in the Thadou-Kuki society (ibid, p.

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Section 9(ii) of the Manipur Hills Peoples, (Administration) Regulation Act, 1947
Section 66 (b) of the Manipur Hill Peoples (Administration) Regulation Act, 1947
In the Thanlon Circle Council meeting, the main thrust was given upon the curtailment of the tributary privileges enjoyed by the chiefs. Thus, it was resolved that:

1. The custom of *inpisap* should cease and in future in all cases coming up in front of the village council, the parties shall pay a sum of Rs. 1 each only.

2. The practice of *khulkho* should cease and in future, all the chiefs will have a normal hedge around their houses by requesting their villagers to build it.

3. The practice of *Thapi* (one day free labour in a year to the chief given by the villagers) be abolished (ibid, p. 92)

4. The custom of *sukai* (bride price) and *sialkotkaiman* (cattle price) be abolished and the practice of *loungman* (death price) and *inbohman* (house pollution price) be abolished.

5. *Changseo* payable to the chief to be fixed at the rate of five kerosene tins of paddy per house or a sum of Rs. 2 when the household cannot give paddy. Poor families may get special consideration by the chief and the final decision rests with the village authority.

6. The practice of seizing paddy of a migrator be abolished. If the chief abstains, he will direct the seller as to whom he can sell it in his village or failing any buyer, the migrator may sell it to outsider.

7. Thatched house of the migrator will become the property of the chief, but any pucca or semi-pucca building can be sold by the migrator and does not become the property of the chief.

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13 Resolution Nos. 2-6 and 8-12 of the 2nd Session of the Meeting of the Circle Council, on 30th April 1947 as documented in Ray, 1990, pp. 92-93

14 extra charges taken by certain Kuki chiefs in handling the cases of the people

15 building special fence of wooden board for the chief

16 basketful of rice generally paid to the Thadou Kuki chiefs to recognise him as an overseer of all the lands in the villages
4. 3. 2 The Manipur Village Authorities in Hill Areas Act, 1956

After 1950, Manipur came under the provisions of Part-C of Article 371 of the Indian Constitution\(^\text{17}\), and the Circle Council was abolished. Manipur had acceded to the Union of India in September 1949. In 1956, the Parliament passed the Manipur Village Authorities Act in the Hills Areas Act. It was implemented in 1957 (Shimray, 2006, p. 13). "The Hill Peoples' (Administration) Regulation was repealed in part by section 58 of the Manipur (Village Authorities in the Hill Areas) Act, 1956 (Ray, 1990, p. 95)." The section reads:

The Manipur State hill peoples' (administration) Regulation, 1947 in so far as it relates to the composition and function of village authorities and the administration of justice, both civil, and criminal, by the courts of village authorities, is hereby repealed.\(^\text{18}\)

Under the Hill Peoples' Administration Regulation Act of 1947, all members of the village authority consisting of the chief and his council of elders were nominated according to the prevailing custom. The chief becomes the ex-officio Chairman of the village authority. However, for other councillors, there was no chance unless they were elected. (Haokip, 2009, p.311). The Sub-Divisional Magistrate exercises control over the village authorities, whereas ultimate control is with the Chief Commissioner (Ray, 1990, 96). The Institute for Human Development report wrote:

This Act may be regarded as one of the first steps towards the democratisation of hill administration in Manipur. By placing certain restrictions on the powers of the chief and by introducing adult franchise at the lowest level of administration...the common villagers became aware of democratic values and practices (as cited in Bhatia, 2010, p. 40).

\(^\text{17}\) Article 371 (C) Clause [2]: "The Governor shall annually, or whenever so required by the President make a report to the President regarding the administration of the Hill Areas in the State of Manipur and the executive power of the Union shall extend to the giving of directions to the state as to the administration of the said areas."

\(^\text{18}\) Section 58 of the Manipur (Village Authorities in the Hill Areas) Act, 1956
The Act met with opposition by the hill tribes especially the Kukis who believed that it was an attempt to do away with the rights of the chiefs over land (ibid).

4. 3. 3 The Manipur Land Revenue and Land Reforms Act, 1960

Manipur Land Revenue and Land Reform Act, 1960 is another significant legislative measure that has an important bearing on the land ownership or holding system of the tribals. The Manipur Land Revenue and Land Reforms Act of 1960 was enforced throughout the Imphal Valley and in some part of the Hill Areas where the Land Survey had been conducted (Gangte, 2010, p. 132). According to this provision all land including forests, mines and minerals therein are not the property of any person but are property of the state. This is in conformity with the Manipuri tradition that the king was the absolute proprietor of all land within his territory in the valley. Nevertheless, for the protection of the tribals, the Act incorporated special provision under Sec. 158\textsuperscript{19} which prohibited

\begin{verbatim}
19 Section 158: Special provision regarding Scheduled Tribes: No transfer of land by a person who is a member of the Scheduled Tribes shall be valid unless- (a) the transfer is to another member of the Scheduled tribes; or (b) where the transfer is to a person who is not a member of any such tribe, it is made with the previous permission in writing of the Deputy Commissioner, provided that the Deputy Commissioner shall not give such permission unless he has first secured the consent thereto of the District Council within whose jurisdiction the land lies: Or (c) The transfer is by way of mortgage to a co-operative society.

158-A. Restriction on transfer of land
No agricultural land shall be transferred to any person except for his personal cultivation provided that the Deputy Commissioner concerned may, subject to rule as may be prescribed, allow any non tiller to purchase any land in the absence of any willing tiller to purchase the same land.

158-B Restriction on land transfer of land to non-residents
No land shall be transferred in favour of any person unless he has been an ordinary resident in the state provided that the Deputy Commissioner may permit the transfer of land in favour of a person who has not been ordinarily resident in the state if he has been a resident of the state for not less than 30 years.

158-C Restriction on new settlement, etc.
There shall be no new settlement or formation of any machet in the hill areas without the permission of the state government and no such permission for new settlement or formation of any machet in hill area should be given unless the new settlement or formation of any machet has
\end{verbatim}

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the sale or transfer of tribal’s land to a non-tribal without the prior permission of the Deputy Commissioner and the previous consent of the District Council. The Act does not apply to the hill areas of the State but the State government may extend the whole or any part or any section of the Act to any part of the hill areas of Manipur by calling upon Section (2) 1 of the Act. According to this section, the term hill areas means such areas in the hill-tracts of the state of Manipur as the state government may by notification in the official gazette declared to be 'hill areas'. The hill district do not automatically become 'hill areas' by virtue of its location in the hill districts as it requires declaration by notification in the form of official gazette. This section empowers the government to extent the Act in the hill areas in a planned and calculated manner.\textsuperscript{20} The State Government has since notified that the following are the hill areas namely—

1. Jiribam Sub-division (mainly plains)—Hill areas only 24 villages. (In the remaining 92 villages, the MLR and LR Act 1960 was extended under Government notification No. 142/12/60-R Dated 22.2.62, and these 92 villages are included in the plain portion of the Imphal district.)

2. Tengnoupal sub-division—190 villages—Hill Areas

3. Tamenglong sub-division—196 villages—Hill Areas

4. Ukhrul sub-division—244 villages—Hill Areas

5. Mao & Maram sub-division—312 villages—Hill Areas

6. Churachandpur sub-division—225 villages—Hill Areas

\textsuperscript{50-75 families. This part of the Amendment Bill is contradictory to the District Council Act, and Village Authority (V.A.) Act.}

This Amendment also proposed to repeal the Manipur Hill Areas (house tax) Act, 1966, by inserting it under section 16-A, of the MLR & LR Act, making it liable to payment of an annual tax in lieu of land revenue at the rate of such tax determined by the State government having regard to the rates of land revenue and the assessed tax be realized in such manner as may be prescribed. This amendment further attempts to regulate and control jhum or migratory cultivation by making rules in the name of protection of environment.

\textsuperscript{20} Section 2 (1) of MLR & LR Act of 1960
In the remaining 89 villages of Churachandpur, the Act was extended in 1962 vide notification No. 142/12/60-M Dated 22.2.62. In the above named “hill-areas”, the MLR &LR Act 1960 does not apply (Das, 1989, p. 30). The Deputy Commissioners of the hill districts seemed to be the opinion that due to non-extension of the Act in the hill areas, they are unable to take up survey work in those areas since there is resistance, especially from the village chiefs. The Government, however, holds the view that extension should be done gradually, in a planned manner and in selected pockets only (ibid).

In pursuance of this cautious policy of gradual extension of the Act to the hill areas, it has been extended to the hill districts that lies more or less in the plain areas situated within the boundaries of the respective hill districts

(1) 89 villages of Churachandpur District, vide Govt. notification No. 142/12/60-M Dt. 22.2.62

(2) Makhaw Tampak village of Churachandpur, vide notification No. 140/12/60-M (A) Dt. 20.11.69

(3) 14 villages of Mao Sub division, situated in the Sadar Hills Circles, vide notification No. 138/ 4/ 64-M Dt. 26.2.65


J. N. Das (1989, p. 53-59) studied the consequences on the villages in the Hill areas to which this Act has been extended in a village called Saikot in Churachandpur District of Manipur. All occupants, even those whose families had come at the time of establishment of the village were regarded as possessors of vacant Government land. Under section 15 of the MLR and LR Act 1960, they came to be, in the eye of the law, trespassers or encroachers and were advised to apply under
section 14 for allotment of the same land, which they had possessed for
generations. The hill areas from the colonial period were made to pay Hill House
Tax. Villages under the MLR & LR Act were subjected to dual taxation. They had
to pay both the Hill House Tax as well the Land Revenue, which is meant for the
valley population. Even the chief had to pay premium for obtaining allotment of
the land.22

The total number of villages in the state of Manipur being 2109, the territorial
jurisdiction of the MLR & LR Act 1960 extends to about 31% of the total number of
villages of the state, and in terms of population, it extends to about 71% of the
total population of the State (ibid, p. 31).

There have been attempts made through a series of amendments to incorporate
the Hill areas under a single land system. The new sixth Amendment Bill intends
to remove the word 'except hill areas thereof' mentioned under sub-section 2 (1).
The aim is to make the extension to the Act absolute or statutory, including the
hill areas of Manipur. The tribals vehemently opposed the proposed amendment
bill and demanded the withdrawal of the bill. Due to such opposition from the hill
people, the bill is still awaiting the assent of the Governor (Kipgen, 2009, p. 342).
The seventh Amendment Bill 1992 introduced new sections for removing the
restriction of land transfer in the hills and making the revenue tribunal the highest
authority under the MLR &LR Act retrospectively from the 1975 Amendment and
no further appeal shall lie from this court (ibid, p. 342).

The Act has met with stiff opposition from the chiefs especially from the villages
that falls within the boundaries lines of the valley areas. This has obstructed the
land survey operations in the hill areas. Plea has been made by the people to the
State government not to direct a revenue survey in the hill areas unless it has first
obtained the consent of the chief within whose village such areas lies (Kshetri,

22 Das stated that the present chief now possess allotment-pata (Pata no. 100/2) and pays land
revenue at rupees 4. 22 for his homestead (vide receipt no. 36 BK No. 63 Dt. 26. 4. 79) besides
paying house-tax at rupees 6 per year (1989, p. 54).
2006). In fact, there is a clear hiatus between government version and the chiefs’ conviction about the nature of ownership over land (including forest) (ibid).

Another impact of the MLR &LR, 1960 was on the issue of the Patta system. Patta in respect of lands are known to be in existence as early as 1892. But patta system as envisaged in Assam land and Revenue Regulation 1896 was introduced when the said Regulation was extended to Manipur Valley. Owners of lands are liable to pay revenue were given a Patta signed by the Deputy Commissioner, which recognised the rights of the owner in the lands covered by the patta. These rights were heritable and transferable. After the M.L.R. and L.R. Act 1960 came into force, this came to be the only form of patta valid in law, as neither revenue-free tenures, nor service tenures, nor is annual leases permitted to be held by the State Government. In the Hill areas of Manipur, as a legacy from the British India Period, individual Rights given to the Tribal Chiefs were handed down from generation to generation. This is given cognisance by the Government to the effect that the piece of land over which their rights were given were recognised as the land belonging to the Chiefs. The Sub-Division Officers or District Magistrates, under whose jurisdiction the village landfall issues documents, which is, considered to be equivalent to Patta in the valley (Gangte, 2010, p. 132).

4.3.4 The Manipur Hill Areas Acquisition of Chief’s Rights Act, 1967

The institution of chiefship was abolished in the Chin Hills of Burma (Myanmar) based on the recommendation of the Commission of Enquiry in February 1948. Similarly, the Government of Assam passed ‘The Assam Lushai Hills District (Acquisition of Chiefs’ Rights) Bill 1954,’ in March 1954. The result was that the rights and interests of 259 Mizo chiefs and 50 Pawi-Lakher chiefs became vested in the government (Haokip, 2009, p. 313). It was in this background that the Manipur Hill Areas Chiefs’ Rights Acquisitions Bill was first introduced in the Manipur Legislative Assembly in 1996. It was an attempt to acquire the rights and privileges of the chief and thereby abolish the institution of chieftainship in
exchange for compensation (ibid, p. 314). Chieftainship is an institution that stood in the way of the government in formulating a uniform policy.

The very fact of such an enactment is the acknowledgement of the existing rights of the Chiefs. The game plan is that, if the Chiefs rights are first acquired by State and then the MLR & LR Act 1960 is extended to these villagers, then all vacant lands would be Government land, and thereafter the government may apply the Allotment Rules and realise premium for setting new lands. According to Das, the Government should provide them the proper status, i.e. the status of landowner under section 99\(^23\) of the MLR & LR Act of 1960 (Das, 1989, p. 57).

4. 3. 5 The Manipur (Hill Areas) District Council Act, 1971

Manipur, like Tripura has areas that are covered under Part IX of the Constitution, namely the valley areas, and the hill areas that are not covered under Part IX of the Constitution. However, unlike Tripura, these hill areas are not covered under the Sixth Schedule of the Constitution, but under a State Legislation, the Manipur Hill Areas District Councils Act, 1971. This Act has provisions similar to that contained in the Sixth Schedule and has established six Autonomous District Councils in Manipur, covering 5 districts. The details of these districts are as follows:\(^24\)

\(^23\) Every person who, at the commencement of the Act, holds any land from the Government for agricultural purposes, whether as a settlement holder or as a pattadar shall become the landowner. The words 'settlement-holder' and 'pattadar' has not been defined in the Act (Das, 1989, p. 61).

\(^24\) Planning for the Sixth Schedule Areas (and those areas not covered by parts IX and IX A of the Constitution), Report of the Expert Committee, Ministry of Panchayati Raj, GOI, September 2007, New Delhi

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Table 2:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Hill District</th>
<th>Sl. No.</th>
<th>Name of ADC Administrator</th>
<th>Date on which Administrator appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Senapati (Manipur North)</td>
<td>1.</td>
<td>Senapati ADC Deputy Commissioner, Senapati (Manipur North) District</td>
<td>17&lt;sup&gt;th&lt;/sup&gt; October 1988</td>
</tr>
<tr>
<td>2.</td>
<td>Sadar Hills ADC</td>
<td>2.</td>
<td>Additional Deputy Commissioner, Senapati (Manipur North) District</td>
<td>17&lt;sup&gt;th&lt;/sup&gt; October 1988</td>
</tr>
<tr>
<td>2.</td>
<td>Churachandpur (Manipur South)</td>
<td>3.</td>
<td>Churachandpur ADC Deputy Commissioner, Churachandpur (Manipur South) District</td>
<td>20&lt;sup&gt;th&lt;/sup&gt; December 1990</td>
</tr>
<tr>
<td>3.</td>
<td>Ukhrul (Manipur East)</td>
<td>4.</td>
<td>Ukhrul ADC DC, Ukhrul (Manipur East) District</td>
<td>20&lt;sup&gt;th&lt;/sup&gt; December 1990</td>
</tr>
</tbody>
</table>
The hill districts return 20 of the 60 MLAs that comprise the legislative assembly of Manipur State. These 20 MLAs now comprise the Hill Council, in terms of Article 371C \(^{25}\) of the Constitution. \(^{26}\) Elections to the Autonomous District Councils constituted under the Manipur Hill Areas District Councils Act, 1971 were first held in 1973 and the councils were constituted on the 1st August, 1973. However, elected District Councils were supplanted and their administration was entrusted to the District officials of the Districts concerned as detailed below:

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\(^{25}\) Article 371C of the Constitution contains special provision with respect to the State of Manipur, which reads as follows:

"(1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Manipur, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the Hill Areas of that State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the state and for any special responsibility of the Governor in order to secure the proper functioning of such committee."

"(2) The Governor shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Hill Areas in the State of Manipur and the executive power of the Union shall extend to the giving of directions to the state as to the administration of the said areas"

\(^{26}\) Planning for the Sixth Schedule Areas (and those areas not covered by parts IX and IX A of the Constitution), Report of the Expert Committee, Ministry of Panchayati Raj, GOI, September 2007, New Delhi, p. 68
Table 3: Autonomous District Councils in the Hill Districts

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of District Headquarters</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Manipur South/ Churachandpur</td>
<td>98114</td>
</tr>
<tr>
<td>2.</td>
<td>Manipur North/ Senapati</td>
<td>38424</td>
</tr>
<tr>
<td>3.</td>
<td>Manipur East/ Ukhrul</td>
<td>62229</td>
</tr>
<tr>
<td>4.</td>
<td>Manipur West/ Tamenglong</td>
<td>44775</td>
</tr>
<tr>
<td>5.</td>
<td>Manipur Sardar Hills/ Kangpokpi</td>
<td>68751</td>
</tr>
<tr>
<td>6.</td>
<td>Tengnoupal/ Chandel</td>
<td>38723</td>
</tr>
</tbody>
</table>

Elections of the District Councils were postponed for twenty years in the Hills of Manipur. The Hill Areas Committee set up under Article 371 C of the Constitution unanimously resolved on 20-12-1990 that elections to District Councils should not be held until and unless the provisions of the VI Schedule of the Constitution of India are extended to the present District Councils of Manipur. They decided to oppose the Manipur Autonomous District Council (MADC) elections, maintaining that, the provisions of the 1971 Act, was ‘without power and separate budget for the hill people’. They came out with the demand for sixth schedule. “The government responded by taking one step forward and two steps backwards: in 1975 the First Amendment Bill was passed with some changes, followed by a more substantial move towards making the district councils ‘autonomous’ by passing the Manipur Hill Areas Autonomous District Council Bill in July 2000 (Bhatia, 2010, p. 41).”

After consideration of the resolution of the Hill Areas Committee, the State Cabinet meeting held on 28-3-2001 decided that the State Government had no
objection to the extension of the provisions of the Sixth Schedule of the
Constitution to the Tribal Areas in the Hill Districts of Manipur with “certain local
adjustments and amendments.” However, there was no further progress made
on this and a second Amendment Bill was passed in March 2006 effectively
revoking it. There were two years of silence after which the Third Amendment
Bill was presented in the legislative assembly on 19 March 2008. This was
accompanied by allegations of irregularities in the processes that followed, and
the bill was eventually withdrawn (Bhatia, 2010, p. 41).

4.4 Asserting Land Rights

4.4.1 Restoration of the Chieftainship System

In the matter of restoration of the status of the chiefs and for the protection of
their traditional rights, the Thadou-Kuki chiefs had no ideological difference with
the other Kuki chiefs in Manipur. In 1984, the Sadar Hills Kuki Chiefs
Organisation of Manipur categorically claimed that chieftainship is a vital
organisation of the Kuki ethnic group and the chief’s right over their lands never
affected the economic life of the community rather the right acts as the effective
protection of the tribal territory. The phenomenon of land alienation to the non-
tribals has strengthened their point of opposition to the land reforms on the
ground that after such reforms, lands might be alienated to non-tribals.

The Tribal Land Protection and Restoration Committee also gave tacit recognition
to the chiefs as the protector of tribal land. The memorandum they submitted
stated: “The contentions from a section of the people that the Hill chiefs or

30 Planning for the Sixth Schedule Areas (and those areas not covered by parts IX and IX A of the
Constitution), Report of the Expert Committee, Ministry of Panchayati Raj, GOI, September 2007,
New Delhi, p. 69

31 The two irregularities that were pointed out were: (1) The State assembly constituted an extra
constitutional body called the Select Committee to work on [the Principal Bill 2008] introduced by
the HAC (Hill Area Committee). Three of the five members...are not elected from the Hill Areas of
the state. (2) Many clauses in the report of the select committee...were found in bad taste. [It]
wanted to delete the word “Autonomous” from the title...[replace] “Self Government” [with]
41).
individuals were responsible for land erosion... is a false notion. All such transactions are illegally done (and addicted to) by selfish individuals who ought to have been penalised for their heinous activity” (Dasgupta, 1991, p. 63). In a private member’s resolution in the Manipur Legislative Assembly, Mr. Ngulkhohao, and Member of Legislative Assembly of the Saikot Constituency defended the chiefs in the following words:

They (Chiefs) are simply land protectors and not dictators like Zamindars in other parts of India. The Kuki Chin chiefs are just mere distributors of village lands just for jhumming cultivation purposes, and the rights over land, chunk of village land, are the rights inherited since the days of the Britishers (ibid, p. 64).

In April 1985, the Sadar Hills Kuki Chiefs’ organisation in a memorandum to the Chief Minister of Manipur unequivocally described the village authority Act as “an impediment to the Kuki way of life.”32 The Chiefs’ Union Manipur in 1988 also proposed that the rights of the chief to the land of the village shall, according to the customary law be applicable to him, continue to vest in him, and that he shall continue to enjoy such customary dues from his villagers whether he is the ex-officio chairman of the village authority.33

According to T.T. Haokip (2009, p. 313), the Manipur Village Authority Act is silent in the areas of financial sanctions to the Village Authorities and the village courts. He voices the anxiety of the Kuki Chiefs and the Kuki leaders who felt that the Village Authority Act, 1956 was impose upon the Kukis without any understanding of their ground reality. In another memorandum to the Home Minister of India by the same organisation it was again emphasised that the “Chieftainship is the vital institution to the Kuki ethnic (group) and the Chiefs’

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32 Memorandum submitted to the Hon’ble Chief Minister of Manipur, Shri Rishang Keishing by the Sadar Hills Chiefs’ Organization, Dt. Motbung, the 14th April, 1985, as documented in Haokip, 2009, pp. 311-312
33 Letter to the Hon’ble Chairman of the Hill Areas Committee, Manipur Legislative Assembly by the Chairman of the Executive Committee, Chiefs’ Union, Manipur, Churachandpur, Manipur, 14th July 1986, as documented in Haokip, 2009, p. 312
right over their lands never effect the economic life of the community rather the rights act as the effective protection of the tribal territory”.  

Things took an interesting turn when the Chief’s Union of Manipur in a letter to the Chairman of the Hill Areas Committee of the Manipur Legislative Assembly quoted a Government order No. 10/10-73 dated 5.12.78 that states, “Tribal chiefs are entitled to compensation for acquisition of their lands by the Government for public purpose. Though the lands are not Patta lands, tribal chiefs have assessed rights to its use over the lands within the village boundaries”. In the same letter the following points were made to appeal the amending of the Manipur Hill Village Authority Act:

1. The village chiefs shall be entitled to receive five tins of paddy from every household of their village every year.

2. Samal/Sating: the hind leg to foreleg of all wild animals killed by any villager shall go to the village chief concerned.

3. The village chiefs shall preside over the village court sitting as well as the village authority sitting.

4. After choosing his own Jhum land, the chief will first allocate Jhums to his elders (Council of Elders) and after that the other villagers will follow by drawing lots.

In 1986, in another Memorandum to the Deputy Commissioner of Senapati District of Manipur, the Sadar Hills Kuki Chiefs’ Organisation demanded the restoration of the status of the chief to their past glory. It claimed that the chiefs

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34 Memorandum submitted to the Hon’ble Home Minister Shri V.P. Narasimha Rao, Govt. of India by the Sadar Hills Kuki Chiefs’ Organisation, Dated Motbung, the 7th October, 1984

35 Letter to the Hon’ble Chairman of the Hill Areas Committee, Manipur Legislative Assembly by the Chairman of the Executive Committee, Chiefs’ Union, Manipur, Churachandpur, Manipur, 14th July, 1986, as documented in Ray, 1990, p. 103
were the effective protectors of their land. In a seminar-cum conference of the Chiefs' Union Manipur held at Churachandpur in February, 1988 in which a good number of the Kuki chiefs attended. Three important points were raised:—

a) Amendment of the Manipur Village Authorities in the Hill Areas Act, 1956;

b) Amendment of the Manipur Land Revenue and Land Reforms Act, 1960;

c) Amendment of the Indian Forest Act, 1927;

On the first point, the following arguments were put forward.

Even in the present day set-up, the importance of a chief in the hill areas cannot be minimised. The very fact that chieftainship system has not been could not yet be abolished or for that matter, there is no alternative and more effective arrangement to substitute the institution of chief ship in the hill areas reinforces the above submission. It is high time that the government realise this reality by giving legislative sanction. Land ownership in the hill areas is by and large vested in the chief. In order to remove doubt about chief's ownership of the village land in the hill areas it is therefore suggested that amendment to the Manipur (Village Authorities in the Hill Areas) Act, 1956...be made without any further delay. However, the proposed amendment shall be without any prejudice to the existing unwritten powers, privileges and rights of the chiefs in the hill areas.

Secondly, section 19 of the Manipur (Village Authorities in the Hill Areas) Act, 1956, provided for the constitution of a village court, which shall consist of two or more members of the Village Authority to be appointed by the state government. Therefore, it is highly desirable that a chief or chairman, where there is no chief, must necessarily function as the ex-officio presiding officer of such a village court.

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36 Memorandum submitted to the Hon'ble Deputy Commissioner, Senapati District, Manipur by the Sadar Hills Kuki Chiefs' Organisation Manipur, Dated October 20, 1986, by the president of the SHKCO, Manipur
Thirdly, in order to ensure proper and effective functioning of the village court, it is necessary to appoint recording secretary of the village authority who will also function as the Secretary of the village court.

Fourthly, the post of secretary should be constituted with a term longer than the members of the village authority (5 years) in the discharge of functions.37

The following specific amendments were proposed:

a) For every village authority or a group of village authorities, as may be deemed necessary by the state government, there shall be a secretary who shall hold a term of six years, to assist the village authority in any matter connected with the business of the village affairs whenever required to do so, to assist and advice members of the village authorities in connection with the business of the village authority;

b) The Deputy Commissioner shall, in consultation with the chief or chairman where there is no chief, appoint a person who is not a member of the village authority but who is qualified to be a Panchayat Secretary, to be a secretary of the village authority or authorities, as the case may be;

c) Notwithstanding anything contained in this Act, the rights of the chief to the land of the village shall, according to the customary law applicable to him, continue to vest in him, and that he shall continue to enjoy such customary dues from his villagers whether he is ex-officio chairman of the village authority or not;

d) In the event of a chief being disqualified, on the ground of his becoming a public servant or employee under the District council, to function as the ex-officio Chairman, his legal heir shall automatically become the ex-officio chairman of the village authority;

37 Prayer for amendment of the Manipur (Village Authorities in the Hill Areas) Act, 1956, The Manipur Land Revenue and Reforms Act, 1960 and The Indian Forest Act, 1927 with a view to safeguard the rights of the Chiefs in the hill areas, made to His Excellency, the Governor of Manipur, Dated Churachandpur, the 7th March, 1988, as documented in Ray, 1990, pp. 104-105
e) Section 19 of the principal act should be entirely omitted and its place the following clause should be inserted.

"Section 19: Constitution of the village courts:-

- Whenever a Village Authority is constituted for any village, there shall be a village court consisting of the chief or chairman, where there is no chief, who shall be ex-officio Presiding Officer thereof, and any two or more of the members of the village authority be appointed by the Deputy Commissioner during their term of office as members of the village authority

- There shall be a Recording Secretary for every village court provided that the Secretary of the village authority may also function as the Recording Secretary of such a village court."

The Manipur Land Revenue and Land Reforms Act of 1960 did not apply to the Hill areas of Manipur straight away. It was fifteen years in 1975 that the act came to be extended to the hill areas. On the Manipur Land Reforms Act, 1960, the following proposal for amendment has been made. "The State government shall not direct a revenue survey in the hill areas unless it has first obtained the consent of the chief within whose village such area lies."39

This movement to preserve and protect the institution of chieftainship system is an ongoing process. Recently, the government of Manipur introduced the Manipur Village Authority in the Hill Areas Amendment Act, 2011 under the chief ministership of Okram Ibobi Singh, who also holds the post of Tribal Development Minister. 40 The Kuki chiefs' associations have been spearheading the movement in putting the issue of the Act in public domain. A series of mobilization meetings have been underway for sometimes now in the Kuki areas of Manipur entitled "awareness campaign on the proposed "Manipur (village

38 Op cit
39 ibid
authority in the hill areas) amendment act, 2011, and its effects on the hill tribal lands. During the campaign, Rev. Rihang Chothe observed that the motive of the amendment was to centralize power in the centre and take control of the hills.

4.4.2 Combative Negotiations with the State: Local Land Based Movements

4.4.2.1 The Sadar Hills District Demand Committee

Given the inability, deliberate and otherwise, of the formal legal and political system to protect the lives and resources of the common person, many have resorted to see 'custom' as the only hope. This paved way for the idea of a homeland and the concept of the need for a 'common space' both ideological and territorial with people who shares the same customs and culture. Below is the accounts of the Sadar Hills District Demand Committee's in its demand for a separate district for all the Kukis of Manipur. The materials are from the records of the committee supplemented by interviews with the President and General Secretary and Local newspaper reports.

The state of Manipur has nine districts, namely Bishnupur, Chandel, Churachandpur, Imphal East, Imphal West, Senapati, Tamenglong Thoubal and Ukhrul, based on the hill district re-organisation after Independence. The demand for the Sadar Hills as a separate state started in 1974. Tengnoupal as Chandel district was the first to undergo bifurcation. This was followed by Bishnupur, Imphal East, Imphal West and Thoubal in 1997.

41 Op cit

The first leaders to lead a separatist movement were the organisation called the Kuki National Assembly. The Kuki National Assembly (established in 1946) had submitted a memorandum to the then Indian Prime Minister Pandit Jawaharlal Nehru on 24 March 1960, demanding the “immediate” creation of a Kuki state comprising all the Kuki inhabited areas of Manipur. The proposal for a separate state yielded no response from the Government (Haokip, 2011, 223). “The original root of the KNA can be traced back to the formation of the Kuki Chiefs’ Association in about the year 1935-36. The Association was pressing the government for the abolition of ‘pothang’ and ‘beggar’ systems which were prevailing in the hills of Manipur in the British days (Ray, 1990, p. 112).”

After an agitation organised by Kuki National Assembly turned violent on 22nd November, 1981, the demand was entrusted to another organisation by the name Sadar Hills Youth Organisation. It took the name Sadar Hills District Demand Committee in 1995. The movement was started with the support of different sub-tribes under the Kukis. The constituent members of the Kuki National Assembly were Thadou, Paite, Vaiphei, Gangte, Simte, Zou, Anal, Kom, Hmar, Guite, Chiru, Monsang, Koireng, etc. It later on became a Thadou-Kukis dominated movement. The District Demand Committee had new members mostly from the Thadou speaking community.

The SHDDC have used protest and dialogue in their dealing with the government. The methods adopted by the Sadar Hills District Demand

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43 The leader were-- Pu Z. F. Routhanglien (Pres.), Retd. Major Pagin Kipgen and Pu Paokai Haokip Gen. Secy K.N.A


46 They were--Pu Lalkho Kipgen, Ex. MDC (Pres.), Pu Ajang Khongsai (Gen. Sec.), Pu Thangkeng Hangshing (V.P.), Pu Haokholien Guite (V.P.), Pu Lunthang Haokip Secy. Inf. & publicity.
Committee in bargaining with the government were protest and dialogue. Since, land is the cause of disagreement, the Kukis in their demand have faced stiffed resistant from the Nagas.\textsuperscript{47} The Kukis and the Nagas have had a history of inter-ethnic unrest, which reappears again, whenever there is contestant for resources in the state. In 1992, ethnic conflict erupted between the two communities that escalated into a violent conflict. The violence resulted in the loss of hundreds of lives, destruction of hundreds of villages, and displacement of thousands of people. Although the violent conflict had ended in 1997, the conflict continues to remain in different forms of embodiments (Kipgen, 2011).

All Manipur Naga Social Organisation led by United Naga Council call an indefinite economic blockade on National Highway 93 & 53 during Chief Ministership of Nipamacha in 1998. This blockade lasted for about 58 days. It had severely affected the state economy. A memorandum of understanding signed between the government and the organisation ended the protest. It states, "no Sadar Hills districts will be created in the absence of leaders of United Naga Council, All Naga Student Union Manipur, Zeliangrong-UN, Thangkhul Long, Naga Women Union etc.‖\textsuperscript{48} The strong resistance was against the deadline or ultimatum given to the state government dated 30\textsuperscript{th} June 1998 by Sadar Hills District Demand Committee.

The state responses as per the record of the district demand committee has made delusive and false promises to pacify the movement. In 1996, the boundary committee was formed with Shri Dr. Chandramani, Minister I.F.C.D (Chairman) and four other members. Letter from Ch. Birendra Singh, Commissioner (Revenue), Government of Manipur to Shri K.R. Prasad, Secretary Election

\textsuperscript{47} Manipur population has three major ethnic groups: the Meiteis of the valley, the Nagas and Kukis of the surrounding hills.

\textsuperscript{48} Meeting of the SHDDC with UNC (United Naga Council), ANSAM and Manipur Government on 23\textsuperscript{rd} June 1998 on the demand of Sadar Hills as a full-fledged district
The State Cabinet had taken a decision on 14-7-82 for creation of three districts including Sadar Hills in Manipur to be inaugurated after the boundary adjustment on 10-1-200. The State cabinet had re-affirmed the decision taken in 1982 for creation of Sadar Hills District with the existing three sub-divisions namely Kangpokpi, Saikul and Saitu Gamphazol. Inauguration as decided by the cabinet may be done with the approval of the Election Commission of India.

There was a strong indefinite bandh by Sadar Hills District Demand Committee, during the tenure of Shri Rishang Keishing in which 87 agitators were imprisoned and beaten up by security personnel. The bandh was suspended on the seventh day with the promise by the government to grant a district. On the 12th September 1996, the Revenue Minister Shri Hellalludin had declared in the house assembly during Shri Rishang Keishing's Chief Ministership “the state government is committed to grant sadar hills as a full-fledged district with the bifurcation of Imphal Districts.” On March 7th 1997, the then Governor of Manipur Shri Outh Narain Shrivastava, in his address stated “my government is firmly committed for creation of Sadar Hills as a full-fledged district”.

However, despite the promises made by the government, no development was happening. Thoubal, Bishnupur, Imphal East and Imphal West were created in 1997. A memorandum was submitted to two Prime Minister Shri H.D. Dewa Gowda and I.K. Gujral. They gave their commitment to give direction to take proper action on the issue. During the Nipamacha tenure of governance in 1998, memorandum submitted had no meaning. He blamed the boundary controversy as being the obstacle to their demand. A sub-committee was formed with Shri Loken Singh (Finance Minister) as Chairman and four others. Therefore, the Sadar Hills District Demand Committee issued an ultimatum until 30th June, 1998. This is where the Nagas’ interfered as it challenges their right to self-determination.
In 1998 four Kuki Ministers submitted their resignation from their ministership for failure of creation of Sadar Hill District. They were:

- Pu Thangminlien Kipgen
- Pu Ngamthang Haokip
- T. N. Haokip
- T.T. Haokip

On 6th November, they withdraw their resignation due to a request from the Chief Minister. The aftermath was that a Memorandum of Understanding was signed between District Demand Committee and the State Government. The government agreed to the following terms:

1. Full DC power to ADC Kangpokpi
2. Full SP power to additional SP Kangpokpi

Opening the following department branch office—

- District Industry Centre
- E.E. Electricity
- E.E. PWD
- Dy. Director, T. D.
- Divisional Office, horticulture and soil conservation
- District transport officer/ motor vehicle
- Taxation office

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49 Records in the Documents of the SHDDC, 1998
50 Deputy Commissioner
51 Superintendent of Police
52 Executive Engineer
53 Executive Engineer Public Work Department
Additional Deputy Commissioner (ADC) Kangpokpi,

Necessary action for implementation of District Rural Development Agency (DRDA), shall operate all funds of these two blocks (Senapati and Sadar Hills)

Deputy Commissioner & Superintendent of Police Powers to Additional Deputy Commissioner & additional Superintendent of Police were not fulfilled.

The Government of Manipur was supposed to expedite its decision on the creation of Sadar Hills (Kangpokpi) district latest by 31st of March in 1999. In 1999 new executive members of SHDDC was formed. Nipamacha government have relentlessly rejected all pleas for the creation of the district. A retaliatory move was the response by boycott of MSCP in the recent election by the people who constitute the Sadar Hills vote-banks.

A new government under Ibobi Singh, a Congress candidate, took over in 2002. On 29th October 2003, a public meeting of the whole Sadar Hills' chiefs, MLAs, Ex-MLAs, all leaders of social organisations, NGOs etc. was held at Kangpokpi Thomas ground to resort to any form procure Sadar Hills District. On 29th and 30th July 2007, the members of the demand committee of the MLAs of Sadar Hills unit Ministers were Shri T.N. Haokip, Shri Biren, Shri Jagента and the present Chief Minister Shri O. Ibobi Singh. The process has been underway for converting the ADC mini secretariat into a DC Mini Secretariat though it still needs the approval from the election commission.

The present controversy regarding the committee is its opposition to the implementation of Panchayati Raj Act in the jurisdiction of hill area district council. On September 17 in 2007, a forty-eighth hours total bandh in Sadar Hills area including National Highway 39 and 53 was called with to protest against the failure of the State Government to upgrade Sadar Hills to a full-fledged revenue district and the move being made to hold Panchayat election in the Sadar Hills

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54 The Manipur State Congress Party (MSCP) is a splinter group of the Congress (I), which formed the government in coalition with the Federal Party of Manipur in 2000.
area. The President of Sadar Hills District Demand Committee Haokholen Guite said that the reason for calling the bandh is due to the imposition of two types of administrations, saying 'we already have District Council and we don’t need another administration under Panchayati Raj'. Expressing regret over the alleged failure of the non-Kuki community to respect the agreement signed with the Kuki community settling in mutual harmony in Sadar Hills area in 1974-75, Guite said that the attempt being made by the Government to impose two types of administration in Sadar Hills area is not the right step. This proposed bandh will have a great impact in the whole state as the lifeline of Manipur passes through this Sardar Hills area.55

4.4.2.2 Agitation against Uniform Land Policy

The account is based on newspaper clippings between July to October 2010 of a Manipur based Sangai Express and the Memorandum submitted to the Hon’ble Chief Minister, Manipur on overlapping Census Operation, 2011 by CDSU Steering Committee. On 29th July, 2010, a total bandh for 12 hours was called in the hills and tribal areas of Churachandpur, Chandel, Tamenglong and Sadar Hills in Senapati Districts of Manipur by the COPTAM (Committee on Protection of Tribal Areas) and supported by CDSU (Churachandpur District Student Union) and TPFM (Tribal’s People Forum Manipur).56 Overlapping Census Operation, 2011, redrawing of district boundaries, improper maintenance of tribal land records and dual taxation of the hill-tribes were the main reason for discontentment. Of the five hill districts of Manipur, namely—Senapati (Senapati and Sadar Hills), Churachandpur, Ukhrul, Tamenglong and Chandel, according to the map redrawn by the Manipur Remote Sensing Application Centre (MARSAC), many tribal villages in close proximity are merged with the valley.

55 The materials are based on the records, documents and proceedings of the Sadar Hills District Demand Committee. Interview was also conducted with—
1. The President—Mr. Haokholen Guite, interviewed on 5th December, 2008
2. Misao, Thangkam, General Secretary of SHDDC, Interviewed on 5th December 2008
districts. For instance out of 14 villages within the revenue jurisdiction of Imphal west under Lamshang sub-division, 10 were also found included in the Sadar Hills (Kangpokpi) as per Hill house Tax Payment records of the Hill Department. The Committee of Protection of Tribal Areas Manipur (COPTAM) is also demanding rectification of overlapping district boundaries in the census operation. The body demands de-linking of revenue collection from the Census operation and district boundary demarcation, and an immediate conduct of Census in the overlapping villages to be carried out by concerned hill districts as was done till 2001 Census. They are also demanding maintaining of land records in the respective hill districts and collection of land revenues thereof by the concerned hill districts and initiation of constitutional protection of Manipur tribal areas as was done in all tribal areas of North-East India. Subsequently, bandhs and strikes were frequent as a part of land rights assertion of the hill tribes.

4.4.2.3 Demand for Sixth Schedule

The Sixth Schedule comes under article 189 (b) and 190 (2) of the Constitution of India. "The Sixth Schedule is one of Constitution of India’s (1950) ingenious ways of recognising the virtues of asymmetry prevalent in a plural socio-cultural setting. A product of entrenched tradition of isolation and contingent ‘special’ treatment, it has been devised to provide a simple and inexpensive administrative set-up for the erstwhile tribal areas of Assam (Suan, 2006, p. 3)." In the Constituency Assembly Debates for the Sixth Schedule, Rev. J.J.M. Nichols Roy opined:

This schedule has given a certain measure of self-government to these hill areas but the laws and regulations to be made by the District Councils are subject to control and assent of the Governor of Assam (as cited in Savyasaachi, 1998, p. 135).

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58 ibid

59 ibid
He continued, “The provisions of the Sixth Schedule satisfy these people to a certain extent and at the same time joins them to the rest of the province (ibid)”. In the same debate, Dr. B.R. Ambedkar express in his speech that:

...barring such functions as law-making in certain specified fields such as money-lending, land and so on, and barring certain judicial functions which are to be exercised in the village panchayats or the Regional Councils or the District Councils, the authority of Parliament as well as the authority of the Assam Legislature extends over the Regional’s and the District Councils (ibid, p. 140).

Therefore, the Sixth Schedule has a dual aim of providing both ‘self-rule’ on the one hand and on the other hand ‘integration (of the Tribal’s) to the mainstream dominant social order’.

The Manipur (Hill Areas) District Council Act, 1971 exemplify an incomplete autonomous structure (Suan, 2006, p. 2). The Act fails to provide legislative and judicial powers to the six Autonomous District Councils of the state (ibid). Under the Manipur (Hill Areas) District Council Act, 1971 (formally implemented in 1973), six district councils were established in the hill areas of Manipur. The District Councils in Manipur are fundamentally different from those in Assam, Meghalaya, Mizoram and Tripura, which are established under the Sixth Schedule. The difference is that the district councils in Manipur are not entrusted with any judicial and legislative powers but only some executives and financial powers are entrusted to them. The financial power is very limited as government grant is the only source of income for the district councils. They are not empowered to mobilise sources of income. Unlike the district council in Assam, Meghalaya, Mizoram and Tripura which are administered according to the provisions laid under the Sixth Schedule to the constitution, the district council in Manipur is administered by the state (Kshetri, 2006, p. 22).
Some important points of distinction between district councils in Manipur are given below in the table:

<table>
<thead>
<tr>
<th>No.</th>
<th>List of points</th>
<th>District Council under Sixth Schedule</th>
<th>District Councils Manipur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Constitutional provisions under which District Councils are Established</td>
<td>Under the Sixth Schedule of the constitution</td>
<td>Under the provisions of the Manipur (Hill Areas) District Council Act</td>
</tr>
<tr>
<td>2.</td>
<td>Legislative Power</td>
<td>With the prior approval of the Governor, they have the powers to make laws with respect to: a. Allotment, occupation or use of land for agricultural and non-agricultural purposes other than land classed as reserved forests; b. The management of unclassified forest; c. The use of canal or water course for purpose of agriculture; d. Regulation of jhuming or other forms of shifting cultivation; e. Appointment and succession of chief or headmen; f. Inheritance of property; g. Marriage; h. Social reform;</td>
<td>No legislative power Section 52 of the Act provides them only bye-laws making power</td>
</tr>
<tr>
<td>3.</td>
<td>Judicial Power</td>
<td>They have powers to constitute village councils or courts for trials of suits.</td>
<td>They have not. The village authorities are empowered for trial of small cases/ litigations under the provisions of Village authority Act, 1965</td>
</tr>
</tbody>
</table>
A comparative picture of the two types of district council as given above, makes it quite obvious that the nature and the extent of autonomy given to the district councils under the sixth schedule is different from and more powerful than the ones in Manipur. Moreover, it is the Sixth Schedule which allows for greater autonomy in the structure as well as the functions of the councils (Bhatia, 2010, p. 42). It is, therefore, not surprising for the hill people and the tribal leaders to demand the extension of the Sixth Schedule in the hill areas of Manipur. However, critics of this provision saw it as beckoning the seeds of enmity between the hills and plains people on the one hand and hills separatism on the other (Suan, 2006, p. 3). It was assume to provide advantage for 'separatist' demands thereby endangering the unity and integrity of the state of Assam (ibid). Placing the Sixth Schedule under the dual control of the Union and the state conceptually engenders a split institutional identity; one that draws its identity and sustenance from the executive fiat of the union and the other from the state (ibid).

The demand for the extension of the Sixth Schedule to the hills of Manipur was raised in Hill Areas Committee meeting as early as March 1978. Subsequently, all
District Councils of Manipur formed the Sixth Schedule Demand Committee and it, along with the All Tribal Students Union, Manipur (ATSUM) became instrumental in demanding immediate extension of the Sixth Schedule in the hill areas of Manipur. From the 1980s onwards, the demand for the extension of the sixth schedule has gained momentum and one memorandum after another was submitted by various tribal organizations to the Chief Minister, Union Home Minister and the Prime Minister (Kshetri, 2006).

In April 1989, the All Tribal Student Union Manipur again submitted a memorandum to the Prime Minister of the same year demanding for the immediate extension of the provisions of the sixth schedule to the hill areas of Manipur. So far, efforts by the tribal leaders and the students have failed to produce concrete results. Several political parties in the last Assembly and the Parliamentary Elections in their respective election manifestoes also highlighted the sixth schedule issue (ibid, p. 25).

In October 1990, the Chief Minister told the Chairman of the Sixth Schedule Demand Committee that the inclusion of the hill areas of Manipur in the Sixth Schedule of the Constitution is under active consideration. Protesting against the state government for its apathy to the long-felt demand of the tribals, the Sixth Schedule Demand Committee have called and observed, towards the fag end of November 1990, a 48 hours bandh in the hill areas of Manipur. The state Government on its part came out with a statement by the Tribal Development Minister on 17th December 1990 that the government is trying hard to extend the sixth schedule to the hill areas of Manipur (ibid).

4.5 Continuity of Traditional Institutions

4.5.1 Contemporary Relevance of the Customary Court

Chiefainship system is still functional today despite the fact that much of their power has been reduced by the various Acts of the Government of India. The composition of the assembly undergoes changes according to the new
requirements of the changing times. The office of the Motbung Village Authority (Haosa) in 2009 comprises of the following portfolios—Chairman, Secretary, Joint Secretary, Accountant, Custom, 2 forest in charge, Defence, 4 members and Lhangsam or Information Secretary. The term of the Village authority in Tujang Vaichong is for 2 years each. The members are chosen by the chief and sometimes by the recommendation of the people. The main meeting of the village is not more than twice a year. The other meetings are based on emergencies or according to the requirement of circumstances. The biggest meeting is the kumlhun assembly where the administration of the village for the year is discussed. Women have never been elected as members in the village authority.

I give below two instances of land disputes decided by the Motbung Semang Pachong or Village Authority in the year 2009. For the proceeding to take place, the victim’s party has to write a letter to the Chief through the Authority members. They also have to pay court case charge of rupees fifty. The Authority leaders hear from both the party and from certain witness who were present at the time the incident occurred. The guilty party being decided, the leaders also negotiate on the fine or penalty to be paid by the party who loses the case.

(Case 1)

This happened around the month of November and continued until December in the locality by the name 'Nazareth Veng.' A dispute occurred with the neighbouring village called 'Thingsat Village.' What had happened was that some goats and cows of the Thingsat village had entered and destroyed the vegetable (beans and peas) gardens of about ten houses in Motbung village. The owner of the lands, whose gardens were destroyed complained to the Chief and the Village Authority. In the process, for the proceeding to take place, the victim party had to

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60 Lhouvum, Vumkhopao, Joint Secretary Motbung Semang Pachong, Interviewed on 14th Oct, 2008
61 Kipgen, Lalboi, Secretary of Tujang Vaichong Village Authority, interviewed on 20th November, 2008
62 Lhouvum, Vumkhopao, Joint Secretary Motbung Semang Pachong, Interviewed on 14th Oct, 2008
write a letter to chief through the authority members. They also have to pay court case charge of rupees fifty. The Authority leaders hear from both the parties and from certain witnesses who were present at the time the incident happened. The guilty party being decided, the leaders also negotiate on the fine or penalty to be paid by them. In this case, the Thingsat villagers, who owned the goats and cows that destroyed the vegetables were imposed to pay rupees 200 per household.

(Case 2)

The second case happened in September of 2009 in the neighbourhood called 'forest veng' in Motbung Village. The conflict was over a big tree that was growing on the side of a river. The person who grew it, a Mr. Kaikhopao and the person on whose land the tree grew, a Mr. Lalkho fought over the ownership of the tree. Lalkho approached the village authority. After conducting several meetings, the cases continued for two month, the case was decided in favour of Kaikhopao who was allowed to keep the tree. The Kuki societies are a sort of gerontocratic system, in which elders are respected. So, it is said that the fact that Mr. Kaikhopao was well advanced in years contributed to his winning the case.

(Case 3)

The third case happened in the month of October of 2009 in a lane called ‘Aithuh veng'. Mr. S.L. Seihen sold his land to a Mr. S.K. Thangboi. The conflict happened when the new tenant S.K. Thangboi built a fence around the land that he had newly bought. The man who owned the neighbouring land, Mr. Mangkholen complained that they had also touched upon his land in the transaction. Mangkholen made a case to the authority leaders. The authority leaders had several meetings in which all the three persons were continually called. Moreover, they also went to the site of dispute besides questioning several witnesses. The site of dispute as per the record of the authority leaders was a rocky patch of land. Mangkholen won the case and the S.K. Thangboi handed over the bit of land to him.
Regarding the disputes over boundary lines or landmarks, "Khaokikai" is done in which a rope is placed at the site of dispute upon which the Chief deliberates the line of demarcation between the conflicting parties. The disputing parties have to forward a petition to the chief. The chief will summon the village authority who will together set a date. At the said date, the parties are summoned to the court, which is in the courtyard of the chief.63

Usually, as a peace treaty, after the cases are decided, there is a tea-party which includes the members of the village authority, and the conflicting parties. This is a change influenced by Christianity from the traditional practice of drinking local wine called 'zu.' Penalty is stringent and heavy in cases that involved bloodshed or adultery, where the highest fine is paid in terms of a pig. Today, a guilty person can pay the equivalent of the price of a pig in cash.

The Kangpokpi Urban Town Committee deals with varied cases that concerns developmental activities around the town, town beautification programmes, make budgets for government projects etc. However, we will concentrate on only land issues that are dealt in the 'Customary Court of Kangpokpi Urban Town Committee.' The law applies equally to all who approaches the court. Though the committee is under the District Council, the local customary law is recognised and given authority to all those who seeks justice under it. The Customary Court still follows the traditional customary laws in handling cases that are submitted to them. The guilty person are penalised with objects like dahpi (gong), khichang (beads), puondum (cloth) and mithuns or pigs, depending on the nature of crime they committed. Moreover, practices like Kosa, Tol-theh, Sa-lam-sat and Hem-Kham are still observed. The difference is that today the payment can be made in cash unlike the olden days.64 The Kangpokpi Urban Town Committee therefore for convenience sake has fixed monetary equivalence of all objects as well as estimation amount for conducting the customary practices. For instance in case a

63 Kaikhosei, S.L., Chief of Motbung Village, Interviewed on 13th October 2008
64 According to the KUTC Chairman, Haokholien Guite, Dahpi is equivalent to Rupees 15000, Khichang to rupees 5000, Puondum to rupees 500 etc.
husband divorce his wife, he have to pay Numei Daman, which is Sel Som (ten mithun).  

The Customary Court under chieftainship system as a law enforcing body can therefore be heralded as an institution that has survived the onslaught of external agencies and continue to function within contemporary legal systems.

4. 7 Conclusions

The chapter stated the case of both the Hill tribals as represented by the Thadou-Kukis and the State agencies in the discourse on land rights. After 1947, the administration of the Hill areas passed on from the colonial rulers to the Maharaja of Manipur and finally to the state agencies under the Indian Government.

The various land based Acts are indirect attempts to slowly erode the land ownership of the hill tribes of Manipur as also of the Thadou-Kukis in the name of an uniform land policy. The Manipur Hill Peoples Administration Regulation Act-1947, reduced many chiefs of smaller villages, with less than 20 tax-paying houses, as unrecognised chiefs. For the rest of the chiefs who qualifies the new criteria for a village, a new hierarchy of official control overshadowed the real basis of traditional administration. There were attempts to do away with the traditional tributary privileges of the chief like the custom of ‘inpisap’, ‘khulkho’, ‘thapi’, ‘Sukai’, ‘selkotkaiman’ and ‘changseo’. The state agencies likened the chiefs to be like the zamindars in mainland India and presumed their ruling to be dictatorial in nature. The traditionalist viewpoint is that the tributary privileges

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65 Guite, Haokholien, Chairmen of Kangpokpi Urban Town Committee, Interviewed on 26th November, 2008

66 Extra charges taken by Kuki chiefs in certain type of cases

67 Building special fence of wooden board for the chief

68 A day free labour in a year to the chief given by the villagers

69 Bride price

70 Cattle price

71 Basketful of rice paid to the Thadou Kuki chief annually
are not to be regarded as taxes. They are paid to a chief to recognise him as an overseer of all the lands in the villages.

The Manipur Village Authorities in Hill Areas Act-1956 continued the onslaught by reducing the chief of the village that accepts the Act as ex-officio Chairman of the village authority. Moreover, the other traditional councillors' post was no longer hereditary and they had to be re-elected to continue in the post. The Manipur Land Revenue and Land Reform Act of 1960 was an ambiguous one. On the one hand it had provisions for protecting the land rights of the tribal like the section 158 which prohibits transmission of land to non-tribals and sub section 2 (1) which excludes the hill areas from the MLR & LR Act. On the other hand, in the six and seventh amendments of the same Act attempted to remove and modify the very section that favours the hill people. Moreover, there is no laws to protect those villages which are in close proximity to the valley districts. The ongoing over lapping land issues and dual taxation of the villages that falls within these areas are examples of the need for laws to protect them. The Manipur Hill Areas District Council Act, 1971 has been widely criticised because it does not provide legislative and financial powers. Consequently, Sixth Schedule which is suppose to provide this powers is demanded by the people.

Deleuze and Guattari's concept of 'reterritorialisation' suggested the forms of resistance that developed in the postcolonial state as combative negotiations with the state (Young, 2003, p. 52). Similarly, the hill tribes have made demands in the form of protest and negotiations with the state. The State agencies in making laws for the Hill areas have continued the same mistake committed by the colonial rulers, which is an imposition of laws without consideration for the ruled. What gives legitimacy and stability to institutions and laws depends on the internalisation and absorption of these changes in the traditional institutions. In making land laws, reforms and its implementations, only bureaucracy and the state does not suffice, the participation of the people for whom the law is meant is
crucial for the formulation of appropriate laws to suit them. The demand put forward by the people has been for a separate land law that respect the customs and cultures of the locale and enables self-rule in the hills of Manipur.