CHAPTER FIVE
CHANGING TRIBAL LAND RELATIONS IN MANIPUR

Change is inevitable in every society which brings a new level of thinking affecting residence, occupation, social setting, traditional system, role and way of acting, demands and capabilities. It is one in which clusters of old social, economic and psychological commitments are eroded or broken and people become available for new pattern of practice, socialization and behavior. Cultural change, assimilation and interaction are compulsory in any society and no culture is ever complete and finish whole. However stable and rigid it may appear at a moment of time, its integrative capacity is never entirely lost as it has been built up by the assertion and assimilation of new elements, so it can continue to change.¹

Globalization and urbanization brought changes and made the people affected to various untouched culture. It brought them interaction with the dominant culture (e.g. British imperialism). Changes however, has limit that beyond a certain point the presence of alien culture results in the internal collapse of the native life without assimilation of the new (e.g. British superimposition). In such interactional process the dominant culture has a phenomenon of spread-effect, which influences the surroundings.²

It is seen that every liberal community today has an association run by the educated people. These conscious people try to develop, preserve, cultivated and reinterpret the old customary practices and

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² Ibid.
beliefs which it lost in the ‘spread-affect’ process. This is done in view to justify their continuance in a form that is relevant from community point of view.³

Changes brought during the colonial and post colonial period in North East India is understood to have brought negative impact on the community relationship with the land. Such superimposition by the colonialist results into creating various problems like land alienation, ethnic conflict, etc in the region. While change is a natural phenomenon such changes should be on tribal term and allow the community to prepare for such changes instead of a sudden superimposition on the community. Walter and Melville (2005) observed,

“...the answer do not lies in going back to their past in its totality or absolving either the past or the present. Modernization has to be built on the past by updating their tradition. Change has to emerge from within their societies on their terms.”⁴

Community Property Resources

In North East India the system of tribal community management belonged to the informal system, that is base on the concept of resources (livelihood controlled by the community), to be used according to its present needs and preserved for prosperity. Sharing and equity are its foundations. The principle behind this is that the resources belong to the community including the present, the past and the future members. In that case, it is renewable, for it is a livelihood

⁴. Fernandes, Walter and Pereira, Melville Land Relations and Ethnic Conflicts: The Case of North Eastern India, Guwahati: North Eastern Social Science Research Centre, 2005,p.3
that has come down from the ancestors to be used according to present need and preserved for prosperity to ecological imperatives. Such system existed around the land and resources in tribal society. The principal of such community base tribal natural resources management system was intergenerational and inter-generational equity or sustainable use. This relationship is more or the less a constructive dependence on resources.

Traditionally, the systems of community management of CPRs and forest land had existed in different forms in many parts of the country till the end of the 19th century. A very large part of the country’s natural resources was common property, in the sense that a wide variety of necessary resources was freely available to the rural population. The process of extending state control over the common resources, which began with the declaration of “reserved” and “protected” forests in the closing years of the 19th century, has essentially been that of exclusion of villagers’ access to common resources by law. As a result, the systems of community management gradually disintegrated and are now virtually extinct.

Today, in almost all parts of the country, the villagers have legal right of access only on some specific categories of land like ‘pasture and grazing lands’ and ‘village forests’, which are under the jurisdiction of the village or village panchayat. All other categories of land not under private ownership like barren and uncultivable land, cultivable waste, land put to non-agricultural uses and forests belong to State Revenue department or Forest department. Nevertheless, the rural population, particularly the poor, depends greatly on the goods and services available from these categories of land. Besides, though only those resources are treated as CPRs on which no individual has exclusive property rights, there are systems of customary rights which
support traditional practices, which represent common rights on private property in certain situations.  

**Manipur**

In Manipur like other tribal communities of North East India the tribal people have inseparable relationship with land, forest and natural resources. But such tribal land relationships have begun eroding since colonial rule in the state. The colonial administrative frame work has brought changes in tribal system through different set of institutions and administrations which affected their relationship with land.

Before the advent of British rule in the hill areas of Manipur, the tribal people possessed the land and live on it independently practicing their traditional pattern of land system. Second, the subsequent democratic governance in the post independence also further changed the community relationship with land to a larger extend. These changes have not recognized the traditional tribal system which is basic to their identity formation.

The existing law has to be updated instead of being replaced by another system that can weaken them as a community. Such modern input has adversely affected the tribal people custom and culture who depended on land. Such modern inputs become negative when they are superimposed on tribal tradition with no preparation for interface between the two systems.

It is seen that new land relations are not only economic measure but also the beginning of new power equation among tribes. The first is

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6. Ibid.
class formation in otherwise equally equalitarian societies and the second is strengthening of patriarchy because it usually transfers power over land from community to a few men, usually the elite.

The first steps towards it were taken when the British with the enactment of individual ownership base land laws that turned CPRs into state property. Its first facet is that land without an individual patta is state property. The second is the state alone has right to define a public property and deprived even individual owners of their assets. The colonialism objective was to turn colony into supplier if capital and raw materials for the British Industrial Revolution and a captive market for its finish products. The processes of turning land into a commodity begin with the Permanent Settlement of 1793 and culminate in the Land Acquisition Act of 1894.7

Attribute of Changes

The practice of traditional land system (land relations) as well as the general socio-political and economic system of the tribal people in Manipur has largely undergone changes with the following events:

a) Advent of British colonial rule in the 19th century who brought new administration in the hill areas.

b) Christian Missionaries that enter Manipur during British period too have changed the tribal not only of their faith but also change old practices and custom to a great extend, giving new outlooks and new lifestyle. It mainly changes the socio-cultural aspect of the tribal people.

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c) Spread of democratic ideas and institution in the post Indian independence period in the hill areas of North East in general and Manipur in particular.

d) Transformations of technology from traditional to modern system too have change the nature of agricultural practices among the tribe.

e) Change in socio-economic transition, population pressure on land and internal transformation in the village system.

PRE INDEPENDENCE BRITISH ERA

The British had first contact with Manipur in the year 1762 AD. After the Anglo-Manipur War 1891 the hill areas of Manipur was brought practically under the British rule. The sanad\(^8\) issued by the British authority clearly shows the final authoritative control rested with the British.\(^9\) The content of the Sanad issued to Raja Churachand Singh, Maharaja of Manipur was not more than that of a vessel in feudal state.\(^10\) The articles of the Sanad are given below:

1. The Governor-General-in-Council has been pleased to select you, Churachand, Son of Choubi Yaima to be the Chief of the Manipur State and you are hereby granted the title of Raja of Manipur and a salute of eleven guns.

2. The Chiefship of Manipur state and the title and salute will be hereditary in your family and will descend in the direct line by

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8. A deed granted to native rulers confirming them in their states, in return for their allegiance.
9. Raja Churachand Singh King of Manipur was granted the title Rajah of Manipur by the Governor-General-in-Council.
primogeniture provided that in each case the succession is approved by the Government of India.

3. The annual tribute will be paid by you and our successors to the British Government.

4. Further, you are informed that permanence of the grant conveyed by the Sanad will depend on the ready fulfillment by you and your successors of order given by the British Government with regard to the administration of your territory, the control of the hill tribes depended upon Manipur, the composition of armed forces of the state and any other matter in which the British Government may be please to interfere. Be assure that so long as your house is loyal to the Crown and faithful to the conditions of the Sanad, you and your successors will enjoy the favor and protection of the British.\textsuperscript{11}

Manipur King remained head of the State of Manipur; the hill territory was separately administered by the British Political Agent. But the British administration at first believed in the policy of laissez-faire with regard to the tribal. It was adopted since the task of administration in remote and in assessable tribal areas was difficult and unrewarding. Another reason was the British desire to keep the tribal people away from political infection.\textsuperscript{12} Thus, the tribal communities had to remain fully isolated.

The Britishers were interested only in regulatory functions. This made Kukis continued to practice their traditional administration in the hill areas. One of the results to this was that it enacted Schedule Districts in 1874 and keep large tracts of tribal areas outside the jurisdiction of normal administration. Excluded and Partially Excluded

\textsuperscript{11} \textit{Ibid.}

Conclusion

Geography of disease or Geography of Health is a relevant subject for investigation of patho-genesis and provide probable remedial measures even among the medical practitioners. This branch of geography has attained considerable popularity specially when complete eradication of the disease is contemplated and natural therapy has been devised. In this context, detailed ge-ecological environments have been investigated in order to determine the impact of physico-cultural environment on the genesis of malaria and leprosy.

Since eighty's there has been progressive improvement of malaria eradication in the State, but still this disease cannot be totally wiped out. Inspite of adequate improvement in medical science and medical services in the State, malaria and leprosy appeared and appear menacingly in the State. The various malaria eradication services including spraying of D.D.T. sometimes prove futile because of its deteriorating effect on environmental situation and natural ecology.
areas was introduced in the year 1939 in order to make non-applicable the legislations of provincial government to tribal areas.\textsuperscript{13}

It resulted into tribal isolation and backward in socially, economically and politically. Communication in the tribal area was totally cut off from the main current of Indian civilization which led to exploitation by the non-tribal. In the 19\textsuperscript{th} and 20\textsuperscript{th} century policy adopted by the government favored zamindary, landlords, moneylenders, contractors, petty forest official to exploit them in many ways. Thus, the tribal were reduced to a state of penury in Manipur in particular and the rest of India in general. Their land was encumbered and good portions of their land were passed to non tribals. The tribal losing their land continuously, they resorted to jhum cultivation on the slope of the mountain and hill side so that nobody takes them away.\textsuperscript{14}

Later, the revolt in 1891 against the British led to a complete takeover of the administration by the British.\textsuperscript{15} This also makes the British government tighter control over the hill areas. Manipur was thus, divided into four sub-divisions, one in the valley and another three in the hill areas which the hill areas were under the control of British officer William Shaw, B.C Gasper and L.L Peter.\textsuperscript{16} Since then the hill areas administration was directly under the British control. This, hamper the age old freedom enjoy by the Kuki in the hill of Manipur. The British became the final authoritative ruler of not only the hill areas but the valley as well.\textsuperscript{17} Changes began with control over tribal territory

\textsuperscript{13} Singh, M.Romesh \textit{Tribal Development in 21\textsuperscript{st} Century: An Experience from Manipur}, New Delhi: Mittal Publication, 2006, p.5.
\textsuperscript{14} Ibid, p.2
\textsuperscript{15} Sinha, S.P \textit{Lost Opportunities:50 Years of Insurgency in the North East and India Response}, New Delhi: Lancer Publisher, 2008, p.109.
\textsuperscript{17} Horam, M \textit{The Rising Manipur: Including the North East States}, Delhi: Manas Publication, 200, p.57.
by the Britishers. The Kukis were subject to pay hill house tax and force to work as *Pothang* or force labour on their very own land. We shall discuss below:

**Hill House Tax:**

Maxwell, the Political Agent of Manipur in 1892 introduced the hill house tax of Rs 2 per home steady in the valley and Rs 3 per house per annum in the hill areas. The hill house tax was collected by *Lamsabaders, Lambus* and village headman. For the purpose of collection of the tax hill area was divided into five *Lams* of which *Lamsabaders* was in charge. He was again assisted by a number of *Lambus* who were further assisted by the village headman. They were given one *anna* out of every rupee that was deducted from the house tax which was paid to them for the service rendered for the government.\(^\text{18}\)

The house tax and force labour were enforced so strictly that the hill villager found it hard to pay the tax and most of the time argued with the collectors that many of the houses were vacant or unused. The British authority thus, adopted more stringent strategies as follow:

1. Prohibition on the setting up of new village with less than twenty houses,
2. Threat of withdrawing gun license,
3. Burning down of villages for not clearing the arrears of house tax,
4. Imprisonment of *Goan Buras*, and
5. Engagement of villagers as *coolies* in the construction of bridle path.\(^\text{19}\)

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Such coercive measure by the British authority leads to the hill agricultural subjected to serious crisis creating famines. Consequently, the local poor people suffered serious socio-economic problems with the coming of the British administration in Manipur.

The British considering small villages as inconvenient especially in the collection of hill house tax, had order the Kuki and Naga villages having less than 20 houses to join with the larger villages from the year 1913-14. Villagers who failed to do so were fine a house tax of Rs 6/- instead of Rs 3/- failing to pay this amount were broken up.\textsuperscript{20} The British Government used coercive measure to meet their imperial interest. A Buongmual Kuki village under the colonial taxation policy was instructed to increase the number of houses and in case of failure to reach the house number at minimum twenty houses by 15\textsuperscript{th} January 1923 a warning was issued to them that \textit{Lambu} would be sent to burn down the village.\textsuperscript{21} Another instance in a measure to discourage small village was that a small Monsang Naga village which paid tax through bigger village called Chingsang in Tengnoupal was burnt down for not willing to join with the latter. G.P Stewart, the Political Agent of Manipur in 1938 reported in his Tour Diary that even he contemplated to burn down Illong Naga village for not clearing the arrear amounting to Rs. 587/- for the year 1936-37 and 1937-38.\textsuperscript{22}

Traditionally, the Kuki custom has permitted establishing a new village with no fix in house number. As such, there were instance of many Kuki villages having just few household. But due to colonial manipulation the small villages unable to bear such heavy taxation then joined the larger ones. Later the tax rate was reduced to Rs. 3/- for administrative conveniences. This resulted into the collection

\textsuperscript{20} Administrative Report of Manipur for the year, 1813-14, p.3-5
\textsuperscript{21} Tour Diary of the President of Manipur State Darbar, Dated 15-12-1922.
\textsuperscript{22} Galilangam, Kamei \textit{Op.Cit.}, p.116
coming down to Rs 72,299/-. Another measure taken up in this regard by the British to realise house tax was that they supplied guns to those village having above 30 houses.

**Force labour Pothang or Coolie:**

Another attribute of British rule in Manipur was the introduction of *Pothang* or force labour in the hill areas. Any hill village that could not afford to pay their house tax was encouraged to work as *coolies* to pay their house taxes. The President of Manipur State Durbar in 1918 advised the villagers to earn money working as *coolies.* This administrative measure was so effective that the amount of house tax collected increased manifold. The recruitment for *coolies* was done through *Goan Buras* of the village. Such policy was also applied to Thangiing Kuki village which failed to pay the house tax. The British authorities had recruited many villagers as *coolies* and their wages were adjusted against the house tax in arrears.

**Confiscation of Gun:**

Any village in the hill area that could not pay their house tax was under threat of confiscation of their gun. C. Gimson (1937) wrote,

"It is easier to realize revenue from village which has guns, as a mere threat of confiscation gradually produces their revenue."

It is recorded that, *Goan Buras* was put into prison for the reason that Topfama village with 30 houses did not pay a house tax for three years. Stewart stated that the villagers need not be force to pay either by engaging them in *coolie* work or by attacking their cattle. If this

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23. Ibid.  
24. Tour Diary of the President of Manipur Durbar Dated 12-12-1918  
25. Tour Diary of Stewart, dated 5-7-1938  
26. Tour Diary of Gimson, dated 11-11-1937
method turns a failure, their village had to be broken.\textsuperscript{27} The British authority thus, used coercive measure to meet their interest without least consideration for the welfare of the tribal people. The Administrative Report of Manipur State for the year 1914-15 report that, \textit{\textquoteleft by such coercive measures, the colonial authorities could collect an amount of house tax Rs 81,232 in 1914-15 as against Rs 73,208 in 1913-14.}\textsuperscript{28}

\textbf{Prohibition of \textit{Jhuming}:}

The British prohibited \textit{jhum} cultivation on roadside within thirty feet of the road. The tribal people as a result lost many of their land in the construction of roads through their forest and fields by the British government which results into the shortage of land for the tribal. This bandh on cultivation on the roadside badly affected the socio-economic life of the hill tribe as they were not compensated.\textsuperscript{29}

The Chief Commissioner of Assam, Sir Nicolas Beatron Bell on 16\textsuperscript{th} October 1919 open Durbar meeting in Imphal to make new rules for the administration of the hill areas of Manipur. For a better administration in the hill areas, the areas were divided into four sub-division at Imphal (Sadar), Churachandpur, Tamenglong and Ukhrul. The administration of hill areas was again reorganised in the year 1933 which was effected from 1\textsuperscript{st} May 1933. Three sub-division was constituted with their head quarter at Sadar, Tamenglong and Ukhrul.\textsuperscript{30}

\textbf{Christian Missionary:}

Christian missionaries came to Manipur via three gates. Rev. William Pettigrew came through the Silchar Gate and arrived Manipur

\begin{footnotes}
\item[27.] \textit{Ibid.}
\item[28.] Administrative Report of Manipur State for the Year, 1914-15, Pp.4-6
\item[29.] Tour Diary of the President of Manipur Durbar Dated 21-04-1924
\item[30.] \textit{Ibid.}
\end{footnotes}
on February 6th 1894 as a Missionary of the Arthington Mission. He
joined the Baptist Mission in 1895. Missionary Watkin Robert a Welsh
Presbyterian Missionary came through the Aizawl Gate. He was
responsible for the Kuki Christian living in the southern Manipur. He
founded the 'Indo-Burma Thadou-Kuki Pioneer Mission' (IBPM) in 1910
for the purpose of reaching the southern Kukis with the gospel. But
short lived IBPM was replaced by North East India General Mission
(NEIGM). His tireless works and concerned brought a paradigm
changes in the southern Manipur. The first recorded contact with the
gospel in Manipur was in 1844. But due to certain political obligations
and opposition from the Protestant Missionaries, the Catholic Church
could be established in late forties among the Kukis of Tengnoupal and
Churachandpur. The Christian missionaries had brought tremendous
changes in the tribal society.31

The advents of Christianity have changed the socio-culture of the
Kuki society. Tarun Goswami says in his preface to Kuki Life and Lore
(1985):

"Most of the Kukis have become Christian in a period of less than
hundred years now. But Christianity has not alienated the Kukis
from their traditional and cultural milieu. Rather it is Christianity
that has been suitably modified, may not be its basic tenets,
but definitely in its outward forms and practices, under the strong
and perpetual impact of a human culture handed down through
the ages."32

31. Simha, Karama Manimohana. History of the Christian missions in Manipur and
32. Goswami, Tarun Kuki Life and Lore, Assam: North Cachar hill District Council,
Haillong, 1985, p.57
The Christian missionaries took the advantage of the simplicity of the tribal and did all that was possible to win their heart. They even gave allowance to the Nagas for changing their customs and habits. The tribal worship religion founded by their ancestors and among the Nagas the clan group was govern by ancestor worship. It takes several years for the British to convert the tribal people to Christianity, that too in a very painful manner. The missionaries had to even learn the tribal customs to enable to convince them become Christian.  

This new religion introduced changes in secular outlook among the tribal people. These changes came in the form of some mundane affairs which were within the purview of the customary laws. Our investigations have revealed that most of the changes in social customs and life style are changed by the impact of Christianity. Prof Roy wrote on how Christianity has brought changes in the lives of Manipur tribals.

"Christianity as it has been preached by the European and American missionaries has succeeded in modernizing the tribal people of Manipur. Indeed it has unlocked and opened up the closed doors of those primitive villages to the light reforming the social ills and curing diseases, the helping hand of those philanthropic missions are always there."

The coming of Christianity has played a significant role in the overall changed in culture, spiritual, physical, education and economic spheres of the tribal people. The importance of clan's relationship began declining in Naga society. Despite of belonging to different clan they found a common place to settle and live together. In that case,

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they did not have separate clans land areas or fix portion of land but they live as a common citizens of the new found village. They pool their resources in a common tithing\textsuperscript{35} fund to the church. The church became the head of their new Christian village.\textsuperscript{36} Such changes include changes in the socio-economic life of the tribal people of their domestic life, religious life, social customs, moral life, literacy, self-help.

Modernity and Christianity brought the primary agency in formation of a new culture synthesis, preventing de-tribalization, though certain modernizations are acceptable in the society. Practices like imposition of fine or enforcement of punishment on the murderer, adulterer, etc. was discouraged by the teaching of mutual forgiveness. In other words, justice was not dispensed with in dealing with certain crimes, but admonition to our formal corrections against the criminal for his/her misdeeds was advocated.

Many traditional practices were dropped after their conversion to Christianity. The services of priest and priestess are no longer required, which are being replaced by the pastors and Health Workers. The feast of merit like chon was celebrated to honor the ancestors and whose blessings when sought necessitated the killing of seven Mithun and sacrifice of domestic animals like pig, goat, hen and other animals, are stopped/dropped which are performed for the good of the village, as in time of war, or planting or harvesting calamity etc. were dropped. Anything which were related to primitive animism such as keeping of house deity were dropped. Traditional concept of differences between male and female banished among the tribal societies to a large extend. In other word, men and women are equal in all works of life following conversion to Christianity. Traditional social organization like Sawm,

\textsuperscript{35} A Biblical custom of contributing one-tenth of one's income and produce to the church.

Lawm etc. came to be banished. The institution of dormitory which was once the centre of learning social activities disappeared among the tribal societies. School and other institutions like the church, Christian youth organization, village youth club etc. becomes the centre of learning social activities.  

**Changes in Manipur Administrative Units**

Till 1891 the State of Manipur was under the direct control of the King of Manipur. As per record of the then Political Agency, there was no sub-division as existing in the present setup of Administrative Division, and rather it was treated as a single District State under the then Chief Commissioner of Assam. However, it can be observed that from the period 1899 to 1900 or so the area came to be known as Manipur state and had six *Panahs* as Administrative Units. viz, (i) Ahallup Panah (ii) Naharup Panah (iii) Khabam Panah (iv) Laipham Panah (v) Imphal Panah (vi) Sadar Collection Panah. They were put under the control of Tehsildar / Dewan. Out of the six *Panahs* 1 to 5 were described as the *Panahs* in the plains and the 6th in the Hills as a whole. The changes in Manipur Administrative Division since 1901 are studied below.

1. **Administrative Division 1901**

When administrative boundary/division of 1901 above remained unchanged in 1911, it depicted some important spots like, Karong, Mao, Sadar Hills on the North, Dabiram in Tamenglong on the West, Changland in Churachandpur on the South, Thoubal and Bishnupur in

37. Personal interview Haokip, Jangam (Christian Pastor) at Joujiang village, Senapati district, Manipur on 4 September 2010.

the central areas of the state. Imphal was shown as the centrally located capital of the state.\textsuperscript{39}

2. Administrative Division 1911

In 1911 the status of the state administrative division was as much that it was a simple district state as in 1901, with six \textit{Panahs} (i) Ahallup \textit{Panah}, (ii) Naharup \textit{Panah}, (Hi) Khabam \textit{Panah}, (iv) Laipham \textit{Panah}, (v) Imphal \textit{Panah}, and (vi) Sadar Collection \textit{Panah}, the population of Manipur was 3, 84,016 with a geographical area of 8,456 square miles, during 1911-1921.\textsuperscript{40}

3. Administrative Division 1931

As detailed in 1931 census, there were two broad sections as valley and hills on physiographic basis. The geographical area of Manipur was recorded as 8,620 square miles with the total population of 4, 45,606. There was a slight change in the six \textit{Panahs} Division viz, (i) Naharup \textit{Panah}, (ii) Ahallup \textit{Panah}, (Hi) Imphal \textit{Panah}, (iv) Khabam \textit{Panah}, (v) Laipham \textit{Panah}, (vi) Jirighat \textit{Panah} in the valley and two \textit{Panahs} of Imphal North and Imphal South. In the hills was break-away section of the Sadar collection, \textit{Panah} Divisions.\textsuperscript{41}

4. Administrative Division 1951

The statuses of Manipur state boundaries were same as shown in 1921, with a total population of 5, 77,635. As regards the administrative division, Manipur was made comprising eight subdivisions, of which three were in the plains and five in the hill areas. They were: (i) Sadar Sub-Division, (ii) Thoubal Sub-Division, (iii) Jiri

\textsuperscript{39} Census of India, 1901, Paper and Report, Census Commissioner, India
\textsuperscript{40} Jeyaseelan, L \textit{Impact of the Missionary Movement in Manipur}, New Delhi: Scholar Publishing House, 1996, p.3.
\textsuperscript{41} Mukherjee, Sudhansu Bhusan and Mukherjee, Sudhansu Bhusan \textit{The Age Distribution of the Indian Population: A Reconstruction for the States and Territories, 1881-1961}, East-West Population Institute, 1971, p. 12.

5. Administrative Division 1961

As against eight administrative sub-divisions in 1951, Administrative Sub-Divisions of Manipur were made comprising of 10 ten Sub-Divisions in 1961 viz (i) Imphal West (ii) Imphal East (iii) Bishnupur (iv) Thoubal (v) Ukhrul (vi) Mao and Sadar Hills (vii) Tamenglong (viii) Jiribam, (ix) Churachandpur and (x) Tengnoupal Sub-Divisions with the total population of the union territory at 7,80,037. Mao and Sadar Hills recorded a population of 72,039, the highest of the whole Hill Sub-Divisions.

6. Administration Division 1971

Administrative boundaries and division of international, state, districts, sub-divisions and blocks were demarcated by various lines and symbols as shown the legend for the first time. The administrative set-up was also thoroughly changed since the up gradation of sub-division into district level for the purpose of administrative convenience. The new districts so far formed were: (i) Manipur North (comprised Mao-Sadar Hills Sub-Division), (ii) Manipur West (iii) Manipur South (iv) Manipur East (v) Manipur Central districts it may be noted that Imphal East, Imphal West, Jiribam, Bishnupur, Thoubal, Tengnoupal were jurisdictional included in the Manipur Central District. The total population of Manipur state by then was 10, 72,753.

Forest Policy

42. Ibid.
Forests have not only the economic importance for the tribal people but these also reflect the social and cultural importance. Many trees and plants have religious importance related to customs and rituals of these people. Forests have always been a place for many social and religious practices for tribals in India. Most of the rituals and fairs take place in forests having the notion of deities related to particular plants and trees. Many of the totem clans among the different tribal communities are derived from plants and animals whom the concerned group always try to protect. Thus many of the species in nature are protected from random exploitation as the tribals traditionally protect them. The forest and tribal people are like the same as two aspects of the same coin. They are inseparable to each other. Roy Burman (1989) has noted that directly or indirectly in the tribal mind forest symbolizes life in its manifold manifestations, i.e. home, worship, food, employment, income and entire gamut. Tribals can, in fact, be regarded as children of the forest. With the passage of time, the tribal in India witnessed many changes in its function, structure and societal standing. The rapid processes of change in the name of urbanization, liberalization and globalization have changed the total outlook of tribal people so far their core and unique cultural identities are concerned. The development measures adopted in the tribal areas have more deterioration than updating of tribal culture and resultant of which that lacs of tribal people, every year displaced in the name of development plans in India. The process of industrialization and protecting the forest in the name of eco-balance has adversely and

mostly affected the tribal folks of the country. Nirad C. Chaudhuri (1965) has aptly remarked:

*In an industrialized India the destruction of the aboriginal’s life is as inevitable as the submergence of the Egyptian temples caused by the dams of the Nile....As things are going there can be no grandeur in the primitive’s end. It will not be even simple extinction, which is not the worst of human destinies. It is to be feared that the aboriginal’s last act will be squalid, instead of being tragic. What will be seen with most regret will be, not his disappearance, but his enslavement and degradation.*

Before the advent of British in India, the tribal people of Manipur like elsewhere tribals in India enjoyed the total autonomy in utilizing the forest resources as their survival and life activities all were based on the forest. The British realized the commercial value of forests and started imposing various kinds of restrictions over the people basically the tribals and other forest dwellers people for use of forest produce. The informal autonomy of the tribal people over the forest had been challenged by the enactment of certain formal laws restricting the access of the people based on forest livelihood. The first systematic effort by the British India was done in this regards by enacting the Forest Act 1865. Through this act, the government was given the power to declare any land covered with the trees as government forest.

Most of the parts of the North East India in the pre independence were administered with a different administrative framework for the benefit of colonial ruler, especially aiming at extracting natural resources, mainly forest resources, without any intervention. These

administrative policies deprived the tribal people of the rightful access to land and forest to a great extent. In the early nineteenth century the great forest tracts of the central provinces and in Assam were unexplored. Even till the 1850’s, no steps had been taken towards the conservation of forests in Assam. Prior to 1863, Bengal and Assam, or the “Lower Provinces” as they were then called, paid scant attention to the conservancy of their forests. The British account of the forestry situation in the North East is confined to forest production plans, and even conservancy was primarily aimed at securing a permanent supply of timber through a state monopoly which was evident from their involvement in saw mill companies and the tea companies. It is reported that even the forests that were under the traditional chief and most of the forests on the southern slope of Jayantia Hills were leased to the government and the privilege of felling timber in Jeerang Forest was sold to the government for three years from April 1868 to April 1871 on a fixed annual rent of Rs. 150.48

In 1852 contract system was introduced in favour of higher bidder. In 1868, a new revenue system was introduced under which a small Tehsildar who were called Mouzadars were appointed, and the forest and their protection were given over to their charge with the rest of their land. Even this system was considered inadequate in terms of revenue generation. It is in this situation that the First Annual Forest Report mentioned that the Conservator of Forest in Bengal, who was also responsible for the Assam Forest, had proposed a transfer several thousand of square miles in Assam to the forest department (FD) without any previous demarcation or definition of the boundaries. Even

in this period, there were extensive forest tracts in which numerous hill tribes carried on jhum cultivation (slash & burn) was permitted.

During British period two of the most significant administrative classifications were made demarcating frontier districts from other districts of the Northeast which was known as the "inner line"\(^{49}\) and the declaration of certain areas as "Scheduled Areas." To protect the British interest in trading in rubber forests in the plains beyond the mehals or settlements, the Bengal Eastern Frontier Regulation Act was enacted in 1873. This act made it lawful for the state government to prescribe the inner line in the districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur (Garo Hills), Khasi and Jaintia Hills, Naga Hills, and Cachar. No Indian citizen could venture beyond this prescribed "line" without a pass under the hand and seal of the Chief Executive Officer of the district. Further, the Act also made it illegal for any persons, not being native to the districts, to acquire any interest in the land beyond the said inner line without the sanction of the state government or such officers as the state government might appoint on their behalf.

Under British rule, the Chief Commissioner was empowered to propose to the Governor General in Council the draft of any regulation that may seem to him to be required for the province. He also had the power to extend to the province any measures passed by other local legislature which appeared suited to its requirement. The Assam Forest Regulation, the Sylhet Jhum Regulation of 1891, and the Assam Land and Revenue Regulation of 1886 were some of the important acts of the Governor General in Council, which came into force in Assam by 1880.

\(^{49}\) The concept of the 'inner line' was introduced in the 1870's when commercial activities by British subjects in conjunction with the frontier tribes were found to be adversely affecting not only the revenue derived by the government from the forests, but also threatening disturbance with the hill tribes.
The Assam Forest Regulation of 1891 (AFR) is the most important legislation applicable in the entire state of Assam except the scheduled areas of the North Cachar Hills District and the Karbi Anglong District. However, the provisions of the Reserve Forests of the AFR are applicable to the Reserve Forests in the Scheduled Districts, too. Under the AFR, forests may exist in at least four categories of land. These are: 1) reserved forests, 2) village forests, 3) unsettled forests, and 4) other forests and wasteland that are not the property of the government. Interestingly, the first three categories of land may be constituted out of only those lands, which are “at the disposal of the government.” Such lands, that are at the disposal of the government, have also been defined under the AFR to include only such land in respect of which no person has acquired “a permanent heritable and transferable right of use/occupancy under any law for the time being in force;” or, those lands which are vested with the central government on behalf of the state government. The term “unsettled tracts” has also been used in the regulation though unsettled track was not defined and the state government has been empowered to reserve trees in such unsettled tracts.

50. “Unsettled Tracts” under section 32 and “unsettled forests” under section 33 seem to have been used interchangeably. At the same time, the manner in which unsettled forests have been explained is exactly same as the term unclassed forests as defined in the rule making power of the AFR. The term “unclassed state forest,” though used extensively in the other rules under the AFR, has been defined only under the “Rules relating to the Unclassed State Forests in Plain districts of Assam and North Cachar Hills.”

51. Wasteland has been defined by the rules under AFR to mean land at the disposal of the Government, which the Government has not disposed of by lease, grant or otherwise, and which is not included in a forest reserve or in a forest proposed to be reserved under Section 5 of the Assam Forest Regulation. VII of 1891, or in a protected forest constituted under the rules made under the said Regulation and has not been allotted as a grazing ground under rules framed under Section 18 of the Assam Land and Revenue Regulation.

52. Section 3(8) of the Regulations defines “land at governments disposal” as “land in respect of which no person has acquired: (a) a permanent heritable and transferable right of use/occupancy under any law for the time being in force; or (b) any right created by grant or lease made or continued by or on behalf of the Government for the purpose of Central Government.”
Apart from the classifications of forests, the regulation defines the community rights. After a proclamation of notification there is a bar on the accrual of new rights. Section 7 specifically allows the exercise of rights already enjoyed and in existence at the time of issue of proclamation. The AFR provides that the claims relating to the practice of jhum cultivation may be allowed or regulated by the FSO. It is important to note that the practice of jhum cultivation “in all cases be deemed to be a privilege subject to control, restriction and abolition by the state government and not to be a right.”

Further, three unique rights of claimants are recognized under the AFR similar to the Indian Forest Act. They include:

1. the right of way,
2. the right to a water course or to use of water and,
3. the right to pasture or to forest produce.

A much more detailed description of how these unique rights may be exercised have been provided under the AFR especially relating to the rights of pasture and the forest produce In all other cases, they should be designated as “concession.” The right of way, a right to pasture, use of minor forest produce, or other easements can only be established as legal rights through a grant of covenant or by uninterrupted use for a period of 60 years.

As mentioned earlier, the AFR also provides for reserving and protecting trees in unsettled tracts (read unclassed state forest). As per the Assam Land and Revenue Regulation of 1886 extraction of all forest produce in such unclassed state forest is suspended. However,

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53. See Section 10 (4) of the Assam Forest Regulation of 1891.
54. Vide section 26 of Act IX of 1908.
55. See Section 32 and 33 of Assam Forest Regulation of 1891.
as a special concession right may be granted for domestic use. For any forest or wasteland which are not the property of the government and which may come under private ownership, the AFR provides for their protection for “special purposes.” In such forest villages, the adult forest villager is required to render 20 days of labor and in lieu of which the forest villager who is given an annual patta is allowed free grazing and may remove sufficient building material free of royalty. This act provides for the creation of a government force, the Assam Forest Protection Force (AFR), for the better protection and security of the forests, forest produce, and wildlife of Assam.

The regulation also proscribes rules for the use of forest produce in the zamindari lands in the Garo Hills that are under the management of the state. Two kinds of permits may be issued by the DFO for the use of forest produce: 1) trade permits and 2) gurkati permits. The trade permits and the gurkati permits are not transferable except with the written permission of the DFO. Further, there are rules relating to the use of forest produce on the lands at the disposal of the government, which are not included in a reserve forest or village forest (i.e. the unclassed state forests).

The Schedule Districts Act 1874 adopted measure to deal with these areas as a class. The act enabled the executive to extend or exclude “Scheduled District” areas from the normal operation of any ordinary law. In the Northeast, the act declared the province of Assam and the ‘Paragana of Manipur,’ a “Scheduled Tract.”

56. For the purposes of grazing, the definition of “unclassed state forests” has been modified under the Rules to regulate Grazing in Unclassed State Forests in Assam to exclude the village grazing ground in addition to the reserve forest and village forest.
57. Trade permits are ordinarily issued for removal of such timber and other forest produce as may be specified for a period of 12 months.
58. Gurkati permits are ordinarily issued for the removal of thatching grass, bamboos, canes and leaves etc.
Chelmsford Report of 1918 also referred to these areas. This report suggested that the political reforms contemplated for the rest of India should not apply to these areas as they were too "primitive," "backward," and "there was no material on which to found a political institution." The scheduled tracts were thus excluded from the purview of the reforms and were administered by the heads of the provinces. The Government of India Act of 1919 further delineated the scheduled tracts into two classifications of (1) total exclusion or (2) modified exclusion. These were defined as:

1. those that were considered to be so backward that they were totally excluded from the scope of the reforms with the effect that neither the central nor the provincial legislature had power to make laws applicable to these areas, all powers thereof being vested with the governor.\(^{59}\) and,

2. those which were not so backward, with the result that a system of modified exclusion was proposed. Further, in respect to these areas, the legislature had the power to pass laws, which could be enforced only under the direction of the Governor General. Despite this, Assam was administered under the provincial government and not the Governor in Council; the transferred subjects were to be administered by the ministers.

As per the Report on Administration of North-East India, 1921-1922, Reserve Forests were constituted for permanent sources of forest produce or for other economic reasons, while Unclassed State Forests were set up to protect all unoccupied government wasteland. The report further observed that the Unclassed State Forests, especially in the plains, occupied a very large area though very small portions of them were wooded. Cultivation was allowed in such forests,

\(^{59}\) The Garo Hills, Lakhimpur Frontier Tracts were declared "backward" or as scheduled tracts under The Government of India Act of 1919.
though steps were introduced in 1921 to reserve suitable tracts as village forests. These forests were not managed by the Forest Department but by the civil authorities, the local mauzadar being nominally in charge. However, following reports by deputy commissioners that were skeptical about the use of village forests, these forests were no longer listed as forest in 1932 and the land reverted to government waste.

The Simon Commission Report of 1930, suggested to educate people in tribal regions to enable them to become self-reliant. To achieve this goal, the commission recommended that the responsibility for these tracts should be vested with the center, with the governor of the province playing a central role. This proposal was, however, not adopted in the Constitutional Reforms of 1935.

The Government of India Act of 1935 classified these areas into excluded and partially excluded areas with the excluded areas being directly under the personal rule of the governor and the partially excluded areas being within the ministerial responsibility with the governor having the power to overrule the ministers. Further, no central or state law was to apply to the partially excluded areas unless with the authority of governor. Apart from these areas, the Act of 1935 also designated certain areas along the frontiers of India as “tribal areas” which, though technically not a part of territory of British India, were part of the executive authority of the central government by way of treaty, grant, usage, and sufferance or otherwise.  

60. Schedule known as the Sixth Schedule under section 91 of the Government of India Act of 1935. Part I of the schedule, dealing with the excluded areas included the Frontier Tracts comprising Sadiya, Balipara and Lakhimpur (Arunachal), the Naga Hills District, (Nagaland), the Northern Cachar Hills sub-division of the Cachar District (Assam) and the Lushai Hills District (Mizoram) while Part II contained partially excluded areas (which in case of Assam were), the Garo Hills District, (Meghalaya), the Mikir Hills (Assam) and the British Portion of the Khasi and Jaintia
POST INDEPENDENCE

In 1947 the Manipur State Constitution Act was passed for the administration of Manipur. It was extended to the whole of Manipur, but it did not apply in the matters where specific reservations of powers were made to any authority in the hill under the provisions of the Manipur State Hill Peoples (Administration) Regulation Act, 1947.\(^{61}\)

The dawn of independence in India also saw the adoption of the constitution. The British policy of isolation and non-interference was replaced by a policy of integration through development. A number of provisions to safeguard tribal people were provided. The constitution of India provides the following safeguards and protection for the interest of the tribal people like Directive Principle of State policy-Article 46, Social Safeguards-Articles 17,23,24,35(2)(B), Education and Cultural Safeguards Articles 15(A),29(I), Political Safeguards Articles 164(1), 330, 332, 334,371(A), 371(B),371(C) and 371(F), etc. and central Act like Protection of Civil rights Act,1955, Bonded Labour System (Abolition) Act, 1976, SC and ST (Prevention and Atrocities), Act, 1989, etc.\(^{62}\)

Manipur became an independent when the Indian independence Act was passed in 1947. A responsible democratic government was introduced in the state. Since then various Act were passed for the administration of the hill areas. There were overall changes in political system of the state by various enactments. Our study reveals that these new administrations resulted into the reduction of chief’s control over the village land and ownership in the hill areas. It also brought radical changes on control and management of forests which directly or

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Hills District (Meghalaya) other than Shillong Municipality and Cantonment.
62. Ibid.
indirectly disturbed the symbiotic relationship between the land, forest and natural resources and the indigenous peoples of Manipur.

**The Manipur State Hill People (Administration) Regulation Act, 1947**

The Act provides for the regulation of village authority in the hill areas. Every village having 20 tax paying houses was to have a village authority. The authority should consist of a Khullakpa or Chief, at least one representative from each clan in the village and village elders. According to the Act any dispute in the village, the village authority has to inform the sub-divisional magistrate. It also had to furnish information required by officer of the state government. It has jurisdiction over civil and criminal cases and can try cases the value of which did not exceed Rs. 500.  

The Act also envisaged a higher authority called circle authority. The officer could hear and appeal the decision of the village authority. There were nine circles in the hill areas. Under the Act of 1947 for the first time in the hills the system of election was introduce to elect member of circle Authority in every three years. Village with less than 20 tax paying houses were restricted to vote. Vote allotment as on the basis of tax payment. In villages with more than 200 tax paying houses one additional vote may be recorded for every 100 in excess of 200.  

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Number of Tax Paying Houses</th>
<th>Number of Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>20 - 50</td>
<td>One</td>
</tr>
</tbody>
</table>

64. Section 9 (ii) of Manipur Hill people, (Administration) Regulation, 1947.
2.

3.

4.

5.

Source: Clause 9(i), 9 (ii), The Manipur State Hill People’s (Administration) Regulation Act, 1947

The appeal against the decision made by the Circle Authority were taken to the higher authority i.e. the hill bench and then to the chief court. Here, the chief court was the final authority that can even set aside the decisions of the hill bench and circle authority. The regulations have invariably brought drastic change in the internal administration of the hill people. It lets to lose in the traditional institution and value. It especially eroded the Kuki traditional authority of the chief. The Kuki socio-political structure and the chief’s control on land under their custom are now given severe blow. The chief had rule on their traditional administrative structure. This Act however has brought a new type of administrative structure in the hills.

The regulations have brought changes in the internal administration of the hill people. A new authority structure with new institutions was made to be emerged. This loose the traditional institution and value in tribal community to certain extend. The regulations also have several blows on the clan structure of the tribal people. In Kuki society the chief is the customary head of the village and he is the pivot around which Kuki political and social structure system revolved around. The regulations of 1947 however have brought a new type of administrative structure in the hill areas.

The Manipur (Village Authority in Hill Areas) Act, 1956
It is an Act passed in the parliament and was implemented in 1975 for the administration of the hill areas. Unlike the Act of 1947 this Act determined the number of members of a village authority on the basis of the number of tax-paying houses.

### Table 1.2

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Number of Tax paying Houses</th>
<th>Number of members in a village authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>20-60</td>
<td>Five</td>
</tr>
<tr>
<td>02</td>
<td>61-100</td>
<td>Seven</td>
</tr>
<tr>
<td>03</td>
<td>101-150</td>
<td>Ten</td>
</tr>
</tbody>
</table>

*Source: Clause 3, the Manipur (Village Authority in Hill Areas) Act, 1956*

There were altogether 725 village authorities which constituted under the Act covering seven hill areas of Manipur. Sadar hill sub division has 68 village authorities with 263 elected members, Tengnoupal Sub-Division has 105 village authorities with 568 elected members, Tengnoupal Circle has 82 village authorities with 371 members, Ukhrul has 121 village authorities with 702 elected members, Mao has 121 village authorities with 76 elected members, Jiribam has 16 village authorities with 89 elected members and Churachandpur has 112 village authorities with 571 elected members.\(^{65}\)

The Act introduced the element of elective system. It decline the overriding power of the chief who nominated his councilor independently was now designated him as Ex-Office 'Chairman' of the village and his councilor are elected by the villagers. The village chief

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thus lost the traditional title of the chief. On the contrary the act was the first steps towards the democratization of hill administration in Manipur which also make the tribal villager aware of democratic practices. The village authority act, 1956, was not adopted by the tribals of Manipur.

The Manipur Hill Areas (Acquisition of Chief Rights) Act, 1967

The Act provides for the acquisition of certain rights, title, and interest of the village chief in or over land in the hill areas of Manipur. With regard to jhum cultivation, the act provides that the government can reserve and allot land under jhum cultivation for settled cultivation. Further, the government is empowered to make rules for the allotment of land for jhum cultivation on subjects like the eligible persons for allotment, the ceiling of area of land to be allotted persons to whom preference may be given etc. The Act to certain extend stopped the traditional tributaries and privileges received by the chief. It also becomes a point of controversy among the chiefs and the villagers. In Churachandpur the district where Kukis are majority the selling of land by village chiefs have been object by the villagers of selling the land on the plea that their ‘rights’ over the land have been acquired by the government. The Chief on the other hand argue that their traditional ‘rights’ on land have been intact since the government they were not compensates to effect the acquisition. In the district such controversial between the chief and the villagers is increasingly antagonizing the chief and the villagers. The Chief Union, Churachandpur have submitted to the Chairman Hill Area Committee of the Manipur Legislative Assembly to take a decision on their status as chiefs either

as ‘Status Quo’ or ‘Abolition’. They express their willingness to surrender their traditional power and authority with honorable compensation or reservation of their Chiefship status of the pre 1956 position. 69

The government always equated the Kuki chieftainship with Zamindary system. The Kuki chiefs on the other hand have been constantly protesting against it. When the Congress committee of Manipur took a resolution against the chiefs, there was a strong protest note which read:

"Changsheo 70 and Samal 71 (sating) which are customarily paid to the Kuki chiefs is a Kuki custom, they can never be regarded as taxes." 72

Thus the Act to abolish Kuki chieftainship was strongly opposed. In 1984 the Sadar hills kuki Chiefs Organisation categorically claimed that chieftainship is a vital organisation of the Kukis and the chief’s rights over their lands never affected the economic rights of the community rather the right act as the effective protection of the tribal territory.

The Manipur Land Revenue and Land Reforms Act, 1960

The Manipur Land Revenue and Reform Act, 1960 (33 of 1960) enacted by the State Assembly is a replacement of the Assam Land Revenue Regulation 1886. It is modelled on the pattern of the Tripura

70. Chang- paddy rice and sheo- tax. Annual rice tax given to the Kuki chief. Also called ‘busum.’
61. Sa- animal, mal- hind leg. Part of animal leg given to the Kuki chief knows as sating.
72. ‘The Congress-The Political Parties in Manipur has no voice in the affair of the hill people’ -A statement issued by S.L Luneh, Chief of Motbung dated 28-7-1949.
Land Revenue and Land Reforms Act, 1960. The Act was to consolidate and amend the law relating to land revenue in the state of Manipur and to provide for certain measures of land reforms. The hill areas were exempted from the purview of this Act. Section 1 (2) thus stated: "It extends to the whole of the Union Territory of Manipur except the hill areas thereof." The provision of the Act thus allowed the prevailing land ownership system in the hill areas to remain unchanged. As such there was no such impact on the land reform measures in the hill areas. It provided for the perpetuation of the present land ownership system with all its maladies.

Manipur Land Revenue and Reforms (Amendment) Act, 1975

In 1975 however an amendment was introduced that Section 1 (3) of the Manipur Land Revenue and Land Reforms (Amendment) Act 1975 empowered the state government to extend, by notification in the official gazette, the whole or any part of this Act to any of the hill areas of Manipur also as might be specified in such notification.

The Sixth Amendment Bill was passed in the assembly with an intent to removed the word "except the hill areas thereof" and the provision thereto, in sub section (2) of Section 1, which means that the extension of the act, be made absolute or made a statutory authority including the hill areas of Manipur. Although it has legal sanction the Act could not be implemented in the hill areas of Manipur. The act has no major impact on the land holding system of in the hill areas. Under this Act however the Kukis land ownership system was made through survey and increase decentralisation of land ownership through land distribution. There has been no cadastral survey in the hill areas in the past. Land records are so far available in only for cadastral survey

73. Guides to the Records of Manipur Public Works and Revenue Department: 1947-1972, Manipur State Achieves, govt. of Manipur, Imphal, p.21
74. Section 1 (2) Manipur Land Revenue and Reform Act, 1960 (33 of 1960)
areas in the valley and small pocket in the hills. The jhum lands is still
in the hands of the chiefs and have not yet been surveyed. The same
is with neighbouring tribal state Nagaland and Mizoram.\textsuperscript{75}

The hill people students, chiefs associations and political parties
vehemently opposed the proposed amendment bill and submitted
memorandum and representation to the Governor, and other high
dignitaries to withdraw and not to give accent to the Bill. The Sadar
Hills Kuki Chief Association in their memorandum to the Deputy
Commissioner of North District gave the following notes:

"Very often than not there is move on the part of the State
Government to violate the rights of the chiefs over the land by
attempting to enforce various Manipur Land Revenue Acts.
The Argument put forward in favour of bringing tribal lands
under the Revenue Acts in undoubtedly specious but in reality
ruinous to the poor tribals."\textsuperscript{76}

Ngulkhohao Lhungdim a Kuki MLA from Saikot Constituency
(1980-1995) in a private member resolution in the Manipur Legislative
Assembly defended the chiefs as follow:

"The Kuki chiefs are simply land protectors and not dictators like
Zamindars in other parts of India. The Kuki chief chiefs are just
mere distributor of village lands just for jhuming purposes
and their rights over land, are the rights inherited since the
days of the Britishers."\textsuperscript{77}

\textsuperscript{75} Dasgupta, M Op.Cit., p.62
\textsuperscript{76} Memorandum submitted to the Hon'ble D.C, Government of Manipur, Senapati
district, Manipur by the Sadar Hills Kuki Chiefs Organisation, Manipur dated October
7, 1984.
\textsuperscript{77} Private member resolution by Ngulkhohao Lhungdim, MLA from Saikot
Assembly Constituency, Churachandpur, Manipur in 1986
The Tribal Land Protection and Restoration Committee also gave tacit recognition to the chief as proprietor of tribal land. The following notes contain in one of their memorandum.

"The contentions from a section of the people that the hill chiefs or individual were responsible for land erosion...is a false notion. All such transaction are illegally done and addicted to by the selfish individuals who ought to have been penalised for their heinous activity".78

Another amendment Seventh Amendment Bill, 1992 was published in Government gazette notification seeking new insertion/amendment to remove the restriction provision of land transfer from tribal to non-tribal, and control of jhum cultivation in the hill. It also tries to make the Revenue Tribunal the highest Revenue matter as the Tribunal is the highest revenue court for the purpose of determination of any questions or dispute under the MLR and LR Act. This means that one cannot go for appeal in the High Court or Supreme Court in a Revenue matter.

Under the said provision of MLR &LR Act 1960 the state Government may extend the whole or any part or any section of the act to any of the hill areas of Manipur. The hill districts do not automatically become the "hill areas" under the MLR & LR Act, 1960 as it has been assigned a specific meaning. According to Section 2 (1) of the MLR & LR act "hill areas" means such areas in the hill-tracts of the state of Manipur as State Government may by notification in the official Gazette, declaring to be hill areas. The government has since notified the following as hill areas:

a) Jiribam Sub Division (mainly plain), 24 villages- hill areas. 79
b) Tengnoupal Sub- Division -190 villages-hill areas.
c) Tamenglong District – 19 villages- hill areas.
d) Ukhrul district-244 villages- Hill areas
e) Mao and Maram District 312 Villages- Hill areas.
f) Churachandpur District-225 villages-Hill areas. 80

The introduction of the Act in Manipur has far reaching effect on the land system of the hill peoples. It created many complicated problems in the hill areas of Manipur. 81 It covers certain areas of the hill areas. The Act accelerates in the curtailment of tribal chieftainship. It is also responsible for the gradual decline in the land ownership system of the tribal chiefs which they have enjoyed such ownership from the past. The first eight chapter of the Act declare that land is the property of the state. This is contrary to the traditional tribal land ownership system where the chief was the sole proprietor of land within their territory of chieftdom. 82 It also create ceiling on land holdings and it fixed the limit that a family can possess on irrigated and non-irrigated on land. 83 In 1950 the Govt. of Manipur has taken a portion of land measuring 30,000 sq.fts for construction of hospital in Tadubi, Senapati district with undertaking that the government will provide job

79. The MLR & LR Act 1960 was extended under Government notification No.142/12/60-M dated 22.2.1962 in major part of this district. 92 villages were included in the plain portion of Imphal district.
to the land owner Shri L. Daiko but the govt has so far done nothing is an example.  

It is contended that process of tribal land alienation has begun after the introduction of MLR and LR Act, 1960, which has been amended from time to time. Despite opposition from tribal leaders, the Act was extended to 89 villages of Churachandpur in 1962, 14 villages in Sadar Hills of Senapati and another 14 village in Khoupum, Tamenglong. Introduction of new and separate land laws in the hills as the MLR and LR Act, 1960 does not suit the topography of hill areas and is seen against the traditional land use. There is in fact difference of opinion among the academicians, policy planners and social activists. Broadly there have been two groups – one arguing for an immediate extension of the MLR and LR Act, 1960 in the hills for a rapid socio-economic change, whereas the other opposes such a view as the extension would not only lead to the breakdown of the traditional land system which so far sustained hill peoples life and identity but also lead to privatization of hill land and the subsequent unrest of greed and profit.

The Manipur (Hill Areas) District Council Act, 1971

The Manipur hill Areas District Council Act, 1971 was passed by the parliament in 1971 to establish autonomous district councils in the hill areas. It also aims to protect the rights of tribals, their land and

86. Ibid.
culture. Under this Act the whole of hill areas was divided into six autonomous districts each with a district council of its own. In the Administrative Division, 1991 with the population of Manipur at 18,37,149 according to 1991 census, the State was divided into 8 (eight) districts and 30 (thirty) sub-divisions for administrative purposes. It has been observed that during the 1991 census, the names of the districts were modified from earlier names as North - Senapati, West - Tamenglong, South - Churachandpur, East - Ukhrul, with the newly created district: Chandel, Thoubal, and Bishenpur were bifurcated from Central District.

Again in the Administrative Division, 2001 with the advent of civilized administrative convenience, the administrative divisions were made into 9 districts and 32 sub-divisions in Manipur. The Central District was bifurcated into 2 (two) districts and there are 38 sub-divisions since 2001 including the newly created/upgraded sub-divisions after 1991. Mention maybe made in this regard that, the Manipur Statehood Bill was passed by the Parliament under Bill No 76 dt 26/12/71 simultaneously with the creation of 6 (six) Hill Autonomous Districts in Manipur as enacted in the 22nd year of the Republic of India 1971.88

Ashok Kumar and Kamkhenthang (1997) contended that,

“It (the Manipur Hill Areas District Council Act, 1971) was a package deal for the entire hill areas of Manipur. This Act was typical. It did not come under the purview of the Sixth Schedule to the Constitution of India. In two fundamental aspects, the

88. The notification in this regard was effected vide Notification No 28/1/71 dt 14/2/72 creating 6 (six) Autonomous Districts viz (i) North Autonomous District (ii) Hills Autonomous District, (iii) Ukhrul Autonomous District (iv) Chandel Autonomous District (v) Tamenglong Autonomous District, (vi) Churachandpur Autonomous District. Obviously, the Sadar Hills Administrative Divisions is neither bifurcated from any Administrative Division nor created a new, but it is of the legend.
District Council of Manipur differed from that under the Sixth Schedule to the Constitution. (i) unlike the States of Assam, Mizoram and Meghalaya, no area was declared as 'Tribal Areas' in Manipur; (ii) the District Councils of Manipur did not form a part of the Sixth Schedule and were in line with the territorial councils with some executive powers to deal with the matters of local importance of the tribal people".\(^{89}\)

The recent Aautonomous District Council election in the Manipur Hill Areas, after a gap of 20 years, has all the appearances of being a positive step towards instituting grassroots level democracy in the Hills. However, till date, the ADCs remains non-functional as the State Government has failed to delegate appropriate powers to the newly elected Councillors/Members. Besides, the Hill Areas Committee (HAC) that was originally designed to be the Hill Assembly of the Tribals have gone in practice as a toothless institution as their plans for upliftment of the Tribals are often voted down in the State Assembly.

The existing Autonomous District Council (Third Amendment) Act, 2008 under the provision of the Fifth Schedule of the Indian Constitution is not comparable to the full and constitutional protection they enjoy under the Sixth Schedule. Counterpart tribal states decided to abolish chieftainship only after they enjoy full and Constitutional protection. Besides, the tribals in these states are majority community in their respective states whereas the tribal of Manipur are minority and needs special constitutional protection. The manner in which the Government of Manipur designed the ordinance while there exists a popular ministry is unconstitutional, an aberration and abused of executive power. The ordinance replaced Village Authority with Village

Council; which completely ignored the traditional and customary practices of tribal, subdued the chief and village authority court was not routed through the Hill Areas Committee as mandated by clause 4 of the committee's order 1972. It also contradicts the second schedule of HAC 1972.  

Establishment of New Village

Another new development in the Kuki community in recent time is the establishment of new village by anyone who has the will and money. Traditionally only elder of the family in the genealogical line can establish a new village and become the chief. But, today person by charisma or by their individual adventure were able to establish a new village with their follower against the traditional custom.  

In the event of introduction of Mahatma Gandhi National Rural Employment Generation Scheme (MNREGS) which gives employment to rural population, many new villages have been registered to benefit the scheme which is safe vault to earn a profitable income. Many such villages are registered in the office without the village or village without villagers.  

Women's Chieftainship

Our investigations have found that in contemporary Kuki society there are some villages where women have become chief of the village in the name of her minor son. In most cases the wife of the chief after the death of the husband is unwilling to give up the Chiefship to the nearest relative of the deceased as custom. According to Kuki custom

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only the eldest son can heir his father. In case if the son is minor the nearest relative of the decease chief will become the chief until the minor is capable to heir his father. Women in any case cannot become the chief. The wife of the decease chief in Dongsum Kuki village in Ukhrul district, Motbung Kuki village in Senapati district, Songpi Kuki village and Saikul Kuki village both in Churachandpur district to cite few examples, detain Chiefship in their hand by hook or crock. Interestingly, the villagers in due course of time accepted her as their chief.\textsuperscript{93}

Rights of Individual on Land

In the tribal society particularly among the Kukis, the chief has no longer claim certain privileges as they enjoy in the past. Terrace lands in some village are owned by individual and can be sold to anyone. Transaction with outside village is allowed. There are developments in the establishment of new villages by elites to avail various government schemes. There are an absentee chief who by virtue of being chief manage to get various govt. scheme. The village chiefs are using cultivable land and forest area as collateral for loan. Kuki villagers have face problem availing loan as there is no land registered in their name.\textsuperscript{94} However, purchase of land by individual member becomes the more increasing. This led to degradation of chief powers and right over the private land owner whose land is recognised by the government by issuing patta. In that case women too have land registered in their own name.

M.N.R.E.G.S and Tribal Village Chieftainship

\textsuperscript{93} Personal interview with Haokip, Lesuon at Dongsum village, Ukhrul district, Manipur on 7 January 2009.
\textsuperscript{94} Personal interview with Kipgen, Solhun at Saivom village, Churachandpur district, Manipur on 5 May 2011.
The financial implementation of Mahatma Gandhi National Rural Employment Generation Scheme is counterproductive to the rights of village chief. The opening of individual account at the Post office and the Banks undermine the lawful authority and responsibility of the local chiefs and village authorities as honors and duly respected customarily all through the ages. This regular payment outside the knowledge of village chief also leads to some enterprising social workers, leaders and unspecified elements to take full advantage of illiterate villagers. Not only this but the villagers went too far flung town regularly for individual post office or bank account transaction on their own without proper knowledge as specifically required.

The Sadar Hills Chief Association have demanded that if the government enforce individual bank account process, all ‘the NREGS work have to be done outside the purview and jurisdiction of the village chiefs and their local authorities. All work has to be done under the supervision of government officials and the village authorities will not be responsible for any anomalies. The right and authorities of the village chiefs and their local self-administrations as honored by the law of the land cannot be violated and downgraded.95

Non-Resident Chiefs (NRS)

Another significant change in Kuki society at the institutional level is the emergence of category of chiefs unofficially knows as ‘absentee chiefs’ or the ‘non-resident chiefs’ (NRS). These chiefs resided in the urban areas which are far away from their villages. This has created communication gap between the villagers and the chief. Most of the time the chief reverted various development scheme mean for the village to his own personal benefit by virtue of being the chief.

95. Letter to the Editor, Kipgen, T.K General Secretary, Sadar Hills Chief Association, in The Sangai Express, Imphal, 17 November 1008, p.2
They are not interested in looking after the welfare of the villagers instead resides in a faraway place in the city. Interestingly such chief still cannot be removed from the post as by custom Chiefship is birth right.  

Payment of Tributaries

In the post independence the scenario has changed from tradition that the villagers are no longer willing to pay their customary tributaries paid to the chief. The village chief too is equally responsible that he is no longer interested to see the management of the forest and village land. In the past the chief like a father in the family look after the management of the village and major steps were taken up to prevent the forest from wildfire, etc. Today, the village chief even sell forest tree to anyone if it makes him profitable. In some village the chief allowed household of other village to cultivate in his village territory if they are willing to pay him annual tax for the cultivation.

Agricultural Method and Productivity

The traditional methods of cultivation by simple hoe was changed into the domestication of animals for cultivation, the use of fertilizers and more recently the use of hand tiller, pumps, tractors in some cases have indicated changes in the traditional means of production. With the emergence of new landless class the switch over to wet cultivation have emerged. Transformations of technology from traditional to modern system too have change the nature of agricultural practices among the tribe.

97. Personal interview with Haokip, Chunglet (Chief of K. Songlun) at K. Songlun, Senapati district, Manipur on 04 June 2010.
There are changes in jhum cultivation due to several soil erosion and increase in population. Unlike in the past this has led to the tribal cultivator unable to get returned from jhum practices. Paddy cultivation takes for a long time to get yield. Besides this, the non tribal people who cultivated cash crop also influence the tribal people which started to shift their cultivation of crops like vegetables, potato, tomato, etc in the jhum field. Tribal jhum land half of the area is reserved for cultivation of paddy which the main purpose is for family consumption. The practice of share cropping, exploited agricultural labour, mortgage, indebtedness, etc are the new phenomena among the tribal society.

Manipur (Village Authorities in Hill Areas) Act, 2011

The Manipur (Village Authorities in Hill Areas) Second Amendment Ordinance, 2010 under the instruction from Hon’ble Minister (Hills) was proposed for amendment. This attempt to amend The Manipur (Village Authorities in Hill Areas) Second Amendment Act 2011 was disapproved by the tribals people of the state. The Committee on Protection of Tribal Areas Manipur (CoPTAM) was against such amendment. In its press release on 7 August 2010 the committee stated as follow:

‘it would be too premature to abolish chieftainship in tribal areas of Manipur, until and unless Constitutional safeguard under the Sixth Schedule is extended to tribal area and adequate compensation extended to the respective chiefs’. It also argues

100. Gonmei, L.P Principal Secretary (Hills) Minister (Hills), Letter dated 25/08/2010
the case of land ownership in parts of Manipur cannot be compared with their counterparts in Mizoram or Nagaland.\textsuperscript{101}

Government proposal to conduct land survey in all the tribal areas and replace existing Chiefship with Village Council to be directly elected by the villagers; and established Directorate of Settlement (Hills) were strongly objected by the committee. Such new arrangement will affect the traditional tribal institution and violate tribal rights.

The existing Autonomous District Council (Third Amendment) Act, 2008 under the provision of the Fifth Schedule of the Indian Constitution is not comparable to the full and constitutional protection enjoy under the Sixth Schedule. Neighboring tribal states decided to abolish chieftainship only after they enjoy full and Constitutional protection under the Sixth Schedule. Besides, the tribals in these states are majority community in their respective states, whereas the tribal of Manipur are minority and needs special constitutional protection.\textsuperscript{102}

The above Act replaced Village Authority with Village Council, which completely ignored the traditional and customary practices of tribals, it subdued the chief. Village Authority court was not routed through the Hill Area Committee as mandated by clause 4 of the committee's order 1972. It also contradicts the Second Schedule of Hill Areas Committee 1972.\textsuperscript{103}

\textsuperscript{101}. Press Hand Out date 17 August 2010 issue by Information and Publicity Department, CoPTAM, Imphal.
\textsuperscript{103}. Guite, S. Singlamsang 'Too early to abolish Chieftainship', in The Sangai Express, Imphal 3 March 2011, p.2.
The Kuki Chiefs' Association, Chandel district condemned the proposed Manipur (Village Authority in the Hills Areas) Amendment Act, 2011. Such proposal contravenes with the policy of the central government of decentralization and to safeguard the rights and privileges of the tribals. The tribal people of the state were against the Manipur Hills Village Authority Act, 1956 thus, it is seen that they cannot accept the new Act. The Act aims to uproot the indigenous people from its own land inherited by their forefather since ages and which they protect with all their might.\textsuperscript{104}

**Status to Commodity**

In the Naga community, traditionally the Village Authority headed by village chief manages the village territory and land, Village land disputes are taken care by the village authority. All the bonafide village households have the right to use community land for agricultural purposes, expand or make it permanent for cultivation. The one who clear the virgin forest for cultivation purposes will be recognized as the holder of the field at least it is left fallow. The fallow land will revert back as community land. But, the emergence of money economy in the village has however changed the land ownership system in the tribal society. The elite household in the tribal society are the powerful section of the society. These elites have encroached community land affecting the traditional egalitarian where community ownership is the rule.

Land in the past was consider as asset connoting as ‘power’ and ‘status’ which have now been change to money economy. It has change from status to commodity which can be bought and sold. This have greatly modifies ownership system. Money economy has results

\textsuperscript{104} Letter to the Hon’ble Chairperson, UFA Cum President AICC by Confederation of Chiefs’ Associations, Manipur 2011.
into the rich individual or household to owning the best part of the land or large areas of land under his private ownership. Money economy and the emergence of elite household have let to the replacement of traditional barter system in the village. Changes in ownership have introduced the system of transfer of money.\textsuperscript{105}

Although the Nagas have the practice of community ownership of land since there is no codified or written law on land tenure and land use system, individual can extend the community land and claim ownership. As such community land is often turned into individual land which in course of time is recognized as rightful individual or household property.\textsuperscript{106}

In recent past, due to advancement in the field of development and opening up of the hitherto isolated tribal areas, there have been visible changes taking place in respect to land holdings. Kukis and Nagas who fight for their territorial land rights want at the same time to move away from land as a means of livelihood and even sold or mortgage their land in the hope of getting a job in the government administration. Chiefs selling their village land out of desperations, mortgaging their land for petty loans, government schemes, and projects are being practiced. This new development emerges due to the modern administrative system’s preference for individual land ownership.

Developmental schemes unfortunately, are often tied with land ownership and issuance of land availability certificate or land donation certificates are made mandatory in most of the cases. This led to


privatization of land which in turn resulted to its co-modification, resulting in mortgaging and sale of land within the community. This creates elite tribal classes and introduces differentiation and land alienation. It also reinforces patriarchy since the pattas are made in a male's name only and thus excludes women from land ownership. The emergence of an impoverished and even landless class of tenants could be noticed in some parts of the hill areas.

**Post Independence Forest Policy**

Independent India continued with the British legacy, the Indian Forest Act of 1927 have centralized its power giving disregard to usufruct right of the local people to enter, reside, cultivate and use them. On one hand the tribals and other local people were deprived of any opportunities of getting property rights on the long and peaceful occupation of land. Secondly, they were stripped of any rights on forest resources. Forest law which was the jurisdiction of the state government were suddenly made ‘concurrent’ subject in 1975. The Forest Conservation Act, 1980 prohibits ‘non forestry’ activity like jhum cultivation which is the mainstay of tribal economy.

In 1996, the Supreme Court issue and interim Order which pronounced that the word forest in the Forest Conservation Act should be understood as:

a) the dictionary meaning of the word ‘forest’, meaning any land with trees on it;

b) any land referred to in any official record as “forest”, regardless of whether or not it has forest on it.\(^{107}\)

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\(^{107}\) T.N Godavarman Thirumalpad (Petitioner) vs. Union of India & Ors. (Respondents) (for Intervention) Date 07/05/2002
The Ministry of Forest has begun taking steps to incorporate this definition as an amendment in law. It will have serious implications on Kukis forest control. Since their land are recorded as “forest” which fall under unclassed category extended by Forest Conservation Act. After affidavits file by the State Forest Department, the department own forest in Manipur jumped from 9% to 78% overnight. The others means of controlling indigenous tribal forest land by the Forest Department is the join Forest management. Through it the tribal voluntarily give up their land to Forest Department in the court of law.

The forest law which govern the mainland India are not applicable to the tribal areas of northeast and that protective law such as Sixth Schedule and other (State law and Constitutional protection under Articles 371A and 371G) were provided which at the same time provided protection to tribal community control over forest, lands and territories. But today, various design are used which slowly replace the traditional democratic system with that of the state by directly undermining the local authorities and indigenous system. The government forest policies have directly threatened and change the traditional Kuki chiefs land ownership and control over their forest, land and territories.

**Forest Right Act, 2006**

The voices raised by tribals (who are directly related to forest for their survival) and other well wishers, compelled the Govt. of India to make such a comprehensive law which can be beneficial to these people by protecting their ownership rights on forest and other related issues. Thus after much heated arguments and debates between the

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108. Notification, No. 44/4/95/Forests (Pt): Govt. of Manipur Secretariat: Forest and Environment Department.
109. Indian Forest Laws and the Supreme Court’s Order, IP’s Series 1, WGLNR Publication.
Ministry of Tribal Affairs and Ministry of Environment and Forest regarding their claim on forest, the New Act ‘The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly known as the Forest Right Act (FRA) came into existence on January 1, 2008. The purpose of the Act is to recognize the rights of forest-dwelling communities and to encourage their participation in the conservation and management of forests and wildlife. The Act will be implemented by the respective Gram Sabhas. The Gram Sabha would elect Forest Rights Committee who would invite claims on forest land as detailed in sec 3 (1) of the Act.

The Forest Right Act, 2006 has come a major rescue for the majority of tribal people who have been denied their ownership rights on forest land. The Act has also given rights to fill the gender gap. Thus women will also be the beneficiaries of Patta rights with their men in tribal society. But the tardy progress related to the implementation of this Act is as usual where it has been found that even after the coming of the Act into force, many of the States have not implemented the Act in applied way. The efforts taken by the Central Government for the implementation of this Act related to settlements of the claims on forest rights have not been seriously taking shapes.

Salient Features of Forest Right Act 2006:

1. The Act extends to the whole of India except the State of Jammu and Kashmir.\textsuperscript{110}

   2. Forest dwelling Scheduled Tribes\textsuperscript{111} and other traditional forest dwellers\textsuperscript{112} on all forest lands shall have following occupation of forest rights\textsuperscript{113}:

\begin{itemize}
  \item \textsuperscript{110} Sec.I(2)
  \item \textsuperscript{111} Section 2(c) "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the
a) Right to hold and live in the forest land under the individual or common occupation for habituation or for self-cultivation for livelihood.
b) Community rights such as nistar.
c) Right of ownership access to collect, use and dispose of minor forest product

d) Other community rights of uses or entitlements such as fish, other products of water bodies, grazing and traditional seasonal resource access of nomadic or pastoralist communities.

e) Rights, including community tenures of habitat and habitation

f) Rights in or over disputed lands under any nomenclature in any state where claims are disputed.

g) Rights for conversion of pattas or leases or grants issued by any local authority or any State Govt. on forest lands to titles.

h) Rights of settlement and conversion of all forest villages, old habitation, un-surveyed villages and other villages in forests, whether recorded, notified, or not, into revenue village.

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forests or forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities;

112. Section 2(o) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for bona fide livelihood needs. Explanation: For the purpose of this clause, "generation" means a period comprising of twenty-five years;

113. Sec.3(l)

114. Section 2(l) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;

115. Section 2(h) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;
i) Right to protect, regenerate or conserve or manage any community forest resource\textsuperscript{116} which they have been traditionally protecting and conserving for sustainable use.

j) Rights which are recognized under any state law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any state.

k) Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity.

l) Any other traditional right excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal.

m) Right to in rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th of December 2006.

3. The union government shall provide for diversion of forest land for the following facilities managed by the government, which involve felling of trees not exceeding seventy five trees per hectare, namely, schools, dispensary or hospitals, anganwadis, fair price shops, electric and telecommunication lines, tanks and other minor water bodies, drinking water supply and water pipelines, water or rain water harvesting structures, minor

\textsuperscript{116} Section 2(a) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;
irrigation canals, non-conventional source of energy, skill up
gradation or vocational training centres, roads and community
centres. 117

4. Forest rights mentioned in section 3 of the act have been
recognized in favour of the Forest dwelling Scheduled Tribes and
other traditional forest dwellers. 118

5. The forest rights recognized under this Act in critical wildlife
habitats 119 of National Parks and Sanctuaries may subsequently
be modified or resettled, provided that no forest rights holders
shall be resettled or have their rights in any manner affected for
the purposes of creating inviolate areas for wildlife conservation
except in case all the following conditions are satisfied, namely:-

a) the process of recognition and vesting of rights as
specified in section 6 is complete in all the areas under
consideration;

b) it has been established by the concerned agencies of the
State Government, in exercise of their powers under the
Wild Life (Protection) Act, 1972 that the activities or impact
of the presence of holders of rights upon wild animals is
sufficient to cause irreversible damage and threaten the
existence of said species and their habitat;

c) the State Government has concluded that other
reasonable options, such as, co-existence are not
available;

117. Sec.3(2)
118. Section 4(1)
119. Section 2(b) "critical wildlife habitat" means such areas of National Parks and
Sanctuaries where it has been specifically and clearly established, case by case, on
the basis of scientific and objective criteria, that such areas are required to be kept
as inviolate for the purposes of wildlife conservation as may be determined and
notified by the Central Government in the Ministry of Environment and Forests after
open process of consultation by an Expert Committee, which includes experts from
the locality appointed by that Government wherein a representative of the Ministry of
Tribal Affairs shall also be included, in determining such areas according to the
procedural requirements arising from sub-sections (1) and (2) of section 4;
d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;

e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package.

6. Forest rights are available only with condition that the Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

7. A right conferred shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

8. No member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

9. Where the forest rights recognized and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.
10. The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980.

11. The forest rights recognized and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

12. Duties has been imposed upon the holders of forest rights:\textsuperscript{120}

   a) protect the wild life, forest and biodiversity;

   b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

   c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

   d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

13. The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner

\textsuperscript{120. Section 5}
as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.\textsuperscript{121}

14. Any person aggrieved by the resolution of the Gram Sabha may prefer a petition within 60 days to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition.\textsuperscript{122}

15. Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days whose decision shall be final.\textsuperscript{123}

16. The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.\textsuperscript{124}

17. Offences has been prescribed for any authority or Committee or officer or member of such authority or Committee if they contravenes any provision of this Act or any rule made there under concerning recognition of forest rights. If found guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees (except if offence committed without knowledge or that he exercised all due diligence to prevent commission of such offence).\textsuperscript{125}

18. Court jurisdiction has been barred to take cognizance of offences under section 7 unless notice of not less than sixty days was given to the State Level Monitoring Committee and the State

\textsuperscript{121} Section 6
\textsuperscript{122} Section 6(2)
\textsuperscript{123} Section 6(4)
\textsuperscript{124} Section 11
\textsuperscript{125} Section 7
Level Monitoring Committee has not proceeded against such authority.\textsuperscript{126}

19. No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

20. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

21. Power of Central Government to issue directions.\textsuperscript{127}

22. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

The Indian Forest Act has been extended to Manipur. Detailed rules were enacted vide the Manipur Forest Rules of 1971. Very detailed provision regarding protection of reserve and protected forest from fire, pasturing of cattle and reserve protected forest, reserving of trees, fishing rights, and establishment of forest village have been made under the said rules. The Rules also grant certain privileges to the bonafide villagers, which include grazing rights, wood rights, hunting rights, cultivation rights, etc.\textsuperscript{128}

\textbf{Implementation of the Forest Right Act of 2006:}

In April 2010, the Ministry of Environment and Forests and the Ministry of Tribal Affairs jointly constituted a 20 member committee to look at the various issues relating to the implementation of the FRA

\textsuperscript{126} Section 8
\textsuperscript{127} Section 12
and sustainable forest management. The committee reported that in most of the north eastern states (Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Sikkim) the forest Right Act has not been started. The state governments felt that the FRA was not relevant to their situation or were not clear on how it applies in Schedule 6 areas; most of them are currently re-examining their position.\textsuperscript{129}

Problems in the Implementation of FRA:

There are several issues regarding physical and legal status of land under Forest Right claim, and transparency and objectivity in recognition of Rights that confront those involved in processing the claims right. These primarily include:

1. Difficulty in measuring quickly the ‘forest land’ under FR claim in rural and far flung Tribal areas.
2. FRCs, though mandated to prepare map as per 11(2) (ii), do not possess the required technical expertise for the same.
3. The procedure adopted by the Land Records Department being time taking and expensive.
4. In many cases the evidence of cultivation on or before 13-12-2005 in the land claimed is not available.
5. Detection of cases in which claimants have encroached after 13-12-2005.
6. Identifying genuine claims and disallowing exaggerated ones.
7. Detection of double/multiple claims made on the same forest land
8. Identifying claims on non forest lands including those covering roads, water bodies etc.

9 Identifying forest lands occupied since long by claimants but not recorded as such by the Forest Department is absolutely necessary.

10 Empowering FRCs and GSs to process the cases without fear or favour.

11 Making the SDLCs and DLCs confident and fast in taking decisions.

12 Tracking of claims.

13 Making information quickly available to all the concerned departments/authorities.

14 Accountability and Transparency

Protection of Tribal Areas

The tribal peoples of Manipur in the post independence are alienated from their land. This comes from both the government as well as from the majority valley people. The tribal people as such, demanded extension of appropriate Constitutional safeguards as enshrined in the Indian Constitution, not less than the Sixth Schedule provision, so as to be uplifted and protected at par with other tribals of the North Eastern States.

In Manipur, tribal people took mass protest against the attempt to encroach their hill district in Manipur which they found poses threat to their ancestral lands and demeans the statutory institution of chieftainship. The once majority indigenous Tribals of Moreh area of Chandel District, Manipur and Kangpokpi Assembly Constituency, in Manipur are now reduced to minority status. Similarly, the decadal growth rate of non-tribals in Churachandpur District during 1991-2001 is over 240 %.  

1. Overlapping Census Operation, 2011:

There is overlapping Census Operation in the five Hill districts of Manipur. In Churachandpur district alone it has identified 29 tribal villages that were enumerated by officials from the neighboring Bishnupur valley district. Such ‘overlapping’ was never experienced in all previous Census Operations. It poses direct threat to tribal ancestral lands. The institution of Chieftainship may not be recognized under the existing Panchayati Raj institution or in the Municipality areas of Manipur Valley, but is an institution vital and sacred to the indigenous tribal people.131

2. Illegal Maintenance of Tribal Land Records:

The issue of overlapping Census Operation also exposes that the land records of hundreds of tribal villages, to about 83 villages of Churachandpur their revenue collected by the neighboring valley districts without the consent of the tribal’s people. The affected areas/villages were incorporated in the Manipur hill administration prior to independence and the appropriate authority had, even as late as in 1969, notified them as Revenue Circles of the Hill Areas. When Manipur attained full-fledged statehood in 1972 the Revenue Circles in the Hill Areas continued to be a part of the Hill Revenue districts. These villages fall under reserved MLA constituency, outer-Manipur MP constituency and belong to the Autonomous District Council constituencies. These villages, till date, also dutifully pay Hill House Tax to the concerned Hill districts.132

3. Double Taxing of Tribals:

131. Memorandum submitted to Prime Minister of India on matter relating to Protection of rights of Manipur Tribals and their ancestral land submitted by Committee on Protection of Tribal Areas Manipur date 10 August 2010.
132. Personal interview with Lupheng, Thangkam at Imphal, Manipur on 3 May 2011.
It is also observed that some pockets of tribal areas/villages adjacent to valley districts that are paying Hill House Tax to their concerned and original Hill districts, are also compelled to pay land revenue to the adjoining valley districts, on the ground that their land records are maintained by them, illegitimate as that may be. These records are written in the Manipuri language and thus not known to many Tribals.  

4. Attempts to Encroach upon Tribal land:

The state government was drawing and redrawing the district boundaries when the valley districts were created. It included the 270-km-distant Jiribam as a sub-division of Imphal East district right in the centre of the valley. The Committee on Protection of Tribal Areas Manipur (CoPTAM) claimed the government is attempting to upgrade far-flung sub-division into Jiribam district, obviously by taking away more land from the hill districts of Tamenglong and Churachandpur. The land on which the Police Training Centre is being constructed at Jiribam is not the khasland of the Government but tribal land.

Conclusion

The study pointed that while change is a natural phenomenon in society but changes brought in the tribal society of Manipur and other North Eastern states were superimposed and thus has negative impact. They disturb the community relationship with land, forest and natural resources. As these tribal people custom have its roots in land, the changing land relations have largely affected their traditional. Changes in custom have invariable change their political, social and economic system as well.

133. Ibid.
Land and forests are the two basic resources for subsistence in the hills. An essential requirement of this region is a healthy and adaptive system of land rights that can tackle the incipient problems of differentiation, jhum, inequality, and the emergence of local elite. Land rights are dialectically tied to the method of production and land use.

The advent of British has impacted on tribal people which brought drastic changes in their socio, economic, cultural and political system when their land ownership system was affected. Such British legacies still continue in post colonial independence era in the name of development. New administrative set up and policies by the government in independent India degraded and undermine the tribal people rights over land, forest and natural resources. They also result into land alienation among the hill tribal people.

Various changes interestingly are the successful factor for numbers of problems in the state including recent ethnic conflict between Kukis and Naga, the current launching of movements for protection of tribal land in Manipur and widening gap between hill and valley, etc. But, despite of such changes brought forth in the tribal society many traditional practices still continued. The practice of chieftainship and community system as community basic political form still survived though degrading to a certain level.
CONCLUSION

The indigenous tribal people of Manipur that occupied the state hill areas has rich cultural heritage. Land ownership system as their age old heritage is very well defined. The system reflects and determines their political, social and economic system of the community. Land is not only their very source of livelihood but it is also the source of their village administration and various customs that without which they have nothing or are mere slave. Land therefore, is the basis of tribal identity. The present studies which centre on land ownership system arrived at some significant conclusions.

Differences and Similarities in Ethnology

The two tribal groups who occupied the hill areas which constitute 90 percent of the total geographical land areas are composed of Kukis and Nagas. The indigenous customs and culture of the tribal people in the state have different origins though both are found to be of mongoloids and Tibeto-Burman groups. While Kuki or Naga is a term which denote name of nomenclature, each group has numbers of sub tribes. Kukis are linguistically homogeneous but the case is different with the later. The two communities have similarities and differences in land system. They have history of friendship and enmity. Their life in the past was self sufficient who depend on land base resources.

Differences in Land Practice

The two tribal communities viz. Kukis and Nagas are the two major tribal groups of Manipur. Differences in land ownership practices is seen
among them. Among the Kukis, land ownership rights rest with the chief who is the master and villagers are a mere tenant. He owns the ancestral land. Individual village member has no rights over the land whatsoever. The land allotted to the villagers cannot be sold. If a family in the village wishes to migrate to another village, the land occupied by him will be automatically return to the chief. Among the Nagas it rests with the elected body known as Village Council. Under this Council the people participate in decision making and the system is more democratic. The Naga chief is only a nominal and titular head in powers and functions, democratically elected councils control the land.

The Kukis have common system that the chief control and possessed the village and its territory, but in the case of Naga there are differences among tribe to tribe and again village to village. The Kuki chief controls all the village land and territories in his chiefdom. Literally, he is the absolute owner of the land. He however, distributes a fair share of land to the villagers for settlement and for cultivation. Among Nagas elected Village Council represents the community. The community through the Council rules the village and look after land distribution among the villagers. No single person has such power to control over land ownership like in the Kukis.

**Legitimate Authority**

The power and authority of the chief is legitimate. It is legitimated by the existing customs of the community. One of the elders in the clan or eldest son in the family can heir his father and become the chief. No commoners can become the chief. Chiefship in Kuki society is rightly called a birth right. Besides customs, the genealogical line of the community is another basis for chief legitimacy. One can become the
chief on genealogical line only. The community has maintained long
genealogist line. Such community custom and the genealogical line of the
head clan are strictly followed which give the real basis of right and
legitimacy to become a chief and control the village land. Thus, custom
and genealogy are the bases of chief authority in Kuki society.

Land base Political System

The nature of Kuki chieftainship system on critical analysis resembles
and bears the characteristic, features and shape of political form like
autocracy, republican and even India's zamindary. It manifested the
following form of political system:

First, it is autocratic in nature so far as the village is rule by a single
person who is the chief. His power is absolute and his word is law. He
has in his hand all the power of executive, legislative, defense and
judiciary. He is the only single authority to framed rules and regulations
relating to distribution of land for jhum and settlement and who in returned
received tributaries from the villagers.

Second, it has also the shape and form of republican. Each Kuki
village administration is that of the constitutional republic with the chief as
constitutional (custodian of custom) head. The Kuki chief does not rule
but guide as his rule is base on customary law. He is duty bound to
provide every families sufficient land for cultivation. No villager is denied
of their right to life and is given a share of land every year for cultivation
and for other purposes. Although republican is opposed to monarchy or
dictator, it is found that countries like England and Japan with a monarchy
have all the shape and form of republican.
Third, the traditional land ownership system of the Kukis chief is also similar to that of feudal or zamindary system. The political authority of the chief went with the land. After the chief, his councilors are the first to choose cultivation site before the other villagers. A hierarchy of political authority was build on the basis of ownership of land. The chief was like the supreme lord who parceled out his land among the tenants.

The chief is the sole owner of all the village territory. Absence of ownership by individual or family has created in modern times certain problems in institutional credits as the commercial or the co-operative banks insist on mortgaging land for advancing credit. Moreover such system of land tenure does not inspire the farmers to engage themselves in land development work. In this regards, the Nagas community system has more freedom and is compatible with modern democratic practices. The villagers or public elect the leader to administer the village that can be replace at anytime if found incapable. The land is the collective property of the public. There is no room for the head to dispose the land without the consent and knowledge of the public.

Everybody to its Need

Kuki chief can be best characterized as an absolute ruler having absolute sovereignty and is equated with autocratic or even dictator. But, in practice the chief as seen have never misuse his power but look after the village and his subjects with love like father in the family. Theoretically he has the power to issue capital punishment to any defaulter of his the law but in practice the Kuki chief seldom do it. He provided 'everybody to its need' for his/her all round development. He provides the best welfare to the villagers. The Kuki chief is not so autocratic who is bounded by traditions, customs, and culture, etc of the community. All decisions are
taken along with the members of the Village Authority. But, chieftainship at the same time cannot be equated with democratic, it is undemocratic in nature. One can reason out or resolve that Kuki chieftainship is a mix kind of political system which embraces different political form.

Privileges

The privileges and entitlements enjoy by the Kuki chief is a unique custom that show the chief –subject relationship. He has such privileges as the chief that he received certain tributaries from the villagers as owner of the land for providing plot of land for settlement and for agricultural purposes. The villager’s gratification to the facilities provided by the chief owes to origin chief entitlement. It is also to show obedience to the chief who is elder of the family, head of the clan, custodian of customs or administrator of the village.

In modern times such customary practices of paying tributaries however, is diminishing due to various reasons. This invariably leads to diminishing the rights, powers and functions enjoy of the chief he enjoyed in the past. Today, in many Kuki and Naga villages the villagers lives on their own plot of land register and recognized by the government. Thus, villagers have no regards for the chief or Village Council as their private land is registered by the government. This makes the chief and Village Council only a nominal or customary head. But, such chief still enormously controls the government facilities provided to the village. It is considered as right to get the benefit and facilities from the government. The government schemes for the village are control by the chief.

Patrilineal Inheritance
Kuki and Naga follow patrilineal system of inheritance that only male line is the order. The eldest son in the family by custom succeeded his father. A daughter has no right to inherit her father position as chief and become legal ownership over land. It was strictly observed. In contemporary Kuki society however, some Kuki villages have women as their acting village chief. In most such cases, the son who will succeed his deceased father (chief) is minor. Such practices nevertheless are antagonistic to the customs of the community. According to the custom in the event of the chief being dead and his son is minor the nearest or the next of the deceased brother will take in charge until the minor son is capable.

The Kuki women as per the traditionally custom cannot own land in her name nor she has right to inherit property such as land although she is one of the most productive forces in tribal economy. Woman was confined to domestic chore, rearing children and jhum cultivation. The position of women in the traditional Kuki society was very high. She was respected but on the contrary was denied of land ownership right. She only enjoy high status and was given due reverence as a women.

Clan’s Ownership

In both Kuki and Naga society clan system is very strong. Among the Kukis chieftainship is base on clan system that head of the clan become the chief who is succeeded by his son. After the death of clan’s head his eldest son becomes the new head clan. Kuki chief are always head of the clan. There can be many clans groups and each clan group follow Kuki customs of inheritance.
In Naga society clan group has own a separate land which is outside the control of Village Council. Clan’s relationship was strong, the members acted collectively in all endeavor. Sharing, mutual help and support among clan member during bad harvest, enemy attack, etc was the common features. It is composed of a number of families with the common ancestors but, it is essentially patriarchal control. Naga village have two or more clans or sub-clans. Family is the small unit which constitutes clan in the tribal society. The heirship right is enjoyed by men in the society.

Defense for Ancestral Land

The pre independence India shows series of tribal revolt in the hill areas of Manipur. They were caused when the British started to interfere in the hill areas where the tribal live indigenous life with freedom for ages. The coming of British in Manipur threatens the hill people of their sovereignty over their land. Although the recruitment for Labour Corps or Pothang was the immediate causes that spark off the Anglo-Kuki war 1917-1919 it was long discontentment of the Kuki people against the British rule on their land which caused the war. The same was with Zelianrong Naga movement led by Jadonang and Rani Gaidinliu.

The tribal people lost their freedom when British occupy and rule the hill areas of the state. Thus, such tribal revolts were basically caused by the tribal people objective to defend their land and to restore their traditional land ownership, before anything else. Exploitation, famine, poverty, force labor, imposition of force hill house taxes, etc and interferences in tribal administration have invariably marked the imperialist and exploitative nature of the British. Their rules have
degraded the traditional administration of tribal's people. This clearly shows that the British have control the indigenous tribal land.

**Forest Rights**

Various policies of the government have degraded tribal traditional relationship with nature and that the tribal forest rights on ancestral lands and their habitat were not adequately recognized. State forest policies during the colonial period as well as in independent India resulted in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers that are integral to the very survival and sustainability of the forest ecosystem. Applying numbers of forest Act including that of Forest Act, 2006 in the North East, the community forestry in the region and the role of communities in forestry needs to be distinguished.

The manner in which law and policy has been developed from the 1840's reveals several assumptions of how the forest areas and the administration be managed. Laws, rules and regulation should be drafted by the autonomous bodies to meet national integration. Manipur and other state of North East India should make representation to the centre based on reason as to why Forest Rights Act cannot be made applicable or if made applicable what are the problems which required to be solved at the priority basis.

**Changes**

British colonial rule in Manipur in the 19th century brought new administration in the hill areas and secondly, the spread of democratic ideas and institution in the post independence have impacted on the cultural, social and economic life of the tribal people. Such inputs brought
rather negative impact as they are superimposed. Their tradition with no preparation for the interface between the two systems has caused problems. Such changes were brought by imposition on one community rather than build on the past by updating their tradition. It affected community basic system. Various new administrative systems have been implemented in the hill areas of the state in the name of development but many of them render into diminishing the tribal tradition. The socio-economic transition, population pressure on land and internal transformation in the village system are also equally responsible for the change.

The practice of traditional land ownership and land system has largely undergone changes. The Kuki village chief who was the owner of the land is today, look upon with mixed feelings. It is consider as the office of little importance. The people look upon their chief as an illegal occupant. Thus, there is erosion in the power of the chiefs as head of the village administration. The same is with the Naga Village Council. Some of these changes are positive and necessarily good for the tribal society. But, many of these changes however are eroding traditional tribal system and their rights.

Despite of certain changes in Kuki tradition some of them still survived. Kuki chieftainship and its cabinet system and the Village Authority Act, 1954 is still enforced. Family relationship, kinship and customs associated with are still practice today. Customs and traditional practices on conflict resolutions are still retained and practices. The tribal customs relating to different forms of marriage etc. are still practice. The laws of inheritance and decision making procedures in a village and land management still continued.
Suggestion for Further Research

The present work explores the basic knowledge regarding the heritage of tribal land ownership system in Manipur. It covers some important and key area of tribal study in the context with land ownership system. While the studies of land system, various tribal movements to detain their ownership, changes in colonial and post colonial periods, all these studies will be a great contribution to the study of the socio-economic and political development of any society. We need unbiased study both in descriptive as well as empirical and expansion covering study such as land occupation and demographic status, land and ethnic identity, land relations and ethnic conflicts, agrarian problems, land and development, migration problems and land laws of the indigenous tribal people, etc.