

## Countering Development: New Struggles in Northeast India

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North-East Region (NER) at the turn of the 21<sup>st</sup> Century has been over-dammed along with oil exploration initiatives to be undertaken in three states - Manipur, Mizoram and Nagaland. However, all the development process has received an unwelcome stance from the people with stiff resistance in all the states, breaking state boundaries cutting across ethnic lines. With the numerous implications and consequences it will have on the people inhabiting the region, the resistance which is launched can be seen as a movement to “Save the Region”, in other words, North-East Bachao Andolan (NEBA).

**Keywords:** Northeast, development, resources, resistance, investment, economy

### Introduction

History do repeats itself and it is history repeating itself in Manipur. The tribes of Manipur inhabiting the hilly areas are once again in a discontent mood with the State Government hard pressing to pass the Manipur Land Reforms and Land Regulation Act (MLR&LR), 1960 which has been amended from time to time. This act carries a clause which will allow particularly the non-tribals to purchase and own land in the hill areas. Along with this, various other laws such as the Acquisition of Chief Rights Act which was introduced in the year 1967 has led to the emergence of bitter relations between the valley inhabitants, the Meiteis in particular and the tribals inhabiting the hills. The already bitter relations have been

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ever sharper with the State renewed attempt to pass the newly amended MLR&LR, 1960 despite the stiff opposition from the tribals.

In Manipur and the Northeast in general, the hill-valley divide is a unique phenomenon. However, it must be noted that this divide is not just limited to territorial divide. Karlsson (2011; 28) rightly observes this phenomenon in North-east. He says “Perhaps the most significant divide that marks the region today is that between the plains and the hills. Majority of people live in the Assamese plains, speaking Assamese and Bengali. Plains people also dominate in the states of Manipur and Tripura”. Not surprisingly all socio-economic, cultural and political development or non-development trajectories are seen through the prism of this divide (Suan, 2009: 264).

In the context of Manipur, the valley is inhabited by the Meitei with few pockets of Pangan-Muslims, comprising four districts and accounting for a mere 10.02 per cent of the total geographical area of the State. With a larger share in the population, which is 65.8 per cent as per the 2001 census, they corner the forty seats out of the sixty of the state legislative assembly which implies their political supremacy in the State. On the other hand, the hills which account for 89.98 per cent of the geographical area comprising the five districts are the homeland of the numerous tribal communities. However, the reality is that none of these five districts is entirely homogenous in its population (Kom 2011: 149).

Enjoying the upper-hand in the politics of the State, the Meitei policy of dominance and interference has been often expressed using the arms of the State in their attempt to forcibly expand their sphere of influence in the hill areas. In this way, the tribals of Manipur have long suffered under enhanced forms of state-sponsored discrimination and mistreatment. Furthermore, the renewed attempt of the Manipur State to pass the Manipur Land Revenue and Land Reforms Act, 1960 (MLR&LR) is one among them which has re-opened the un-healed wounds and the threat of renewed ethnic hostilities and increase conflict in the State rather than establishing the foundations for a more viable peace settlement. In all too many instances of the conflict which inflict the State, a central feature has been the state’s agenda of dominating and exerting hegemony upon the tribals apart from the persistent failure to tackle the problems of the tribal, their demands, concerns and grievances. The present MLR&LR is one such act among the many, which the Government of Manipur is trying to enforce despite of it breaching the Constitution itself.

### **Tribal Land System in Manipur: An Overview**

Land has been the roots of conflicts in Manipur and Northeast in general. In

Manipur, the socio-economic and political system center around the issue of land. Land, particularly for the tribals, has remained as the single most important physical possession. Land as a territory plays also an important role in shaping the cultural and ethnic identity. Furthermore, the tribal communities have a symbiotic relationship with the land and forests on which depends their livelihood. Therefore, for many centuries they are the dwellers of the forests (Binodini, 2006: 1).

For a matter of convenience, the tribal groups of Manipur are classified into two distinct groups- Zo (Chin-Kuki-Mizo) group on the one hand and the Nagas on the other. Here, it must be noted that there are numerous tribes, sub-tribes and clans within both the nomenclature. However, all the tribal groups have to an extent followed and sustained their traditional way of land ownership. Today the land use system in the state's hill areas is regulated by the customary, traditional land usage and management system of each tribe (Shimray, 2008: 92).

However, there exists a line of difference in the way traditional land ownership system functions for both the tribal groups. The Naga tribes have three tiers of land system- clan, village and individual lands while for the Zo groups, it is the Chief who is the owner of the land or who is considered as the "lord of the soil". In the Naga areas, the land holdings are under the control of the village administration which exercises executive, judicial and administration autonomy which is not necessarily true for the Zo group where the Chief is seen to be more arbitrary in exercising his authority. However, both the respective Chiefs of each group are bound to take the village elders into confidence in matters concerning land distribution, disputes and other matters.

Further, there is no land law for the hill areas neither during the colonial period nor in the post independence period. So the pre-state ownership pattern (before the imposition of the political control of the Maharaja or the colonial government or the Government of India) continues undisturbed (Kamei, 2006: xi). This shows that the land holding pattern, its distribution and management has been govern by traditional principles as unwritten custom and tradition. Therefore, in the hill areas the community and not the state owns most of the land.

To put it succinctly, both the tribal groups of Manipur have different form of land ownership and management system. They continue to uphold their system of landholding and as such, they do not have land laws except the traditional and customary based practices. Thus, traditional law and customs of different tribes continue to be the basis of administration in the hill areas. This implies that there is no government land in the hills and the villagers hold the land with sanction of the Chief and community.

### **MLR&LR Act and Tribal Land Alienation**

The history of the Manipur Land Revenue and Land Reform Act (MLR&LR) dates back to pre-independence period. With Manipur falling under the hands of the British Empire in 1891, the colonialist introduced a new land system in the region. However, this new land system was limited to the valley areas only. The Assam Land and Revenue Regulation (AL&RR) 1886 was introduced in 1947 as the Manipur State Hill People's Regulation (MSHPR), Act 1947. The MSHPR was subsequently replaced by the Manipur Land Revenue and Land Reforms Act, 1960 (MLR&LR) Act which extends to the whole of Manipur "except the hill areas thereof" (Shimray, 2008: 92). What can be drawn from here is that the hill areas in the present day State of Manipur were administered separately from colonial times.

The law at the initial stage of its introduction put the hill areas out of its ambit. Various sections were inserted in the law so as to protect and safeguard the tribals. Some of them are Section 2 under the Act which says "it extends to the whole of the State except the hill areas thereof", and Section 158 which restricts the transfer of land from tribal to non-tribal. However, with the repeated amendments made over the years, these protective clauses are swiped off and so are the protections of tribals curtailed. Thus, the bone of contention comes with the Sixth and Seventh Amendment Bill coming into force. The Sixth Amendment Bill intends to remove the word "except hill areas thereof" which implies that the Act will be made absolute for the whole of Manipur including the hill areas and the Seventh Amendment Bill 1992 seeking to remove the restriction "provision of land transfer from tribal to non-tribal and control of jhum cultivation in hill areas". Another attempt was also made to restrict new settlement in tribal areas even by the tribals themselves under Section 158C of the Act.<sup>1</sup>

However, the law has been implemented in some parts of the hill areas. This was possible because according to the definition of the State, the hill districts do not automatically become the hill areas.<sup>22</sup>

According to Section 2(1) of the MLR&LR Act, "hill area" means such areas in the hill-tracts of the state of Manipur as State Government may by notification in the Official Gazette (Binodevi, 2006: 87). Therefore, at present the act is extended to 89 villages of Churachandpur district in 1962, vide notification no. 142/12/60, dated 22-2-1962; 14 villages in Sadar Hills of Senapati district, vide notification no. 138/4/64, dated 25-2-1965; 14 villages in Khoumum valley of Tamenglong district, vide notification no. 3/12/83, dated 14-11-1987 (Binodevi, 2006: 87; Dena, 2009). In the present situation, the Manipur State is in a dire motivation to implement the legislation in the entire hill areas or across the States.

Following this, it is pertinent to note the massive support the State receives for the implementation of the legislation particularly from the valley. It received the necessary support ranging from political parties - ruling and opposition, leftist or regional party, academicians, civil society etc. They are on the same plane on this issue of implementing the laws despite its breaching the Constitution in relation to the protection the Indian State accorded to the tribals of this country. Opposition member of the State Legislative House, O. Joy backed by others such as RK Anand, L. Ibohalbi etc. were raising their voice for the quick implementation of the law across the States (See Hueiyen Lanpao 31 July 2010). On the same line, the Manipur Land Reforms and Land Revenue Act (MLR&LR) Demand Committee was set up solely for putting pressure on the state for the implementation of the law. On its public meeting organised by the Committed on 22 October 2011, various intellectuals, government servants, bureaucrats and civil society groups such as the United Committee Manipur (UCM) are of the same view which is to implement the law. In the meeting itself, RK Ranendrajit is quoted saying that “a civil war may break out in Manipur if the MLR&LR Act is not enforced uniformly all over Manipur” (See The Sangai Express dated 23.10.2011). Thus, with the strong backing it received, the Manipur State is quiet confident that it will be able to pass and enforce the legislation in the coming years.

### **The New Fate - “Deprivation” and “Encroacher” in one’s Own Land**

The most glaring aspect remains the fact that the tribals who have lived in the land for decades have themselves become encroacher and subsequently are deprived of their land rights. One such case is Saikot Village in Churachandpur District. However, before proceeding to the case, as already mentioned above, it must be noted that villages in plain areas but situated in the hill districts are not counted as “hill area” under the law. So villages like Saikot which is relatively plain in nature but surrounded by green hill mountains are officially not recognised as hill areas. Subsequently, the Government by notification in the Official Gazette declared such villages as plain areas despite of the fact that they fall under the hill districts.

Saikot village is a mid-sized and inhabited mostly by Hmar and Mizo groups along with one Meitei household. This village has been put under MLR&LR Act since 1960 and the problems begin to linger from then onwards. The village Chief owned the land since the establishment of the village in 1920. The villagers settle with the consent of the Chief and lands were allotted to them by the Chief. This system was practiced harmoniously till the forceful implementation of the Act in the village. The Chief and the villagers who have enjoyed full rights over land and

other natural resources are now turned into illegal “encroachers” as per Section 14 and 15 of the said Act which states that “a person in a tribal village can be treated as trespasser or encroacher if he does not apply for allotment of the land which he possessed or occupied for generations without any hitch” (Dena, 2011). Thus, many of the villagers then become an “encroacher” upon the state land as the lands are considered to belong to the State if not recorded.

What is most interesting is the fact that the Chief of the village equally have to pay premium for obtaining allotment of the land which he had customarily owned and cultivated for years together failing which the Chief would himself become an encroacher. The tribes who had been living even before the framing of land laws and who owned land on the basis of the traditional and customary laws are now turned into “encroachers” and deprived of their land. The laws are anti-tribal and against the traditional tribal land use.

Apart from this, there are cases of illegal maintenance of land records of tribal villages. The hill district land records are being maintained and its revenue collected by the neighboring valley district while those villages are regularly paying Hill House Tax to their concern Hill District. This in fact is the reason for the problem of overlapping of 2011 census along with the distortion of District Boundary. Furthermore, the forcible inclusion of 15 villages of hill districts in the Zilla Parishad and Gram Panchayat constituencies was another means by which the State Government intrudes into the hill areas. All this factors have widened the already hill-valley divide and intensity the already bitter relations between the valley and hill areas inhabitants.

## **Conclusion**

The attempt of the State Government to implement the law across the entire hills has been met with stiff opposition from the tribals. State maneuvering of this kind, however, is stoutly resisted by the hill people as ‘alien’ and antithetical to their cherished traditional institutions and world view (Suan, 2009). Numerous civil societies, human rights organisations, student bodies and tribal activists are in line of opposing it. The Committee on Protection of Tribal Areas Manipur (COPTAM) is one such body formed to oppose the move of the State. However, at the present situation, the Manipur State is committed to passing the legislation and implement it across the entire State. Thus, the hill people are opposing the law that treats the hills and valleys as homogenous or entails the enactment of a uniform law applicable to both the valley and the hills which undermine their historical and customary rights over their land and other natural resources.

Moreover, it must be equally remembered that there is no restriction of settle-

ment of non-tribals, including migrants from mainland India in the hill areas. This is so because very often, pronounced statement came from the apologist that while the tribals are allowed to settle in the valley districts, the Meiteis or the non-tribals are not allowed to settle in the hill districts. However, there is no such law which restricts or prohibits the settlement of non-tribals or the Meiteis in the hill districts. There are number of Meitei settlements in Churachandpur District alone which is also found in other districts like Chandel. Given their symbiotic relationship with the land, the community views the resultant conflicts as defense of its culture, identity and livelihood. Therefore, the umbilical connection and relationship that the tribal have with land need to be acknowledged.

In ending, since the Act is entirely framed for the valley district of Manipur, the blanket application of it in the hills areas in its present form is bound to create political turmoil. As Fernandes rightly says “The change of the law is only one step in it but it is essential. One has to begin by recognizing their customary law as basic to their identity formation. The law has then to be updated instead of being replaced by another system that can weaken them as a community”. Lastly, if forcibly implemented, it will yes be a presage to civil war in Manipur.

## Notes

1. The amendment proposal also sought that there shall be no new settlement of formation of hamlet (machete) in the hill areas without the permission of the State Government and no such permission for new settlement of formation of any machete is allowed unless the proposed formation has 75-50 families. For further details see Daimai, K. (2011). Land Rights of Tribal and State Land Laws. <sup>2</sup> According to Section 2(1) of the MLR&LR Act, “hill area” means such areas in the hill-tracts of the state of state of Manipur as State Government may by notification in the Official Gazette

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