

Tribal Rights and Local Governance in Manipur: Challenges and Prospects

T.N. Shimreishang

Ph.D Scholar, Department of Political Science, Manipur University

ABSTRACT

Tribal communities are associated with a territory and possess a strong living tradition of self-governance. Recognizing the characterized distinct identity and traditional governance systems of these communities, the Indian Constitution incorporates special provisions to safeguard and preserve their rights, customs, and traditions. However, despite these guarantees, there has been a problem of adequate implementation, and the hill communities continue to face significant challenges in the protection of tribal rights, which became a matter of grave concern to the tribal populace. The besieged conflicts on issues and the contests that society faces pertaining to the denial of the rights of tribals raise a question of justice, fairness, inclusive development, and good governance in the state. The study attempts to track and analyze the present issues concerning the rights and autonomy of the tribals and the effects of the measures on local governance. By shedding light on these issues, the study aspires to contribute to academic discourse generate insights into tribal governance, and offer recommendations for policy reforms. It also hopes to aid in fostering a more inclusive and effective governance system that upholds the constitutional rights of tribal communities while promoting sustainable development and social justice.

Keywords: Manipur, tribal, hill areas, issues, District Councils

INTRODUCTION

Manipur is a multi-ethnic state located at the easternmost part of India. It has an exceptional topography, the valley is surrounded by the hill region, a region that stands in stark contrast to the valley. Effectively over 90% of the area is hills, inhabited by the tribal population and the rest is in the valley inhabited by the Meitei community. Whereas in terms of the population, a larger population of almost 60% resides in the valley and the rest is in the hills. Therefore, many tribes in Manipur are in hill areas where the valley is the traditional home of the majority Meitei community. The topographical division can be clearly reflected in the seat shares of the state assembly where 40 M.L.A.s are from valley-based constituencies and only 20 seats are hill-based constituencies. The assembly election results show that seat sharing is done more or less on

ethnic lines; the Nagas and Kukis share the seats of the constituencies in the hills. In the valley, it is Meiteis who are in a majority and a few Pangals dominates all the seats. The ethnic feelings that have thus spilled over into the political arena have deepened the sense of ethnic separation and self-identification in Manipur.

Local governance is a fundamental principle of democratic decentralization. It is the process of

administrative mechanism managing the affairs at local level. In Manipur, the District Councils with decentralized power were established under the Manipur Hill Areas District Councils Act, 1971, in alignment with the constitutional provisions for the autonomy to the local bodies. The Act empowers the tribals of the state, envisaged to safeguard their traditional customs and secure greater autonomy in managing their own affairs by exercising their franchise through democratic governance. Though the District councils are instrumental local bodies in the hill areas administration, their significance are however, yet to be realized despite the ages of its existence. The failure to uphold constitutional provisions and unwillingness to implement as intended has contributed to the marginalization of tribal communities, weakening their autonomy and representation in governance. The lack of effective governance has impacted devoid of inclusive development, thereby, exacerbating socio-economic inequalities within the State. Consequently, the mandate for greater autonomy to the tribal communities of Manipur has become a pressing issue over time. It is therefore important and in fact necessary to make an appraisal and study the existing state of local governance. The study locates the denial of tribal rights enshrined by the constitution for the protection and welfare of tribal communities and how it has impacts on local governance. The issues of the local governance in Manipur are complex and multidimensional which have been protracted for more than a decade, and this makes the state administrative dynamics different from the other northeastern states particularly, pertaining to the functioning of district councils.

Data Sources and Methodology

The study employed a blend of historical, explanatory, and analytical methodologies to investigate the dynamics of local governance, with a specific focus on Manipur. A thorough review of existing literature was conducted to figure a research gaps and to gain insights on the contemporary perspectives. Data for the research were collected through both primary and secondary sources. The study referred government documents and other various sources viz, books, articles, journals, newspapers and other publications. Perceptions received from diverse section of society was analyzed and incorporated in the study. This in-depth study has been the base on which the strategy and recommendations have been advanced on the issue of tribal rights and effective implementation of local governance in the state.

Administration Empowerment and Autonomous District Councils

When Manipur attained its statehood in the year 1972, a special provision regarding the hill areas of the state was added as Article 371-C in the constitution of India which states: The President may, by order with respect to the state of Manipur, and notwithstanding anything in the Constitution, provide for the constitution and functions of a committee of the Legislative Assembly of the state, consisting of members elected from the hill areas of that state. The president can also direct the Governor to assume special responsibility to ensure proper functioning of that committee. This special provision mandates the Governor to report to the President annually, or whenever so required regarding the administration of the hill areas in the state of Manipur. The authority of the Union shall extend issuing of orders and directions to the state concerning the administration of the said areas. According to the provision of Article 371C of the Indian constitution and through the constitution Act, 1971, the then president of India V.V. Giri, issued an Order, the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972. The order provides for the formation of Hill Areas Committee (HAC), consisting of all members of the Assembly representing the constituencies situated wholly or partly in the hill areas of the state. It

grants the Hill Areas Committee (HAC) the right to consider and pass resolutions recommending to the Government pertaining legislation or executive action affecting the hill areas with respect to any scheduled matter. The order also obligates the HAC to safeguard the interest of the people of the hill areas, particularly through accelerated development of these areas. The objective behind the Hill Areas Committee was to respect the traditional relations between the tribes and the valley while ensuring smooth political representation of the hill communities.

The Manipur (Hill Areas) District Council Act 1971 instituted six Autonomous District Councils in the hill regions. They are- Senapati ADC, Sadar Hills ADC, Ukhrul ADC, Chandel ADC, Churachandpur ADC and Tamenglong ADC. These councils were meant to facilitate self-governance to the tribal communities in the state. The Act empowers district councils with numerous responsibilities but it remained only in letter without proper implementation. In practice, it has no legislative and judicial power. It provided only financial power in a very limited manner. The primary source of income of the council is grant-in-aid from the government, which often disbursed irregularly. The tribals alleged that due to inconsistent fund allocations, proper development has not been realized in the hill regions.

Power and Functions of Autonomous District Councils

Executive Powers

According to the provisions of the Act, the District Councils derived several executive functions. These includes- maintenance and management of such property both moveable and immovable, and institutions as may be assigned to the council by the administrator. They are accountable for the construction, repair and maintenance of such roads, bridges, channels and buildings assigned to them. The councils also oversee the establishment, maintenance and management of schools up to class 8; the establishment, maintenance and management of dispensaries and Cattle ponds under the Cattle-Trespass Act, 1871, as may be transferred by the Governor. Additionally, the council manage markets and fairs, construct, repair and maintain embankments and regulate the supply, storage and control of water for agricultural purposes including minor irrigation projects. Their responsibilities extend to the conservations of soils, land reclamation, animal husbandry, veterinary dispensaries, and management of such ferries as may be delegated by the governor. The initiation, inspection and control of relief works are also assigned to the council. In terms of land use, the councils have authority over the allotment and utilization of land-except for land acquired for public purposes or designated as reserved forests-whether for agriculture, grazing, residential, or other non-agricultural activities beneficial to local communities. They also maintain non-reserved forests and regulate minor forest produce such as fuel and fodder, along with the practice of jhum cultivation. Furthermore, the councils are responsible for fisheries, cooperative societies, sports and youth affairs, adult and non-formal education, horticulture, floriculture, rural housing, and various rural and tribal development schemes. They oversee initiatives related to khadi, village and cottage industries, small-scale industries, and non-conventional energy sources. Additionally, they promote library and cultural activities. Beyond these specified functions, the Governor, in consultation with the Hill Areas Committee, may entrust the district councils with additional responsibilities in fields such as agriculture, community development, social and tribal welfare, village planning, and other relevant matters.

Financial powers

The financial powers of the district councils are derived by the rules framed under Manipur (Hill Areas) District Council Act, 1971. The councils are authorized to levy tax on occupations, callings and

employment; taxes on animals, vehicles and boats; taxes on entry of goods into a market for sale there in and tolls on passengers and goods carries in ferries; taxes for maintenance of schools, dispensaries or roads; and any other taxes included in List II of the Seventh schedule to the constitution which the Manipur Legislature may, by law, authorise the District Council to imposed. Besides this, Section 34 of the Act authorizes the district council to determine and charge school fees; fees for the use of, or benefits accruing from, any of the works executed or services rendered under section of the Act. The District Councils can also remit or reduce any fee or exempt any person or class of persons from liability. Though the Act confers fiscal powers upon the District Councils, there is no financial autonomy. The state government grant-in-aid is taken to be the only source of financial income for the council. And the taxing power has to obtain prior approval of the state Finance Department which is a tiresome process and a futile activity. In fact, the district councils are treated as a council without autonomy.

The Act of 1971 does not empower the district councils of Manipur with legislative and judicial powers. In terms of legislative power, the District Councils of Manipur possessed only recommendatory powers. The District Council also has no role to play in judicial matters concerning the hill areas. The lack of such power result in advocates of demanding more autonomy and sixth schedule for the hill tribes in Manipur.

Challenges in Implementation of Autonomous District Councils

Though the provision of the Act facilitates the constitution of Autonomous District Councils in the tribal areas to promote self-governance and socio-economic enhancement at the grassroots level, it experienced several challenges that hinder the effective working of ADCs in Manipur. The key issues include:

- a) At present the functioning of ADCs is directly under the state authority which at times has created conflicts. The excessive control exercised by the state government limits the decision-making power of the councils, undermining their autonomy and purpose. This dependency restricts the councils' ability to implement policies effectively and address the specific needs of tribal communities.
- b) The ADCs are not fully empowered by the state government as envisaged by the constitution. Without full devolution of legislative, administrative, and financial powers, ADCs struggle to exercise their intended role in governance and development.
- c) No separate budget has been allocated for the ADCs. Relatively insufficient funding has unable to function properly. Strengthening financial independence is essential to ensure their effectiveness in addressing the challenges faced by tribal communities.
- d) Political interference and the irregular conduct of general election to the District Council hinders the ADCs from functioning efficiently as local governing institutions.

Hill Tribes and the Sixth Schedule

The Sixth Schedule refers to the administration and governance of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram. It grants special autonomy for the tribal regions of these states, ensuring local governance through Autonomous District Council. This decentralized governance system provides tribal communities with greater control over their affairs. Areas under this schedule are granted a distinctive administrative framework that includes provisions for separate elections, recognition of customary practices, and the establishment of a council fund, which the ADCs could generate and manage resources. The ADCs under sixth schedule possess legislative and judicial powers unlike the

case of Manipur state. By providing autonomy and self-governance, the Sixth Schedule upholds the cultural, social, and political identity of tribal populations, preserving their traditions while promoting development and self-determination.

While the tribal regions in the Northeast states were protected under the provisions of the sixth schedule, it has not been extended to Manipur state. Manipur and Tripura, being princely states, were treated differently from the tribal areas of Assam. However, subsequently, the sixth schedule were extended to parts of Tripura. When the bill proposing extension of sixth schedule to Tripura was discussed in parliament in 1984, the then Union Home Minister, P.V. Narasimha Rao stated that “provision of the sixth schedule to the constitution may also be extended to the state of Manipur”. However, despite strong pressure and demand for inclusion under sixth schedule it has not been granted. In 1973 the Manipur Hill Union and Kuki National Assembly stated that though the conferment of district autonomy opened up a new chapter in the political history of Manipur tribal communities, the Manipur (Hill Areas) District Council Act, 1971 failed to meet tribal aspirations, and therefore, called for greater autonomy by amending the Act. The demand for the Sixth Schedule gained further momentum when the Hill Areas Committee (HAC), established under Article 371C of the Indian Constitution, passed a resolution in 1978 advocating its extension to Manipur. The general elections to the district councils were put on hold during 1989-2010 as a part of their demand for sixth schedule. Thus, ADCs remained non-functional for about two decades until the ADCs election in 2010. During this period, administration of the district councils was taken over by the state government. Since then, All Tribal Students’ Union of Manipur (ATSUM) and Sixth Schedule Demand Committee Manipur (SDCM) and CSOs asserted the rights of tribal in Manipur. They demanded the constitutional rights for the effective implementation. The extension of 6th schedule to the Manipur hill areas needs to see in the light of empowering ADCs and bringing in inclusive development in Manipur.

Issues of Socio-Cultural and Educational Rights

India is a vast land where we have different races, languages, cultures and castes. People are united and divide by race, language and literature, geographical proximity, by history, religion, economic interest and cultural unity. The Cultural and Educational Rights safeguards the rights of linguistic and religious minorities. Article 29 envisaged the protects of language, script, and culture of minorities while Article 30 guaranteed the minorities to establish and administer educational institutions. Today, the synchronicity of customary and government laws creates complexities in cordial relations pertaining to the state of Manipur. It has significantly affected the social dynamics in the lives of people. It has evolved different discourses resulting in demands and discussions that upholds local customs and culture while advancing self-rule in the hill regions of Manipur. Ventured to the historical fact, the colonial power often overlooks the uniqueness of a region’s precolonial customs, traditions, rights and practices. In approach to land management policy, the colonial adopted the concept of ‘res nullies’ or something with no legal owner or holder. In the policy of land management, the British were the first to attempt to separate the individual from the community. This trend of governance that imposes an external mode of administration has persisted into the post-independence era. The policies of the government towards the hill communities are clear indication of this continuity. The Manipur state government has passed several acts which invade upon the customary laws and practices of the tribals, leading to widespread demands and protest across the state to withdraw the passed bill. Eventually, it creates ethnic conflicts in the state. The state government attempt to enforce the law across the entire

hills has been met with strong resistance from various tribal organizations. The hill people oppose the law that treats the hills and valley as homogenous or enforce a uniform law for both regions, as it undermines their historical and customary rights over their land and other natural resources. The preservation and safeguards of the socio-cultural and educational rights of the marginal communities has become a necessity.

In a state where diverse communities coexist with a majority community, certain policies are formulated in favor of the majority community. The development measure in Manipur is a demonstrated injustice of development with due disproportionate development between the hill region and the valley in vast spheres. In education sector, a brief study of the distribution of government-sponsored colleges reveals a significant disparity between institutions located in the valley and those in the hills. The valley areas have a well-established education system in place to accommodate all those students who want to pursue higher education, particularly for those who are not in the position to study outside the native state. The minimum opportunity is comparatively absent for the poor students in the hills. The disparity became evident as the differences grow more pronounced. As such, it notices an increasing advancement of higher education for a particular community who are located in clusters of government sponsored educational institutions and other facilities. This facility is either unavailable or structurally neglected by the system in the hill areas. Since the hill areas are predominantly inhabited by the tribals, the structural neglect amounts to keeping the concerned sections of population in a situation of deprivation and injustice. It is imperative that all stakeholders including students' unions, civil society organizations, community leaders and all the concerned individuals to give a thought to devise out the best possible solution to the current structural injustice and disparity in education affecting to those in the hill districts. Quality education whether it is at schools or university level must be available for all students irrespective of geographical location, ethnicity, class etc. If the state and society fail to address this concern, it will eventually create a negative situation marked by emigration of students from their home districts or state. Perhaps, there is already a high level of student migration from the hill areas. This trend has negatively contributed to an alarming trend of wealth drain menacing to pay huge expenses for higher education outside the state.

Recommendations:

1. The Government should take into considerations any issues and demands of the tribals as a state issue and address responsively to ensure good governance and inclusive development in the state.
2. Setting up of a healthy relationship and co-operation of the state government and District Councils at all levels to the maximum to bring progressive means in all activities. With the best benefits and socialistic patterns may be forged.
3. Proper administrative mechanism should be set up to monitor and review the work of the councils. The District Rural Development Agency (DRDA) should completely merge with the ADCs and function within the council.
4. Separate budgeting should be empowered to the district councils.
5. Governor as the guardian of Article 371(c), Act 1971 should protect tribal rights enshrined by the constitution.
6. Devolution of adequate non lapsable funds in united manner directly to the ADCs should be carried out.
7. District Councils established to serve as the foundation of local self-government in Manipur should

be encouraged rather than discouraged or superseded. Additionally, measures should be devised to enhance their functioning and overall effectiveness.

Conclusion

In a quest for peaceful co-existence of various ethnic communities and inclusive development in the state, it is essential to look into the root causes of every issue prevailing in the state to bring an amicable solution. The contentious issues between hills and valley and the inability of the state to come up with constructive resolution led to crisis and breakdown of good governance. While redrawing the system of governance in the state, there are various issues unresolved. It is perceived that the government programs and plans failed due to the ignorance of the authorities and the undue haste shown in the policy implementation. The issues and problems of the tribes should not be neglected and isolated from the main development agenda of the government. The government and all the political parties should work together towards the welfare of the tribes and should not be diplomatic on this sensitive issue. One major aspect to ensure good governance and inclusive development in the state would be strengthening and granting more autonomy to the Autonomous District Councils. Maintaining the fragile inter-ethnic relation should be priorities in the state. More often democracy may tend to count numbers of issues and conflicts due to the ethnic composite nature in the state; nevertheless, minorities must be given a space to exert themselves. It must provide dialogic space for civil societies and concerned citizens to highlight their concerns and interests and thereby formulate strategies to tackle differences.

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