



सत्यमेव जयते

Speed Post

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

File No.22/Review (Manipur)/2022-Coord

Dated: 23/08/2023

To,

Chief Secretary,
(Kind Attention: Dr. Vineet Joshi)
Govt. of Manipur,
South Block, Old Secretariat,
Imphal-795001 (Manipur)
(Email: cs-manipur@nic.in)

Sub: Review Meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST related to the constitutional safeguards provided to STs in the State of Manipur on 21.12.2022 at Classic Grande, Imphal.

Sir,

I am directed to enclose herewith a copy of the minutes of Review Meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes (NCST), New Delhi on 21.12.2022 at Imphal on the subject cited above.

It is requested that the action taken/ to be taken in the matter may be intimated to NCST within 30 days from receipt of the letter, for taking appropriate action.

Yours faithfully,

(आर.एस.मिश्र/R.S. Misra)
अनुसंधानअधिकारी/Research Officer
Ph No. 24641640

Copy for necessary action to:

Secretary to Hon'ble Governor, Manipur, Raj Bhawan, Imphal.
(A copy of the minutes of review meeting is enclosed)

(आर.एस.मिश्र/R.S. Misra)
अनुसंधानअधिकारी/Research Officer
Ph No. 24641640

Copy for information to:

1. PS to Hon'ble Member, NCST
2. PS to Secretary, NCST
3. O/o JS, NCST
- ✓ 4. NIC, NCST for uploading on the website of the Commission.

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National Commission for Scheduled Tribes

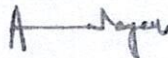
REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A(5)(e) OF THE CONSTITUTION OF INDIA ON THE MEASURES TO BE TAKEN BY THE STATE OF MANIPUR FOR EFFECTIVE IMPLEMENTATION OF CONSTITUTIONAL SAFEGUARDS AND REVIEW AND MONITORING OF SCHEMES FOR THE PROTECTION, WELFARE AND SOCIAL ECONOMIC DEVELOPMENT OF THE SCHEDULED TRIBES BY THE NATIONAL COMMISSION FOR SCHEDULED TRIBES.

[File No. 22/Review(Manipur)/2022-Coord.]

Date of Review: 21st December, 2022 at Imphal, Manipur

The National Commission for Scheduled Tribes (NCST) is a constitutional body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of Scheduled Tribes in the country. As per constitutional provisions, the Union and every State Govt. shall consult the Commission on all major policy decisions affecting Scheduled Tribes. The Commission is required to present to the Hon'ble President of India reports upon working of those safeguards and all such reports are to be laid before each House of Parliament alongwith Memorandum explaining the Action Taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any of such recommendations.

2. In pursuance of the above constitutional mandate, Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes, in the presence of Smt. Alka Tiwari, Secretary, NCST and other senior officials of the Commission took review meeting with the Chief Secretary and other senior officers, Government of Manipur on 21.12.2022 to evaluate the working of constitutional safeguards available to the Scheduled Tribes in the State of Manipur and to review implementation of various development programmes under Scheduled Tribes Components, Special Central Assistance for Tribal Sub-Plan, DISHA, education related programmes, Health and Nutrition, Housing, Land allotment and land alienation, implementation of Forest Rights Act (FRA), 2006, atrocity against Scheduled Tribes, service safeguards and other developmental schemes / programmes for the welfare and development of Scheduled Tribes.



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सदस्य/Member
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3. The list of Officers of Govt. of Manipur, who present in the Review Meeting is Annexed.

4. The Hon'ble Member, NCST, in the presence of Secretary, NCST and other officials of the Commission had interaction and discussion with Tribal Leaders of the State of Manipur on 20.12.2022, represented by Joint Coordination Committee on Tribal Rights (JCCOTR) and All Tribal Students Union Manipur (ATSUM), where Shri B. D. Behring, Ex-Parliamentarian also participated as one of the tribal leaders.

4.1 The following issues, in brief, highlighted by ATSUM with reference to problems faced by Scheduled Tribes in the State of Manipur:

4.1.1 The Autonomous District Councils vis-a-vis the Hill Areas Committee (HAC) recommended "The Manipur (Hill Areas) Autonomous District Council Bill 2021":-

The HAC, as empowered by paragraph 4(3), paragraph 7 and Rule 12A (the Third Scheduled) of the Manipur Legislative Assembly (HAC) orders 1972, unanimously recommended the Manipur (Hill Areas) Autonomous District Councils Bill 2021 (which seeks to provide more autonomy to the ADC as envisaged under Article 371C of Indian Constitution, read with the Manipur Legislative Assembly (HAC) orders 1972, on the 16th of August 2021 to be tabled and passed into an Act in the 13th session of the 11th Manipur Legislative Assembly. But the State Government flatly denied the introduction of the Bill in the said Session of the Assembly. The wish and desire of the tribal people is to witness the empowerment of the Autonomous District Councils of the state through the enactment of the Manipur (Hill Areas) Autonomous District Council Bill 2021 into an Act.

4.1.2 The demand of Majority community (i.e. Meetei/Meitei) for inclusion in ST Category:

The land of the tribal indigenous peoples in the hills of Manipur is protected by the constitutional provisions which restricted purchase of land in the hills by non-tribal people, including the Meiteis. The demand for ST status by the Meitei now, 70 years after the Constitution of India made provision for Scheduled Tribes, is only a nefarious policy to gain constitutional means to grasp the lands of the tribal people in the hills.



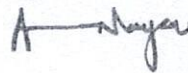
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4.1.3 Infringement of Tribal Land and Forest:

(i) Protected and Reserved Forest: Most of the protected and reserved forests in hill areas were alleged to have been declared during the British era. As per information collected, it is apparent that the prescribed procedures and rules were not duly followed while declaring reserved and protected Forest areas of the State. However, the present Government had recently come up with a list of encroachers. These list of encroachers are mostly the tribal villages who are the landowners upon which the protected or reserved forest areas were imposed without their due consent. The Hill Areas committee (HAC) in its resolution dated 11th March 2022 had recommended that any declaration of Protected Forest, Wildlife Sanctuaries etc. on or after 20th June 1972 shall not be enforced by the Department until approval of the HAC since the matter comes under the purview of Article 371C and Presidential Order of 1972.

(ii) The Manipur Land Revenue & Land Reforms Act, 1960 (MLR & LR Act 1960):

The Manipur Land Revenue & Land Reforms Act, 1960 was passed by the Parliament in 1960. The Act clearly says that the MLR & LR ACT, 1960 may be extended to the whole State of Manipur except the Hill areas thereof. The Hill areas is well defined in Manipur Hill Peoples Regulation Act, 1947 which is replaced by the Manipur (village authorities in Hill areas)) Act, 1956. The MLR&LR Act, 1960 started to be extended in hill areas in 1965 to Moreh and some peripheral areas bordering valley districts. In 1975, the MLR & LR Act was amended by the Manipur Legislative Assembly without the approval of HAC. Under this amendment, the Govt may by notification extend the whole or any section of the Act to any Hill areas of Manipur as may be specified in such notification. Under the guise of this amendment, the MLR& LR Act has been extended to many pockets under the Hill areas including the whole of Moreh Town. With a view to extend the Act to the whole areas of the State including the Hills areas, a proposed amendment was introduced in the State Assembly in 1989. However it was rejected for not obtaining HAC approval. The Hill Areas Committee (HAC) may be asked to obtain the list of the areas where MLR & LR have been extended without the approval of HAC. In 2015, 3 Bills related with MLR & LR were passed by the State Assembly. However, it was rejected by the President of India after strong opposition from the tribal.



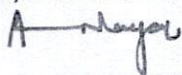
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Despite the fact that the lands in the hill areas are protected by Article 371C of Indian Constitution, successive government of Manipur State has been trying to dilute the traditional land holding system of the hill areas by extending Manipur Land Revenue & Land Reforms Act, 1960 in the Hill Areas. The State Government under different notifications had extended the provision of the Act to few pockets of tribal areas. To the tribals, the extension of this Act to their areas is encroachment into their territory. The tussle between the State Government and the tribal Chiefs/Headman, Civil Organizations etc., pose a grave situation.

Under the Land Revenue and Land Reform (Amendment) Act No. 13 of 1976 published in Manipur Gazette dated 24/04/1976, large pockets of Tribal plain areas of Chandel, Churachandpur, Ukhrul, Senapati, Sadar Hills and Tamenglong districts had been extended in the guise of development.

In recent time, the State Government had issued notifications to few hill areas for exercise of survey and settlement activities under MLR & LR 1960 where it is claimed to have been extended. This action of the State Government had caused anxiety among hill people for fear of infringement upon tribal customary land holding system.

4.1.4 Filling of ST Backlog/Shortfall posts in all state departments and Central Institutions in Manipur States: Ministry of Personnel, Public Grievances and Pensions, Government of India had formulated number of policies for facilitating equal representation of employment in service sectors wherein reservation and special recruitment drive for Scheduled Tribes and Scheduled Castes in all Ministries and Departments were initiated via various Memorandums and orders. ATSUM has been persistently pursuing the matter with the State Government of Manipur where several rounds of discussion were held. However, the ST backlog/shortfall vacancies remained unfilled till today despite repeated assurance from the State Government. Steps need to be taken to ensure that ST backlog/shortfalls in State Departments and Central Institutions of Manipur viz (1) Manipur University, Canchipur (2) Central Agricultural University, Iroisemba (3) Regional Institute of Medical Sciences, Lamphelpat (4) NIT, Langol and (5) NIELIT, Akampat are filled up.



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4.1.5 Recruitment of MIL (Tribal Recognised dialects) Teachers in Government schools and Colleges:

The Scheduled Tribes constitute 41 % of the total population of the Manipur State according to 2011 census. And most of the languages of the Scheduled Tribes are incorporated as a Major Indian Language (MIL) as a part of standard curriculum in the schools and educational institutions. Tribal people normally opted to study their own language (MIL) in lieu of Additional English or Manipuri/Meitei language in schools and colleges. Though, opted to study their own language (tribal MIL), the students are left to themselves to manage the syllabus at their own limitation as no teachers for tribal MIL are recruited. On the demand for recruitment of at least two lecturer posts for each MIL subjects by ATSUM, it was reported by the School Education Department that 46 number of posts of MIL (tribal dialects) had been created. However, recruitment of the same could not be processed till now. The matter had been raised by all concerned for recruitment of MIL (Tribal Recognised dialects) teachers but the State Government paid no heed to the legitimate demand.

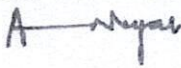
4.1.6 Deprivation of reservation rights in Promotion to ST officers/employees with Grade Pay of Rs. 4,400/- due to classification as Group - A Post by the State Government. The Manipur State Government vide its Order No. 23/48/2018 - Misc/DP dated 7th December 2021 classified all post carrying Grade Pay of Rs.4,400/- as Group - A without extension of Group A benefits and facilities to the officers/employees. This classification of post deprive the rights and opportunity of the SC/ST promotion by taking away the reservation in promotion.

4.1.7 Discriminatory removal of Armed Forces (Special Powers) Act (AFSPA), 1958:

The withdrawal of AFSPA, 1958 from 15 Police stations of valley districts by the Government of India leaving the hill Districts/people is discriminatory.

4.1.8 Imposition of Major language upon tribal people:

For the recruitment of any post in Postal Services and Banking Institutions, study of Meitei language in Class-X is mandated. Manipur being a diverse State has 34 Scheduled Tribes recognised under the Constitution (Schedule Tribes) orders,


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1950 (PART III. - Rules and orders under the Constitution) Part X.-Manipur. The Scheduled Tribes constitute 41% of the total population of the Manipur State according to 2001 census. The Scheduled Tribes community speaks their own different languages, and that most of the languages of the recognised Scheduled Tribes are incorporated as a Major Indian Language (MIL) as a part of standard curriculum in the schools and educational institutions. As such, mandating the Scheduled Tribes candidates standard certificate of studying Meitei/Manipuri language is unfair and discriminatory.

4.1.9 Disproportionate representation in Manipur Legislative Assembly: The Manipur Legislative Assembly comprised of 60 Assembly constituencies wherein 40 seats are in the valley and 20 seats in the hills out of which 19 are reserved for Scheduled Tribes. The total number of electors as published by the Joint Chief Electoral Officer, Manipur on 01/01/2022 is 20,34,966 out of which 12,29,933 is in the valley districts and 8,05,033 in the hill districts. Average number of electors per one Assembly Constituency in the valley is 30,748. Whereas, average number of electors per one Assembly Constituency in the hills is 40,251. The disproportionate representation of Members in the Manipur Legislative Assembly is the prime factor causing development disparity between hills and valley of Manipur State.

4.1.10 Bureaucratic Manipulation:

(i) Inclusion of 144 Hill Villages under the police station jurisdiction of valley districts in the name of convenient administration is a systematic way of encroaching into the Hill Areas. Government of Manipur should immediately withdraw all such orders. All villages in Hill Districts should only come under the jurisdiction of Police Stations located in Hill Areas.

(ii) Land records of many villages of Hill Districts are in the custody of the adjacent valley districts. Immediate action to be taken by the Government of Manipur to transfer all land records of hill villages to the concerned Hill District administration.



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4.1.11 Overlapping of Zilla Parishad and Gram Panchayat within the jurisdiction of Autonomous District Council:

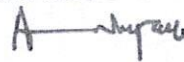
There are a number of hill villages which are included in Zilla Parishad/Gram Panchayat constituencies although they are under the jurisdiction of Autonomous District Council that pay Hill House tax to the State Government. This is an infringement on the jurisdiction of the Autonomous District Councils as there cannot be two local self-government in the same area. Immediate action to be taken by the Government of Manipur to have only one local self-government i.e. Autonomous District Council (ADC) in all the Hill Areas.

Therefore, considering the severity of the grievances faced by the tribal of the state and the otherwise State Government's lack of genuine concern to address the issues faced by the tribal people, the All Tribal Students Union Manipur (ATSUM) places these grievances before you so that the issues are taken up with State Government appropriately. We hope that timely intervention by the NCST will resolve our issues with the government, thereby bringing peace and secured future to the tribal people in this beleaguered State.

4.2 The following issues highlighted by JCCOTR with reference to problems faced by Scheduled Tribes in the State of Manipur:

4.2.1 Encroachment by Revenue Department upon tribal land should be stopped:

The tribal leaders reported that land records were not transferred to the respective Hill District Headquarters in spite of repeated demands and requests by the hill peoples. To make matters worse, the order issued by the Government of Manipur in 2013 vide Order No. 3/1/Misc/2008-Comp (Rev) Pt, dated 24th April 2013 with regard to transfer of land records to respective district Headquarters were not followed. Overlapping of certain village lands is a serious matter that needs to be addressed and rectified without further delay. In the latest district boundary re-organisation done in 2016 when seven (7) new districts were created, mention was clearly made indicating the number of villages and size of the districts. However, in spite of this, the



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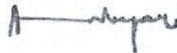
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irregularities and discrepancies continue to persist, such as in the following instances:

- a. There are several villages in the hills of Manipur registered in two districts. As such, the Government of Manipur has to clearly verify and demarcate villages located in both hill and valley districts so that there is no administrative confusion and also to avoid inconveniences among the villages.
- b. According to 2011 Census, some hill villages which are recorded in both valley and hill districts are marked as "Uninhabited" in valley districts, whereas these villages and their land have been in existence in hill districts for decades. The census 2011 notes that there are 61 uninhabited Hill villages. The figure is not correct and need to be re-verified by the census office since the census enumerators never visited the villages and all were done on table without field visit.
- c. The Booklet of Census of India 2011 and Administrative Atlas, Manipur has wrongly included several Hill villages under valley district as indicated under:

(1) Kuraopokpi (2) Ekphan Khullen (3) Ekphan Khunou (4) Heinoupokpi (5) Tokpa Khul (6) Thonamba (7) Tumnoupokpi (8) Tumuyon Khunou (9) Malken Halkhothang (10) Tumayon Khullen (11) Keithelmanbi (12) Khoiren Tampak (13) Torbung Village (14) Torbung Lokliphai Village (15) Saiton Khunou (16) Saitou Khullen (17) Sagang village (18) Kongoi Khunou (19) Kongoi Khullen (20) Aimol Khullen. (21) Aimol Khunjal (22) Phunan Sambum (23) Purum Tampak (24) Mahao Tera (25) Tonsem Tampak (26) Tonsem Khullen (27) Toupokpi (28) Maring Phunal (29) Mahao (30) Tonsem.

The Registrar General & Census Commissioner, Government of India has been apprised to take appropriate action for necessary correction in the next census 2021. The Dy. Registrar General (Map) Government of India, under his letter no. XII-001/01/2012-Map dated 04-08-2017 addressed to the Joint Director, Directorate of census operation Manipur, has already highlighted this overlapping of hill villages to the valley districts. But up till now, no action has been initiated to make necessary correction by the government of Manipur as requested by ex-MP BD Behring vide his letter No. ex-MP/MLA-M/C-14 dated 16-04-2005.



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The Dy. Secretary (Revenue) under his letter No. DRO-106/14/2022-Rev- Revenue dated 24-10-2022 has asked Dy. Commissioner Kakching/ Tengnoupal/ Kangpokpi/Imphal West/Bishnupur to rectify the list of overlapping villages between these Districts and to collect details of the origin of the villages including Gazette copies of recognition of left out villages as specified under-

S.no	District	No. of villages
1	Tengnoupal/Chandel and Kakching	65 Hill Villages
2	Kangpokpi and Imphal West	152 Hill Villages
3	Kangpokpi and Imphal East	88 Hill Villages
4	Kangpokpi and Thoubal	19 Hill Villages
5	Kangpokpi and Bishnupur	9 Hill Villages
6	Churachandpur and Bishnupur	119 Hill Villages
7	Chandel and Kakching	11 Hill Villages
	Total	463 Villages

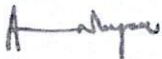
It is an undenyng fact that if 463 Hill Villages are to be included in the valley, the size of the Hill areas and its population will decrease and change the population demography of hill and valley.

4.2.2 Violation of Article 371 (C) of the Constitution:

4.2.2.1 Furthermore, we pray to your Hon'ble Commission to strongly and urgently recommend the revocation of Office Memorandum No. 16/2/MISC/2008-Com (Rev) "Instructions regarding creation or recognition of villages", dated 26th August, 2008 issued by the Revenue Department, Government of Manipur and subsequent Order No. 14/1/2008-CON, dated 8 June, 2009 issued by Confidential & Cabinet Department, Government of Manipur with regard to:

- (i) Creation of districts, Sub-Division, tehsil, villages and alteration of boundaries.
- (ii) All matters relating to District Administration.
- (iii) All matters relating to Acquisition of tribal lands.
- (iv). All matters relating to District Boundaries.
- (v). All matters relating to Recognition of Villages.

The above points, once under the Hill Commissioner, are now allocated to the


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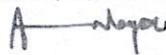
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Revenue Department. This action by the Government of Manipur is against the interest of the tribals/hill people which should immediately be revoked.

4.2.2.2 Article 371 C (2) states that the Governor shall annually make a report to the President regarding the administration of the Hill areas in the State of Manipur and the Executive Power of the Union shall extend to the giving of directions to the State as to the administration of the said areas. "Normally this annual report is prepared by Tribal Development/Hill Commissioner not by Revenue Department. Thus, this also shows that the whole Hill matters are the responsibility of Department of TA & Hills. According to Indian Constitution Article 371 C, all scheduled matters in so far as they relate to the Hill Areas shall be within the purview of Hills Areas Committee (HAC). Out of 13 Scheduled matters vested to HAC, seven (7) relating to establishment of Village Committee or Councils and their powers and any other matters pertaining to village administration have been willfully allocated to the Revenue Department, which is totally against the Constitutional provisions envisaged to the HAC. This is clear violation of constitutional safeguards given to the Scheduled Tribes of Manipur.

4.2.2.3 Illegal encroachment by Forest Department: We would also like to take this opportunity to bring to your kind attention to the attempt to grab tribal lands through so-called 'Reserved Forest' and 'Protected Forest' mechanism. These Reserved Forest and Protected Forest are declared and reserved under the provisions of Indian Forest Act, 1927. Section 4 of the Act clearly laid down certain rules and procedures such as seeking the free, prior and informed consent of the original dwellers, publication of notifications in the newspapers and government gazettes inviting claims and objections (if any), etc. However, all these rules and procedures, as prescribed in the guidelines of the Act, have been intentionally ignored and overlooked by the Forest Department, Government of Manipur.

That, the declaration of many tribal inhabited areas in the hills of Manipur as Reserved forest and Protected forest is therefore, done without the knowledge and informed consent of the tribal land owners who share a very intimate symbiotic relationship with their forest and lands. That, the Forest Department, Government of Manipur arbitrarily declaring tribal areas as Reserved forest and Protected forest in blatant disregard to Section 4 of the Indian Forest Act, 1927 and using force to carry out this violation is in direct contravention to democratic principles and functioning.



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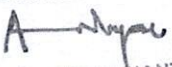
The Revenue Department Govt. of Manipur in its order vide DRO-105/4/2022-REV-REVENUE dated the 5th October, 2022 issued a gazette notification transferring the Reserve Forest including pocket settlements from Kangpokpi District (Hill areas) to Imphal East District (Valley area) without consulting the concerned stakeholders, including the Hill Area Committee. The State Government needs to immediately withdraw this illegal notification.

4.2.2.4 The Manipur State Hill Peoples Regulation, 1947 and The Manipur (Hill Area) District Council Act 1971:

The Assam Land Revenue Regulation 1896 had been in force in valley areas of Manipur, except in the Hill Areas during British administration of Manipur and this system continued till it was replaced by MLR & LR Act. in 1960. On 15th May, 1947 just before India became independent, F.F. PEASON Chairman, Constitution Drafting Committee submitted the draft of Manipur State Constitution Act. and Manipur State Hill People (Administration) Regulation. The Committee was constituted by 14 members of which 5 members from Hills were represented by Shri Daiho, Thangkhopao, M.K Shimray, Teba Kilong and Tiankham. Thus, the Manipur State Hill People (Administration) Regulation 1947 established local authorities in the Hill Areas which shall exercise powers to self-government. Section 60 to 64 deal with cases regarding land dispute and village settlement, and section 60 of the Regulation deals with dispute over land ownership or right of cultivation by the villagers. The Village Authority will act to effect compromise and if unable it will be placed before the Circle Bench consisting of Circle Officer who shall decide the case. Even after the merger of Manipur with India in 1949, the Manipur Hill Regulation, 1947 had been in force till 1955 and was replaced by the Manipur (Village Authorities in Hill Areas) Act, 1956. As already mentioned there are important judicial pronouncements in respect of land titles particularly in the hills.

The Manipur (Hill Area) District Council Act 1971, vide Article 29 entrusted the Council with the following powers -

- i. Preservation and reclamation of soil,



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- ii. Allotment, occupation or use or setting apart of land other than land acquired for any public purpose or land which is a reserved forest, or other non-agricultural purpose or for any other purpose likely to promote the interests of the inhabitants of any village or town situated within the autonomous district for which the Council is constituted,
- iii. The management of any forest not being a reserved forest,
- iv. The regulation of the practice of Jhum or other form of shifting cultivation,
- v. Any other matter which the Administrator may, in consultation with the Hill Area Committee, entrust to the District Council in the field of agriculture, animal husbandry, community development, social and tribal welfare, village planning or any other matter referred to in Section 52 of the Government of Union Territories Act, 1963. Any allotment of Government land in the Hill areas including transfer to non-tribals, the approval of the District Councils is required.

Not only during British rule, but even during Maharaja's reign and Indian dominion after 1947, the land ownership in the Hill Areas of Manipur by the tribals are recognised. The Naga Tribes of Manipur by TC Hudson published in 1911 states at page 105 that each village possess well-defined areas which sometimes demarcated with regular boundary stone. The Manipur Hill People (Regulation) 1947 which was in force from 1947 to 1955 recognised the land ownership of the tribals in the Hill Areas. Many judicial pronouncements regarding land ownership by the tribals in the Hill Areas of Manipur confirm this.

4.2.2.5 Case of Tribals of Jiribam:

The case of tribal villages in Jiribam where they are required to pay Hill House Tax while at the same time placing them under Panchayat administration is one such apt example of dual and confused administration and therefore amount to infringement upon tribal rights. The Revenue Department has been constantly trying to forcibly impose revenue administration upon the tribal villages of Jiribam District.


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5. Prior to review meeting with the State Government officers on 21.12.2022, the Hon'ble Member, NCST, in the presence of Secretary, NCST and Joint Secretary, NCST had interaction with Members of the Hill Areas Committee(HAC), headed by the Chairman, Shri Diganglung Gangmei. The following issues highlighted by the Members of HAC relating to the problems faced by the Scheduled Tribes of Manipur:

5.1. Members of the HAC, who are Members of the Manipur Legislative Assembly informed the Hon'ble National Commission for Scheduled Tribes that the HAC is a Constitutional Body set up under Article 371C of the Constitution of India. However, they are not involved in development.

5.2. Funding for development of Hill Areas should be need-based, not population-base.

5.3. Separate Budget Heads for all budget proposal relating to Hill Areas. Before placing the budget proposal to the Assembly, the proposal should be first placed before the HAC for examination and approval.


5.4. The role and responsibilities of the HAC need to be well-defined and the Committee needs to be empowered.

5.5. The HAC, as of now, is not involved/engaged in developmental programmes. This need to be reviewed and the Committee needs to be actively engaged in implementation of development works in the Hill Areas.

5.6. There used to be Border Area Development funds earlier. The same has been discontinued, which needs to be revived since all Hill Areas are border areas.

5.7. The Governor of Manipur has been entrusted with special responsibility under Article 371(C) (2) of the Constitution of India. The Hon'ble Governor of Manipur needs to submit a report regarding administration of the Hill Areas and in giving directions to the State as to the administration of the said areas.

5.8. The Rules of Procedure/Conduct of Business provide that Budget proposal for the Hill Areas is to be placed before the HAC. This is not implemented by the Government of Manipur.



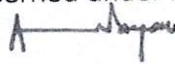
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5.9. The Manipur Legislative Assembly (Hill Areas Committee) Order, 1972 in Rule 4 (1) provides that 'All Scheduled matters, in so far as they relate to the Hill Areas, shall be within the purview of the Hill Areas Committee.' If disagreed, the matter should be referred to the Governor.

5.10. In so far as reserved forest, protected forest or unclassified forest is concerned, there is clear violation of Indian Forest Act, 1927 which stipulated that the notification should be given in local vernacular languages. This mandatory clause was not followed by the Government. Hence, all such declarations and subsequent eviction notices issued by the Government of Manipur are nothing but clear violation of the rights and customs of the tribals. In the same way, declaration of some pockets of tribal areas as wildlife sanctuaries are also clear violation of tribal rights and customs and plans to deprive them of their ancestral lands.

5.11. The extension of MLR & LR Act, 1960 to Hill Areas is illegal. For instance, the extension of the Act in 1965 to include Moreh area which is Hill Area is illegal. In the same way, the amendments of the Act carried out in 1975 is wrong and violates Article 371C of the Constitution of India. Executive notifications extending the Act to Hill Areas were issued from time to time, in particular, with reference to transfer of tribal land during the period from 1985 to 2010 where the Autonomous District Councils (ADCs) was not functional in the all the Hill Districts as transfer of tribal lands has to be carried out only after consultation with the ADC. Thus all land related transfers done during the period are unlawful.

5.12. As per the Allocation of Business Rules of Govt. of Manipur, recognition of hill villages, which is a scheduled matter, is transferred to the Revenue Department from Hill Commissioner which is wrong. This needs immediate rectification and all such notifications issued by the Revenue Department in so far as they relate to hill villages should be treated as null and void. As such, all revenue records on hill villages illegally maintained by Revenue Departments in Valley Districts should be immediately transferred to the Hill District concerned under intimation to the Hill Commissioner.



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5.13. Two system of Local Government in Kangpokpi District which is a Hill Area. Panchayat System is being introduced in this District which should be immediately rectified. E.g. the District have Grazing tax under Panchayat system and house tax under Autonomous District Council system.

5.14. As per the First Schedule of Manipur Legislative Assembly (Hill Areas Committee) Order, 1972, the "Hill Areas" are defined as (1) Manipur North, Manipur East, Manipur West and Manipur South revenue districts and (2) Chandel, Chakpikarong and Tengnoupal revenue sub-divisions of the Manipur Central revenue district. The Government of Manipur, through the Revenue Department and District Administrations, both Valley and Hill Districts, of late, is giving directions for settlement of border disputes between Valley and Hill Districts. Since the "Hill Areas" has been well-defined in the First Schedule of Manipur Legislative Assembly (Hill Areas Committee) Order, 1972, the Government of Manipur should stick to the boundary demarcation for Manipur North, Manipur East, Manipur West, Manipur South Revenue Districts; Chandel, Chakpikarong and Tengnoupal Revenue Sub-Divisions of the Manipur Central Revenue Districts of 1972 Order.

5.15. There is no separate and systematic budgeting for the Autonomous District Councils which are Local Self Governments in the Hill Areas. The budget allocated to the Tribal and Hill Area Department is shared with all the ADCs. This need to be immediately streamlined.

5.16. The pending Autonomous District Council Bill, 2021 proposed by the HAC should be introduced, passed and notified immediately followed by holding of election in all the Autonomous District Councils. The ADCs need to be made functional as it has been given important role in so far as scheduled matters are concerned.

5.17. There is need to constitute Urban local bodies in District Headquarters of the Hill Areas and they should be eligible for direct funding.

5.18. In an effort to bypass the Hill Areas Committee, the Government of Manipur should introduce Bills affecting Hill Areas as Money Bill. Rather, efforts should be taken to build trust with Members of the HAC.



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6. In the Review Meeting held on 21.12.2022 with the Chief Secretary, Govt. of Manipur and other Senior Officers of the State Govt. under the chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, Secretary, NCST briefed about the status, role, duties and function of the National Commission for Scheduled Tribes and requested the Chief Secretary, Govt. of Manipur to brief about the implementation of safeguards for Scheduled Tribes in the State. After introduction of all senior officers present in the review Meeting, the Chief Secretary apprised the Commission about the schemes/programmes implemented by the Govt. of Manipur for the protection and welfare of Scheduled Tribes and stated that the information has not been compiled as sought by the NCST in the Questionnaire for review. After brief presentation by Head of different Departments followed by discussion, the Chief Secretary assured that the information will be submitted very soon as sought in Questionnaire. The State Govt. of Manipur vide letter dated 31.01.2023 has forwarded the information as sought in the Questionnaire by the NCST. It has been observed that the information provided by the State Govt. was incomplete in respect of various schemes. There was no detail about the funds allocated and utilized under STC, Special Central Assistance for TSP and Grants-in-Aid under Article 275(1) of the Constitution of India for the last three years. The State Govt. has informed about the various programmes being implemented under DISHA but there is no breakup for Scheduled Tribes beneficiaries in most of the programmes. In respect of implementation of FRA, 2006, it has been informed that the settlement / recognition of rights under Act for some villages is in progress. The Officers from the Hill Area and Tribal Affairs Department, Govt. of Manipur have been deputed to Govt. of Tripura to get the experience in implementation of FRA. Four cases of atrocities were reported as pending for the last three years with the Police Department, three cases are reported pending under trial with the Courts during the year 2020-21. There is one Tribal Research Institute located at Chingmeirong, Manipur.

7. On 22.12.2022, the Hon'ble Member, NCST in the presence of Secretary, NCST and other senior officials of NCST had discussion with the Director, Tribal Research Institute (TRI), Manipur and other officials of the TRI. The Director, TRI gave a brief



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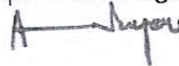
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background about the TRI and informed that 32 posts are sanctioned out of which 15 are filled and 17 are vacant. The Recruitment Rules are yet to be framed. At present, the TRI Office is being run from the Tribal Museum and there is no separate building for the TRI. The website of TRI is under progress. It was informed that the baseline survey has been conducted for two communities of the State by the TRI.

8. Observations of the Commission:

In the review meeting with the Chief Secretary, Govt. of Manipur on 21.12.2022, Commission observed that :-

(a) The Government of Manipur is not complying with guidelines issues by the Ministry of Tribal Affairs, Government of India vide F. No. 18015/03/2019-TSP dated: 17.09.2019. At para 8(4) of the Guidelines stated above, the State Tribal (Nodal) Department shall have its own web portal and all documentations to be put there including annual TSP with details of schemes under TSP, details of Ashram Schools/EMRS and functioning thereof, list of projects in operation, details of transfer of funds to implementing agencies, progress report of projects, review of progress by Executive Committee, Annual Report, Geo-tagged photographs relating to various projects, list of beneficiaries under various schemes, relevant videos / documentaries/success stories etc. The Commission was also not able to get data/information on programmes, funding, development works etc. for the tribal in the absence of a dedicated website of the Department dealing with Hill Areas and Tribal matters. Neither did the State Government furnish the information in time as per the Questionnaire sent by Commission. Subsequent information sent to the Commission was incomplete. In supersession, a revised guidelines known as Guidelines for implementation of the scheme of 'Pradhan Mantri Aadi Adarsh Gram Yojana (PMAAGY)' – regarding was issued by the Ministry of Tribal Affairs vide file no. F.No. 17011/04/2020-SCA Dated 17.03.2022 and at para 15.3 of the revised guidelines it is stated that the States/UTs shall get integrated with the centralized web enabled MIS with software engineered data to make all information transparently available regarding release of funds and expenditure against each scheme/programme,



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physical progress, etc. The guidelines are not complied with by the State Government. In the reply to the Questionnaire sent by the Commission, the State Government stated that utilization of grants under SCA to TSS during the year 2020-21, 2021-22 and 2022-23 as nil stating that SCA to TSS has been renamed as Pradhan Mantri Aadi Adarsh Gram Yojana (PMAAGY) by Gol and gave the fund received from GOI as follows: (1) Amount approved for 2021-22: Rs. 855.96 lakhs. Amount released: Rs. 427.98 lakhs and (work finalization going on with District Administration) 2. Amount approved for 2022-23: Rs. 937.48 lakhs. Amount released: Rs. 295.47 lakhs (Villages yet to be finalized by the Ministry).

(b) The Ministry of Tribal Affairs, Government of India vide F. No. 18015/06/2019 Dated. 23rd April, 2020 issued Guidelines for allocation of funds and implementation of Programmes/Activities under Proviso to Article 275(1) of the Constitution of India during 2020-21 and onwards. At para 12.4 of the Guidelines, it was stated that State Tribal (Nodal) Department shall have its own web portal and all documentations to be put there including list of projects in operation, details of transfer of funds to implementing agencies, progress report of projects, review of progress by Executive Committee, Annual Report, Geo-tagged photographs relating to various projects, list of beneficiaries under various schemes, relevant videos/documentaries / success stories etc. In the reply to the Questionnaire of the Commission, the Government of Manipur has stated the Utilisation of funds received as grants under first proviso to Art. 275(1) of the Constitution during the last 3 years as follows 1. Total allocation during the 2020-21 Rs. 17.49 crore, 2021-22 Rs. 17.49 crore, 2022-23 Rs.17.49 crore. 2. Utilisation during 2020-21 is nil, 2021-22 is nil and 2022-23 is nil. 3. Reason given - proposal is being sent to Ministry of Tribal Affairs. The Government of Manipur does not seem to be serious about getting the funds in time from the Ministry of Tribal Affairs.

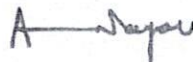
(c) As per the information furnished by the Government of Manipur regarding atrocities against Scheduled Tribes, 2 cases were brought forward in 2020, 2 cases were registered during 2020 and 4 cases were pending for investigation. The data is the same for the year 2021 and 2022. This needs to be reviewed.



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9. Recommendations of the Commission are as under:

- (i) There is need to launch a dedicated website for the Tribal Affairs and Hill Department (TA&H) and make available detailed information pertaining to Scheduled Tribes of Manipur: their population, development programmes implemented, physical and financial progress during last five years etc.
- (ii) Information regarding Governor's report on Hill Areas Committee under Article 371C (2) of the Constitution of India during last three years may be submitted to NCST.
- (iii) The Tribal Affairs and Hill Department (TA&H) of the State may be declared as the nodal Department for coordination in so far as Scheduled Tribe Component (STC)/TSP is concerned. So that funds received from various Central Ministries/Departments under STC/TSP to be monitored by the TA&H Department.
- (iv) The list of prisoners belonging to Scheduled Tribes communities, who are languishing in the various jails of the State (up to December, 2022), indicating the charges against them and whether they have been produced before the court of law, status of investigation, etc. may be furnished to the Commission.
- (v) The budgetary allocation vis-à-vis physical target/achievements under each Demand no./Department wise during the last three years may be supplied.
- (vi) The "Hill Areas" has been well defined in the First Schedule of Manipur Legislative Assembly (Hill Areas Committee) Order, 1972, the Government of Manipur, all boundary disputes need to be settled as per 'Hill Areas' demarcation of Manipur Legislative Assembly (Hill Areas Committee) Order, 1972 in the First Schedule. Hence, any notification, executive order, legislative acts/amendments issued without the approval of the HAC, needs may be reviewed/rescinded.
- (vii) Direction issued by the Revenue Department, Govt. of Manipur's vide order No. DRO-105/4/2022-REV-REVENUE dated the 5th October, 2022 transferring Reserve Forest including pocket settlements from Kangpokpi District to Imphal East District without the specific approval of the HAC may be reviewed in the interest of Scheduled Tribes of State.



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(viii) In the Booklet of Census of India 2011 and Administrative Atlas, Manipur has wrongly included several Hill villages under valley districts. The Dy. Registrar General (Map), Government of India, under their letter no. XII-001/01/2012-Map dated 04-08-2017 addressed to the Joint Director, Directorate of Census Operation Manipur, has already highlighted this overlapping of hill villages to the valley districts. Similarly, the Dy. Secretary (Revenue), Government of Manipur, under their letter No. DRO-106/14/2022-Rev- Revenue dated 24-10-2022 has asked Dy. Commissioner Kakching/ Tengnoupal/ Kangpokpi/ Imphal West/Bishnupur to rectify the list of overlapping villages between these Districts. Action taken/to be taken by the concerned authority of the District Administration and State Government of Manipur may be sent to the NCST.

(ix) The withdrawal of AFSPA, 1958 from the Hill Areas of Manipur needs to be reviewed taking into account the ground reality of the hill areas which have become peaceful, as the AFSPA has been withdrawn from 15 Police Stations of Valley Districts of State.

(x) The data regarding representations of the Scheduled Tribes in various State Departments and institutions including recruitment of MIL (Tribal recognized dialect) teachers in Government schools and colleges during last three years may be furnished to the Commission.

(xi) Scheduled Tribes students normally opted to study their language (MIL) or additional English in lieu of Meitei/Manipuri language in Class 10th and Class 12th standards. As such, it is alleged that mandating the Scheduled Tribes candidate to produce 10th/12th standard certificate of studying Meitei/Manipuri language is unfair and discriminatory. This such policy/rules may be reviewed taking the interest of Scheduled Tribes of the States.

(xii) Recruitment Rules for the various posts of TRI of the State may be finalized at the earliest, so that vacant posts of TRI to be filled up and undertake/study the various problems of the scheduled tribes of the state.



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(xiii) The socio-economic and traditional knowledge of all the ST communities of the State need to be documented. Therefore, the TRI may be asked to conduct research/evaluation studies including Baseline Survey for the remaining Scheduled Tribes communities of the States. The Library of the TRI should be strengthened upgraded and the proposal for release of Central share for construction of building for TRIs and Museum to be submitted to the Ministry of Tribal Affairs, on priority basis and in the beginning of the financial years.

(xiv) Hostels for Scheduled Tribes girls may be set up in the State.

(xv) It is advised that issues raised by Joint Coordination Committee on Tribal Rights (JCCOTR), All Tribal Students Union Manipur (ATSUM) and Members of Hill Area Committee of Manipur as mentioned at paragraphs number 4.1, 4.2 and 4.5 may be examined and take appropriate action, as per Provisions of the Constitution of India and State Act/Law of Manipur State in the interest of STs of the State.


(Ananta Nayak)

Member, National Commission for Scheduled Tribes
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Annexure

List of officers of Govt. of Manipur, who participated in the Review Meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes, New Delhi on 21.12.2022 at Dynasty Hall, Classic Grande, Imphal, (Manipur)+.

Sr. No.	Name	Designation	Contact No.
1.	Dr. Rajesh Kumar	Chief Secretary	
2.	Shri M. H. Khan	Additional Chief Secretary	
3.	Shri V. Vumlunmang	ACS (TA & Hills)	0385-2450149
4.	Shri M. Joy Singh	8974469823
5.	Shri Thokechem Bedajit	DS / Finance	7085936097
6.	Shri ST Rithung Anal	Additional Director, TA & Hills	8731094832
7.	Shri Hungyo Worshang	Director, TA & Hills	
8.	Shri Khuraijam Shitle Kumar	Deputy Director, Eco. & Stats	7005213494
9.	Shri L. Rajendro Singh	Deputy Director, TA & Hills	7005215911
10.	Shri Ahongshangbam Bisonjit Singh	Deputy Director, Eco. & Stats	9383360353
11.	Shri R. A. Ransing	DS & TA & Hills	9886529911
12.	Shri L. Joy Kumar Singh	CCF	
13.	Shri Asem Rangina Chamu	DS / DP	7005579621
14.	Dr. Probin Arambam	JD / Health	9077689775
15.	Dr. V. Haokip	JD / CMO TA & Hills	9436236799
16.	Shri Suzane Thingbaijam	Deputy Secretary (Law)	9366546918
17.	Shri Lathazam	CEO / ADC, CCPUR	6009936032
18.	Shri Alfred J. Khaute	AD / Edu.(s)	8997995291
19.	Shri Bisheshwar Kh.	8131806629
20.	Shri Seiminthang Lessthang	CEO, ADC / CDL	9862622318

21.	Shri James Doujapao	CEO, ADC / CDL	8415043604
22.	Shri Kachamthai Gaupuri	CEO /	8415083559
23.	Shri L. Ramesh Singh	SNO, MGNERGA	9436077946
24.	Shri Kh. Bobby Singh	Coo. & Hills, MSRLM	8794708088
25.	Shri G. Binisham Sharma	SMM – FM, MSRLM	8794502173
26.	Shri S. Shyamanda Sing	AE	9856168653
27.	Shri Roberkon Asem	Director CAF	9402881954
28.	Shri Kh Hoochouba Sim	SNO	7005565649
