

Unwillingness to Share Power Manipur and the ADCs Bill, 2021

THONGKHOLAL HAOKIP

The conflict about the proposed Manipur (Hill Areas) Autonomous District Councils Bill in Manipur is a manifestation of the deep divide between the hills and the valley, and the exercise of political hegemony over the hill areas of the state. Beyond the melee, a close examination of the bill reveals the patriarchal and non-inclusive proposal made by legislatures from the hills.

Thongkhola Haokip (th.robert@yahoo.co.in) is an assistant professor at the Centre for the Study of Law and Governance, Jawaharlal Nehru University, New Delhi.

The Manipur government has been at loggerheads with student unions of the hill areas of the state over autonomous district councils (ADCs) bill. A collective of 18 members of the legislative assembly from the hill areas of Manipur, including the chairperson of the Hill Areas Committee (HAC), drafted the Manipur (Hill Areas) Autonomous District Councils Bill, 2021 to be introduced in the 13th session of the 11th Manipur legislative assembly as a government bill on 20 August 2021. The HAC claims that despite several amendments to the Manipur (Hill Areas) District Councils Act, 1971, there are “deficiencies which resulted in disproportionate development between the areas of the hills and valley of Manipur over the years.” In order to address this imbalance, the proposed bill “seeks to repeal and replace” the 1971 act, and in order to provide “more autonomy to the Hill Areas Committee and the

Autonomous District Councils with regard to administration and management of Hill Areas of the State of Manipur.”

Moreover, the bill intends to increase the number of constituencies of the ADCs to 31 from the current 24 members, out of which three members will be nominated, and one-fourth seats will be reserved for socio-economically backward and need-based geographical areas within the respective autonomous district.¹ Furthermore, it also seeks to create a hill areas secretariat for managing and coordinating the working of ADCs, for “reviewing and monitoring all projects and programmes undertaken,” and to also coordinate and manage budgetary allocation to the hill areas of Manipur.

After expressing an intention for introducing the bill in the monsoon session of the assembly in 2021, a debate between the government and members of the HAC emerged wherein the former blamed the latter for trying to divide a small state into two power centres and not following “proper channels.” The HAC, however, defended itself by saying that according to the law, it can pass resolutions and recommend to the state government for legislation on scheduled matters of the hills.² One thing is clear,

the government, which is controlled by the majority Meitei legislators, is reluctant to share power. For those in the valley of Manipur, any talk of autonomy is looked upon with suspicion. The opinions of the hills are construed to represent the voices of the claimants of separate states that would break their political hegemony and eventually lead to the creation of Kukiland and Southern Nagalim. Despite the proposed bill seeking to establish “internal autonomy” within the state for hill communities, the majoritarian government is reluctant to part with the hegemonic power that it has enjoyed for over half a century now. Several statements were made by community-based organisations from the hills and the valley supporting and rejecting the proposed bill. This was ensued by the state government not allowing a “tribal consultative meeting” that was scheduled to be held at Imphal.³ Since then, the All Tribal Students’ Union Manipur (ATSUM) launched a campaign in support of the passing of the bill in Manipur assembly.

The turn of events unfolded how majoritarianism is at play and Manipur has fallen into the ethnocracy trap.⁴ The words of Robert Reid (1942: 89), who was the governor of Assam from 1937–42, will not be totally unfounded:

History shows that the Manipuri cannot and will not give the hills an administration of the standard to which they are both entitled and now accustomed and it can only be maintained by the control now exercised.

Tribal Autonomy in Manipur

At the time of independence when different schemes of tribal autonomy were envisaged by the Constituent Assembly, “no special arrangement was made for the hill areas of Tripura and Manipur.” Shibanikinkar Chaube (1968: 88) alluded: “Perhaps the Constituent Assembly felt that, as the integrated Indian States would be constituted as Part B and Part C States under rigorous control of the Centre, no special scheme for their minorities would be necessary.” Several studies have shown that in the Constitution Making Committee of Manipur in 1947, the representatives from the hills, Athikho Daiho and Tiankham, demanded the right to secession of the hill areas from Manipur after

a period of five years. Their demand was not incorporated, and on the contrary, several tribal leaders who were believed to be supporting the “secession” from the princely state were arrested in 1948.⁵

When Manipur attained statehood in 1972, a special provision with respect to the hill areas of the state was inserted as Article 371C in the Constitution of India, which reads:

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

The special provision obligates the governor to “annually, or whenever so required by the President, make a report to the President regarding the administration of the Hill Areas in the State of Manipur and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.” As per the directives of Article 371C of the Constitution and through the Constitution (27th Amendment) Act, 1971, the then President of India, V V Giri, made an order, the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972. The order provides for the formation of the HAC: “There shall be a Hill Areas Committee of the Assembly consisting of all members of the Assembly who, for the time being represent the Assembly constituencies situated wholly or partly in the Hill Areas of the State.”

As per the order:

The Hill Areas Committee shall have the right to consider and pass resolutions recommending to the government of the state any legislation or executive action affecting the Hill Areas with respect to any Scheduled matter, howsoever that the executive action relates to general questions of policy and the legislation or executive action is in conformity with the overall financial provisions for the Hill Areas made in the Annual Budget or contemplated in the plans of the state.

The order also obligates the HAC to “safeguard the interest of the people of the Hill Areas, particularly through accelerated

development of these areas.” With this obligation in mind and empowered to recommend a legislation to the government, the HAC drafted the 2021 bill and submitted it for legislation. A brief assessment of the bill points to several shortcomings.

A Non-inclusive Bill

The hallmark of a good legislation is not only its comprehensiveness but also its inclusiveness. The proposed ADC bill not only failed to make provision so as to ensure participation of women in the councils, it is also largely gender-insensitive. About three decades back, the 73rd and 74th amendment acts in 1992 gave constitutional status to village assembly and urban local bodies, and provided 33.3% reservation for women in such local institutions across the country. Thus, Articles 243D and 243T reserve not less than one-third of the total number of seats for women in panchayats and municipalities, and not less than one-third of the total number of offices of chairpersons in the panchayats and municipalities for women to be allotted by rotation to different constituencies. Unlike these largely inclusive landmark legislations, the proposed autonomous councils bill ignores women representation and uses gender-exclusive terms such as chairman and vice-chairman. It unleashes the patriarchal mindset of the male-dominated committee that never imagines women at the helm of such representative councils even after seven decades of independence.

In January 2019, the Union Cabinet decided to increase the financial and executive powers of autonomous councils in the North East which were formed under the Sixth Schedule of the Constitution through an amendment. The 125th amendment bill introduced in the Rajya Sabha on 6 February 2019 has interesting features, including the nomination of not only a specific number of women but also of the “unrepresented tribes” by the governor of the respective states. In the proposed autonomous councils bill of Manipur, there is a provision that “one-fourth of the seats shall be reserved for socio-economically backward areas and need based special geographical areas within the respective Autonomous District.”

However, in an ethnically divided state like Manipur, reservation based on geography does not ensure the nomination of minority tribes in the district to the councils. The provision also fails to, once again, include a provision for woman nomination and is not clear about who will make such nomination to these representative institutions.

No Provision for Regional Councils

The amendment to the Sixth Schedule of the Constitution, which governs the district councils in Assam, Mizoram and Tripura, is long overdue in giving effect to the autonomy of microscopic minorities. However, the 125th amendment bill also failed to take note of this. Such minority communities are the most neglected and also the least represented in the institutions that were created to serve their interests. Since the Pawi-Lakher Regional Council in Mizoram, no such regional council has been formed under the Sixth Schedule. The basis on which regional councils were formulated seems to be largely forgotten, even though smaller minority groups within new states in the North East can be accommodated in the relevant existing provisions.

It is a fact that smaller or microscopic minority groups were largely ignored within the north-eastern states. In Manipur, Komrem is a nomenclature consisting of the six kindred tribes categorised as Aimol, Kom, Kharam, Chiru, Purum and Koireng in the Constitution. In the 2011 Census of India, their total population was merely 27,156 people. These kindred Komrem tribes are scattered across Manipur. Their small and scattered nature of population coupled with their inability to come together under one platform has made them more vulnerable and invisible.⁶

The aspiration for smaller provisions of autonomy, such as regional councils, is not even thought about in mainstream political circles today. According to the lived experiences of microscopic minority groups, besides being linguistically endangered, they continually face socio-political exclusion as they are not able to assert their presence as a distinct ethnic group out of several compulsions.⁷

Taking a cue from the formation of the Chakma Autonomous District Council

in Mizoram, which is based not on a compact territorial district but on the ethnic population of Chakmas in the state, regional councils can be formulated for microscopic minorities in Manipur as well as different parts of the North East. The Komrems need a regional council on the lines of the Chakma Autonomous District Council to preserve their language and culture. Besides, there are several minority groups in every hill district of Manipur, and in every district, regional councils should be formed to empower them. For instance, in Kangpokpi district, there are other minority groups such as Nepali, Tangkhul and Thangal who are not adequately represented even in the Sadar Hills Autonomous District Council. Naga and Nepali regional councils can be formed within this district.

Sadly, the major tribes, who were once fighting for some form of autonomy, are now unwilling to grant even a little power for self-governance to smaller tribes. The need for regional councils for microscopic groups in the North East is urgent and requires immediate attention. Such councils can provide an institutional platform and a means for countering the fear of losing one's unique identity amid aggressive constructivist identities that are much prevalent in the region.

The granting of regional councils need not necessarily stem from a strong agitational demand or even an armed movement. It must be established according to the need of these minority groups. As much as the major tribes need a protective mechanism of self-rule, microscopic minority groups need much more to continue existing and for maintaining their culture and identity. The proposed bill in Manipur not only ignores the establishment of such smaller councils but totally deletes the provision for the same from the 1971 act.

A Case for Political Decentralisation

The reluctance of the Manipur government to table the proposed controversial bill indicates the operation of a majoritarian democracy and a hegemonic rule over a population of minority groups that remained largely invisible. The hegemony in this case "is not simply the domination by an elite" and the "imposition of a

pregiven set of ideas." Ernesto Laclau, while elaborating on Antonio Gramsci's concept of hegemony, sees hegemony as "something that emerges from the political interaction of groups" and "a process of ongoing struggle that constitutes the social" (Worsham and Olson 1999: 1).

As Bhatia (2010: 38) has pointed out earlier in a similar case, by "denying the legitimate demand of tribals ... and ignoring their sustained democratic struggle" for some form of autonomy within, the Manipur government has weakened its case for "territorial integrity." She reiterated that "peaceful coexistence is possible only if rights are fulfilled and historical injustices corrected." The constant campaign by ATSUM for the introduction of the proposed bill and its subsequent passage by going to the extent of imposing a *bandh* thus puts the state back on its heels.

The state needs a consociational compromise and should resort to political decentralisation for the resolution of conflicts between the hills and the valley, as several studies indicated in different parts of the world that this has become a prominent tool to facilitate the accommodation of differences, protect minority groups, prevent territorial disintegration and maintain political stability (Lijphart 1969, 1977, 2004; Keil and Anderson 2018: 89; Monteux 2006). The future of the state depends on how successfully political decentralisation is negotiated between various entities of the state and the benefits of welfare state are evenly distributed not only between the hills and the valley, but also between different groups of people.

NOTES

- 1 The 2008 ADC Amendment Act increased the number of members in each council to 28 but the delimitation of constituencies are yet to take place.
- 2 For a more detailed analysis of the working of the Hill Areas Committee and its relationship with the governor and the state government, see Haokip (2017).
- 3 *The Hills Journal*, "Proposed ATSUM 'Consultative Meeting' at Imphal Foiled; held at Motbung," 24 August 2021, viewed on 31 August 2021, <https://thehilljournal.com/2021/08/24/proposed-atsum-consultative-meeting-at-imphal-foiled-held-at-motbung/>.
- 4 I had analysed how the state has fallen into an ethnocracy trap in a forthcoming work, see Haokip (2022).
- 5 For a discussion of majoritarianism in Manipur, see Roluahpuia (2016).

- 6 The marginalisation of the Komrem has been analysed by Akhup (2012).
- 7 For a more detailed analysis on this, see Haokip (2020).

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