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Lacking Legitimacy? State, Civil Societies and Trust Crisis in Manipur

L. Letkhomang Haokip

This paper examines the movement against three bills passed in Manipur Legislative Assembly on 31 August 2015. The agitation against the bills is seen to be a much deeper one. It represents a strong sense of insecurity among the subaltern class in Northeast region over their land and natural resources. It questions on the integrity of existing laws on landholding and resource management in the region which would be helpless in the face of a larger economic force such as India's Act East Policy. People wanted a stringent law to protect and galvanise them from an intrusive capitalism. It is also about questioning the legitimacy of the government whose intention is going against people's interest. Tension such as one saw in the case of anti-bills agitation in Manipur looms substantially from the moral trust deficit and the trust crisis between different communities in particular and state and civil societies in general. Such crisis invariably arises when the confidence of people are not taken or when their interests are mindlessly floated. Any bill, how good the intention would have been, must first adhere to public consultation and consensus before it gets passed.

Keywords: Northeast, Manipur, anti-bill agitation, subaltern class, land holding and natural resources, trust crisis

On 31 August 2015 the State Assembly of Manipur passed three Bills in a special session. Sooner as the bills were passed in the Assembly there was uproar in the hills, especially in the Churachandpur town, which formed the epicentre of the agitation. Here, the houses belonging to their Member of Legislative Assembly (MLAs) and Ministers (who represented them in the Assembly), of the only Kuki Member of Parliament and some government offices (Sub-Divisional Office, Education office and Police station) as symbol of state government's presence in the hills, were gutted to the ground by the outraged public. This followed public agitation and condemnation of the bills from all tribal bodies in the hills. The hill MLAs were ordered by the

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public to resign. In the process of agitation 9 people were killed by the state security forces, some with live bullets. Curfew was imposed only to be overwhelmed by mass rally. In an exceptional stance against such state atrocities, the public refuse to take any ex-gratia from state government and refused to demand punishment of security personnel involved in the killing. The bereaved families were instead consoled by a donation of money from public. The deaths were declared as “martyrs” of the fatherland. They decided to intern their bodies with an honourable public funeral and public memorial only when they are assured that the three bills are not assented. No such assurance had come from the government so far, as per the Joint Action Committee Against Anti-Tribal Bills, and hence the bodies are not buried even after a year.

Since the outburst started there was a total absence of Indian State for a long time, except in the form of police and armies. After hard pressed, a Central team visited Churachandpur with no substantial result. The media persons who had entered the district initially were soon withdrawn, internet had been blocked across the state for the first time in Manipur, and the agitated masses were kept in the dark from the world outside it. Most of the government establishments such as offices, schools, hospitals, banks and so on, were under imminent threat from outraged public. Shops, educational institutions, hospitals and others have been shut for over a month since the agitation started, there were scarcity of all basic items everywhere, and people were craving for their life. The gravity of the situation was such that the disappointed masses were more and more bent to go violent ways had not the women in black came on time. It was the women of the town, dressed in black cloth, and with full sense of ambition, who took over the command of the stormy town when security forces were inabled by its blood-stained hand. It was these women in black who took over the possession of all public institutions day in and day out so that they did not fall into the hands of the disappointed masses. It was this mother of patriots who had not sleep a night to prevent the fire from spilling over. As the real mother patriot, they were weeping and guarding over the dead bodies not knowing what to do with it. It is a pity that no media, no government feeler, not even the so-called civil rights organisations had thought of visiting the grim-ridden frontier town. The feeling of alienation was too great for memory, as one puts it.

Nonetheless, several new developments had taken afoot in the wake of the agitation. The out of place situation compelled the hill people hell-bent in their demand beyond the withdrawal of the “death bills”. They are determined to completely separate the hill areas from Manipur State. In the face of what they consider a “common enemy” both the Kukis and Nagas, who were hitherto seen as arch-rival, are working out together to bring their differences accommodated especially to their overlapping territorial interests. They joined hands together to bring out their long cherished demand of “Zale’ngam/Zogam” for Kukis and southern “Nagalim” for the Nagas. Truly, it was a milestone to the Kuki people. The agitation had brought the Kuki UGs together for the first time with one goal, one fight. It was the first time the Kuki brotherhood had joined hands together for a common cause. It was the first time one also sees the Mizoram government had also expressed its solidarity to the next kin Kuki brothers in Manipur.

The conspiracy that went along the agitation is also interesting. No one was talking about finding a solution with state government; everyone was looking towards the Government of India (GoI). The tribals felt that the GoI is too soft to the valley population by giving a deaf ear to their (as they put it) long sufferings under the Meitei dominated State “apartheid”. They felt that the new bills are means to grab tribal land by the valley population. The valley population, on the other hand, accused the GoI and the Nagas in promoting tension in the State so that Naga Accord can come smoothly. They felt that the GoI is going too soft to the tribal people. Worst, when people are speaking politics there were few individual who took advantage of the situation by playing communal card. They speak on religious line and insisted the Central government (whom they believe is a “Hindu” government) to protect the “Hindus” against the tribal “Christians”. In an extreme case of arrogance, few individual still banked on the hate language like “foreigners” and “immigrants”. Few Kukis have even received a “quit notice” order from some unknown individuals. Accusation and counter-accusation like this is going on so much so that a trivial incident has every potential to spark off a major upheaval. The doldrums seem real and present danger.

What really ails the people of Manipur? Why would the State Assembly passed such a sensitive and controversial bills at a time when Central Government is talking about its intention not to disturb the integrity of existing state boundary? Are the bills really safeguarding the people’s interests in general and to the hill people in particular as visualised in the said bills? If yes, why the hill people have to protest against such bills? If not, why should the valley people be silent over the bills when it also hurts their interests?

I would say that it is not just the bills. The problem is a much deeper one. It can be seen at several levels, but at the end, one is forced to come down at the psychological situation where no one trusts anyone, or that everyone suspects everyone. In other words, the present tension looms substantially from the moral trust deficit and the trust crisis between different communities in particular and also between state and civil societies in general. Meiteis fear that their territory is not safe from “outsiders” or non-Meiteis where the tribal lands are relatively safe. The tribal Nagas and Kukis fear that the majority Meiteis are eying their lands and would someday grab it from them. The Kukis also fear that the Nagas are eying their territory and may take away with them to Nagalim. All wanted the State government to act swiftly in order to safeguard their rights and interests over their land and resources. What is central to their insecurity, and what is shared across communities, are therefore, the security of their land and natural resources from the “others”. Manipur is not exception in this respect; this is the general phenomenon one can observe across India’s Northeast region. The experience of Assam and Tripura seem to have warned everyone.

The situation of insecurity has now become real and present especially with the promising regional development process under the India’s Act East Policy (IAEP). In fact, IAEP seems to send more tremors of fear than hope in India’s Northeast region. The people of Northeast India felt in general way that the Central Government had not done much to galvanise them from the perceived “influx” of population

from other parts of India and also to the safety of their livelihood and natural resources from the rich capitalist class once IAEP become a real economic engine. If the so-called population “influx” would reduce them into minority in their “homeland”, the idea of losing their most valuable possession, land and natural resources, in the hands of rich capitalist class was so strong in the psyche of common people. The existing mega development projects in the region which had not benefited the local people much had already spread an alarm across the region. People found that their land and resources have been exploited from which they have not received anything in return while they are put at risk against major environmental disaster. Such fears and insecurity are especially strong among the hapless subaltern class for whom land was everything and everything ends with land.

Perhaps, the fear of the subaltern class such as peasants, workers and tribal against their marginalisation under capitalist economic boom is central to the present tension in Manipur. The peasants and tribals wanted the security of their land and resources from the invasive capitalism. They wanted the state to protect and galvanise them so that they may live without fear even if IAEP comes true. It is not necessarily an opposition to IAEP in general but while they welcome IAEP it should not take away their rights and interests. To what extent the Joint Committee on Inner Line Permit System (JCILPS) movement was a subaltern movement is difficult to say but the concerns of the subaltern class are certainly taken care by the very principle of ILP system. However, if the three bills are reflections of JCILPS movement I seriously doubt that the movement had taken care of the subaltern’s concerns. The three bills are necessarily elitist and pro-capitalist. The subalterns concerns remain side-stepped and their insecurity against invasive capitalism remains intact and composed. In the case of the hill tribes the fear seems to reach the apogee. How this actually happen in the new bills concerns this paper. But before we come to that a brief background of the bills is necessary.

The need for an effective regulating law

The existing laws are not effective enough to protect the interests of the subaltern class in the region which centre on the security of their land and natural resources. While the Indian Constitution has protected the ownership and transfer of land rights in most tribal areas and tribal states like Nagaland and Mizoram, it has not given such rights in relation to natural resources except in Nagaland. The overwhelming power of the state in so far as land transfer and natural resources are often floated at the cost of rendering many common men landless and penniless. The fast growing mega dam projects in the region or take the cases of coal and petroleum industries, are indeed an eye opener to the population of the region to remain but vigilant. It is well clear that local people are at the receiving end in all these projects; their ancestral land had been swapped for no amicable returns while they were put under immense threat from impending environmental disaster. The situation is aggravated by the ongoing hectic survey for natural reserves in the region which have the potential to displace large number of the regional population. It is even more aggravated by the promising India’s Act East Policy. So much of insecurity had been perpetrated by

state development projects in the region that common men have lost all the trust that they previously put on the government. They knew that the major beneficiaries in such mega projects had been till now the rich capitalist class within and without. The perceived threat from outside is even more aggravated by the rich and powerful class within the local society whose brutish approach to wealth and power alarmed the subalterns even more than the state had done from its mega projects. The process of land grabbing and appropriation of natural resources by this rich and powerful class within the local society had been already a clear and present danger to many people who were rendered not only landless but also poorer by the days. Imagine that no better law comes in the region to protect the interests of the people, it is felt that India's Act East Policy would not only drive the poor and subaltern class into penury but would also breakdown the existing social fabric to the point of deterring any development projects in the region.

Take the case of Manipur Land Revenue and Land Reforms Act 1960, for instance. It provided for land ceiling up to 5 hectares for a family of five members with an additional one more hectare for an additional member which can go up to a total ceiling of 8 hectares. But this had never been the case on the ground and the state government was not very serious in enforcing the law. While large amount of lands had been in the hands of rich people there is a growing number of absentee landlordism in the state in which many of the real cultivators were rendered landless labourers/tenants. The Act has also categorically provided for (in section 158) the protection of tribal land from non-tribal people. But even in this case we have sufficient evidences to show that the Act has been floated rampantly. Huge amount of tribal lands in the hill-towns like Churachandpur, Moreh and Kangpokpi and those tribal lands in the foothills have been in the possession of non-tribal population. There are several villages in the hills which now belong to non-tribal population. No one knows how this transfer had taken place at the outset and no one cares to look into it. The state government, instead of enforcing the existing law that protects tribal land, was apparently encouraging such illegal transaction/occupation. The extension of revenue administration on such lands by the state government was a clear case of its apathy to enforce the existing law. This is how the state government had gradually lost the trust and confidence of the tribal people in the state. Such lack of trust becomes a serious issue when the state is openly floating the existing protective law with an amendment that eats up the power conferred by an earlier law, the point we shall come to later. Perhaps, what is most dissatisfying in the said 1960 Act, in the subaltern perspective, is that it was completely silent on the question of land transfer to the so-called "Non Manipur Persons". Except in tribal areas, it quietly permitted anyone to purchase land in the valley districts of Manipur, opening the gate wide-open to people from outside the state as well. Sufficient amount of lands had been already purchased and owned by many people from outside the state since the law came into force. Such purchases have legal sanction under the Act. But when it was never a problem before why it has suddenly become a problem? One major factor, as noted earlier, was the India's Act East Policy in particular and the booming Indian economy in general which was thought to open up a floodgate of population movement into the frontier

region. Assam has faced this problem a long time ago and is ever haunted by this after that. Manipur valley remains the only vulnerable hotspot for population movement in the Northeast when all the other avenues in the region are protected by the Constitution in one way or the other. While the fear of population “influx” is a general phenomenon in the region, such fear is even more so in the valley districts of Manipur and much more among the subaltern peasantry class there.

The peasants feared that the opening of their territory for international market or of capitalist economy would lead to seizing of their valuable land from them which are considered something as taking away of one’s life. This insecurity becomes even more severe when the State government is not even serious about enforcing the existing laws. Imagine that no law existed to prevent the capitalist from mindless land-seizing spree, and imagine again that an uncontrolled population “influx” from outside the state takes place, the people of Manipur, and for that matter the people of a sparsely populated Northeast region, would found themselves in the frying pad. They would be reduced into minority in their own land. Many of the peasants would be rendered landless and forced to become hapless tenants. This is a situation which amounts to another social upheaval one witnessed in Assam today. The need of a regulating law is therefore pertinent under such circumstances. The demand for Inner Line Permit or that of protection of “Manipur People” should be seen from this perspective. But how this pertinent law had been carried out in the State Assembly put us in complete unsatisfactory turn. It has more of an elitist taste than that of the subaltern concerns. When it is purported to protect the subalterns from invasive capitalism it has apparently open up the floodgate to capitalist class. To understand this it becomes necessary that we begin with how such bills had been eventually introduced in the Assembly and what it means to the subaltern class.

How the three bills come into being?

Indian public are well aware that the movement for a stringent legal regulation against the free entry of “Non-Manipur persons” into the state of Manipur had been a long-drawn affair in the valley of Manipur. The state was reeling under pressure from the peoples’ movement for implementation of Inner Line Permit system during the past four months or so. The state of public agitations, strikes, bandh, incessant political sub-culture, of state repression and death went hand-in-hand all along throughout the movement. The government found itself in stiff resolute: take it if you like it, take it even if you do not like it. While taking it is obviously a political mileage which no government would let it go under its nose, to take it through the government foresee a stiff wall ahead. On the one hand, the interests of Manipur people have to be taken into account in full strength otherwise it would be opposed. On the other, it has to pass against the interest of IAEP and of general Indian public sentiment. Having found between these two poles it tried to pass the buck to Central Government which is denied. Eventually, the state government have to accommodate such various competing interests and hence faltered out in the process.

The state government had its litmus test in its first bill passed on 1 March 2015 entitled “The Manipur Regulation of Visitors, Tenants and Migrant Workers Bill, 2015”.

As expected, when the bill was passed in the interests of the people of Manipur, the new bill soon found a rough terrain. Rejecting the bill, the JCILPS that spearhead the ILP movement launched a massive protest against the bill terming as “inappropriate” to safeguard the interest of the indigenous people. It demanded that the government should introduce a fresh bill “to fulfil the aspirations of the indigenous people of Manipur which will restrict and regulate the influx of outsiders and internal migrants whose demographic influence has been threatening the socio-economic, cultural and political practices of the people of the state”. It also envisages a law that would include “Pass” for migrants and a cut off base year of 1951 to define who the “indigenous people of Manipur” are. The bill has not only become a “controversial bill” but was also floated as “migrant bill” across the national media. Besides, the Governor of the state had reserved the bill for consideration of the President of India. Even within the Assembly some of the members protested and performed a “walkout” ritual against the bill.

The said bill was eventually withdrawn on 8 April 2015 in an emergency session. This is the first time in the Manipur Legislative history that a bill was withdrawn. In order to take the public along, it was announced that the government would come out with a fresh Bill within the next three months and also promised to consult all civil rights groups and invite reactions and public opinion before a final draft of the new bill is table again. The CM, who was also leader of the Assembly, told the special session that the subject is “a common issue” for all political parties, eminent lawyers, JCILPS leaders and constitutional experts and urged them “to collectively work together in preparing the bill”. Even as the emergency session was in progress, public took the streets and forced shut down the shops which had just opened after a week-long curfew. They criticised the government for being too soft and demanded that fresh bill be introduced within fifteen days, not three months. So the movement went on till the government eventually came up with three bills on 31 August 2015 after an agreement was reached with the JCILPS.

The bills of death

People wanted the law to come immediately; government buy time to ensure that the bills get through and its goal fulfilled. The three bills: a) The Protection of Manipur People Bill, 2015; b) The Manipur Shops and Establishments (Second Amendment) Bill, 2015; and c) The Manipur Land Revenue and Land Reforms (Seventh Amendment) Bill, 2015, were passed in a special session called for the purpose. The first bill is a new bill which was passed, I think, in anticipation of being rejected by the Governor. Hence, it is apparently an eyewash and simply an expression of intent. However, the second and the third bills, which are in the shape of amendment, are what the lawmakers might have perceived them to pass through the nose of the Governor un-harm. The three bills are, as visualised in an earlier bill, a unique one in so far as one goal is clubbed in three bills. They are not an isolated and different bills but closely related and re-enforcing bills while each of them are, at the same time, able to stand alone to fulfil the one-pronged objective, the protection of Manipur from “Non-Manipur people”. In other words, if anyone of these survive and become a law it will

fulfil the objective of the others as well.

Take the case of, for instance, a “Non-Manipur persons and tenants” who is spared from procuring “Pass” under the first bill. This did not end his/her difficulties because s/he is still obligated to procure “identity card” as “registered employee” in the State. Even if s/he is safe from these two bills s/he still cannot purchase and own any landed property in Manipur without the supreme authority of the State Cabinet. While the first and second bills are important on its rights, it was the third bill which ultimately fulfils the goal of restricting “the influx of Non-Manipur people” in the state. While movement of people in any part of the world is a normal phenomenon which no one bothers much, it was the permanent settlement on ones land which was feared most. As long as one is forbidden to purchase and own any landed property in the state other cases seem little important. This is fulfilled by the third bill and hence the ultimate goal.

The contents of the three bills need brief narration. The first bill not only define who “Manipur People” are and who are “Non-Manipur persons” but it also envisages that the latter should first procure a “Pass” before s/he enters Manipur territory and s/he has to be registered if s/he chose to be a “tenants” in Manipur. In this latter activity the role of social forces are called for in which the onus of registering the “tenants” is mandated in the hands of the native “owners” of house or otherwise. A penalty for not registering the tenants is also provided to make the system truly working. Similarly, the second bill (second amendment bill) also required “every employer” to register the names and particulars of every employee employed by him/her within a week with the Registering Officer failing which a penalty of rupees five thousand would be fined against him. The Registering Officer shall issue an “identity card” to such registered employee for a period of one year. It is again mandatory for the employer to furnish the names and particulars of employee who ceased to be his employee. Perhaps the most controversial of the three is the third bill which amended MLR&LR Act 1960. It inserted section 14A which envisage that: “Notwithstanding anything contained in this Act, Non Manipur persons, firms, institutions or any other similar entities who intend to purchase any land in the state of Manipur shall submit an application to the Deputy Commissioner of the district concerned” and the latter shall first “solicit recommendation” from Local Body/Authority/Local Self Government and then make an enquiry after which s/he submit the application along with report of his enquiry and his comments to the State Government who would then obtain a final decision from the State Cabinet and accordingly intimate the decision to the applicant. To what extent the three bills take care of the subaltern interests concern us here.

Where are the subalterns in the bills?

From subaltern perspectives, it can be said that the present bills hardly satisfied their insecurity against the perceived invasion of capitalist economy in the state. On the question of land transfer to “Non Manipur Persons” the new land law invested supreme authority in the hands of the State Cabinet, not with the local bodies where subalterns have sufficient says. The “local body” would be merely solicited for their

recommendation which is not binding. The State can overrule all such recommendations from the local body/authority/local self government in relation to either its approval or rejection or to the question of ceiling, of public nuisance, and so on. In short, the local people and their constituted bodies have virtually lost their rights and power over their land and resources which is now transferred to the State Cabinet. What the present bills seem to argue is that the local body is not trustworthy and/or is not reliable to safeguard the land. On the other hand, the subalterns felt that the Ministers are not trustworthy to protect their rights on land and resources. Thus, it is not so much about the fleecing of local rights over the land but the lack of trust in the supreme government or the movers of state who are, as the subalterns felt, bend to gratification of the rich and powerful class. Since any rich man can easily buy out the great and powerful ministers to their interests through their money-power people fear that their valuable land could be easily transferred to the capitalist class while they would be rendered landless and homeless in their own home. There is a very strong sense of trust deficit in this. This is about questioning the legitimacy of the state government in controlling over their land and resources. They felt that the ultimate decision on the transfer of land should lie with the local bodies. The state government was criticised for encroaching upon their traditional rights on land and resources. Hence, the insecurity over the transfer of ownership of land and resources to “others” remains intact under the present bills, at least in the psyche of the subaltern class.

The case of the subaltern hill tribes is even more explicit. Section 158 initially guaranteed the safety of their lands from non-tribal people. However, an insertion was made in 1976 that permitted non-tribal person to purchase tribal land on condition that the “District Council” consented its approval to the transfer. The tribal body in the form of District Council was mandated to be the final arbiter in this regard. But this power is now taken over by the State Cabinet. The amendment clearly stated that if Non Manipur persons, firms, institutions or other similar entities intend to purchase “any land in the State of Manipur” (including the hill areas) he/it should submit an application in a prescribed format to the Deputy Commissioner of that District. The latter shall first solicit recommendation from local body/authority/local self government (obviously the District Council) and then make an inquiry. He should then submit the application along with the report of inquiry and his comments to the State Government which, after obtaining the approval of the State Cabinet, intimates the final decision to the applicant.

This means that there are now two sections (14A & 158) dealing with the tribal land. A Non Manipur person is now free to choose either of the two sections to purchase tribal lands. If he is refused to purchase under section 158 he can still resort to section 14A in which the local bodies have not much say. In any case, he simply does not need section 158 anymore. He can directly rely on section 14A. This is because section 14A is a “non-obstante clause” as it opens the section with “Notwithstanding anything contained in this Act”. The Supreme Court in *Brij Raj vs. S.K. Shah* (AIR 1951 SC 115) held that the expression “Notwithstanding anything contained in any law” prevents reliance on any other law to the contrary. This non-

obstante clause is also a wide-ranging one in that any clause or section contained in MLR&LR Act 1960 (including section 158) in contrary to this section would have no contrary judgement over 14A. In this way the power of District Council as the final arbiter on the transfer of tribal land to non-tribal people (as envisaged in section 158) is eaten up by the non-obstante clause of section 14A. As an independent clause, section 14A can now exclusively and powerfully transfer “any land” (including any size of land despite the ceiling) in the state of Manipur to any Non Manipur persons, firms, institution and others. In case of conflict between section 158 and 14A the latter will prevail. It was with this the tribals fear that the State ministers and official class will eventually sell out their land to “outsiders” or non-tribal. In both the cases, in the valley and in the hills, the insecurity of land remains intact. The tribal lands were more secured with the existing law than what is visualised to protect them in the new bills. In other words, tribal lands, which have been so far protected by section 158, were opened up for attack and appropriation by non-tribal persons and institutions.

While people are worried over the security of their land and resources what worry them even more is on their citizenship status as “Manipur People”. Now all the people of Manipur have to define her/himself before the State authority that s/he is “native of Manipur” based on the National Register of Citizens 1951, Census of 1951 and Village Directory of 1951. This is again an elitist agenda in which the rich and powerful would have all means to define him/herself as “Manipur People”. What happen to the poor and subaltern class who neither have the means to do that nor keep any family documents to prove that his/her father or forefather had been registered in Manipur in 1951. It is well understood that the people of Manipur, especially the poor and illiterate subaltern class were, and are, not used to keeping any legal documents. This is particularly the case with the hill tribes. If certain document is to be produced, as it is done in Assam, then I think only very few people would be able to do that. I am sure that this procedure will prove a major disaster to larger proportion of Manipur’s population. This will particularly prove disaster in the hills where no proper census was enumerated in 1951 due to lack of communication in larger parts of the hills and of inefficient and apathetic official machinery of the time. Literacy in the hills is a recent phenomenon and the call for literate and legal documentary evidence is something like asking a person what one is sure he does not have it. Hence, the implementation of this bill amounts to declaring majority of the State’s population, both in the valley and the hills, as “Non Manipur Persons” in their ancestral homeland. This reflects a bad intention against the subaltern population.

What would happen to the subalterns who are, and who would be declared for not having any document, the “Non Manipur persons”? Imagine that all the three bills have become the law of the land, it would be again another frying pan for the “Non-Manipur persons” in the “land of the jewels” and the “Switzerland of India”. A Non Manipur person has to brave multiple barriers of bureaucratic antipathy and of hostile social environment if he chose to visit, work and stay in Manipur. He had to first register himself with the registration authority and procure a “Pass” before entering the State (he would have to do this if he is declared to be such). He then have

to register with the “owner” who lets out accommodation to him as “tenants” in which the owner of such accommodation shall submit the particulars of him/her to the registration authority every fortnight which means that he had to explain her/himself of all his particulars to the owner of the accommodation every fortnight. If he intends to work anywhere he had to first again register himself with his employer who shall, within a week, register him with the registration authority who shall issue an “identity card” to such registered employee. Such identity card is valid only for a period of one year and shall be renewed every year. On cessation of his employment he had to surrender his identity card to the employer who should immediately furnish to the Registering Officer. That is also the end of his stay in the state. This Act therefore put down the registered employees at the mercy of the employer. The Act can be easily misused by any employer to exploit the employees; it gives a license to capitalist exploitation. Again, if the Non Manipur persons wanted to purchase land in Manipur the tedious process it involved across the length of bureaucratic antipathy certainly deter him to do so. This is especially so to the subaltern class for whom purchase of land has become something of impossible exercise. But this procedural constraints did not prevent the rich and powerful capitalist class from having any amount of land they wanted as it can easily buy out the ministers in the Cabinet. Hence, we can say that the new bill basically targeted the subaltern class. In this context the bills are again elitist.

In any case, there are some anomalies in the said three bills which make it very difficult to comprehend. For instance, a person may be able to prove that he is “Manipur People” based on 1951 records but how will he prove that he or his father and grandfather “have contributed to the collective social, cultural and economic life of Manipur”. Besides, section 8 of “The Protection of Manipur People Bill 2015” provided for exemption of persons from the purview of the bill in which “Manipur People” are missing. Section 8(a) instead provided for “the native people of the State of Manipur” who are exempted but this people are never defined anywhere in the bill. This means that “Manipur People” are covered by the provisions of the bill. Again, the MLR&LR Act 1960 is completely silent on the question of land belonging to scheduled tribes in so far as any transfer is to be made to non-tribal person. It is not clear what the status of such land after it is transferred to non-tribal person. Whether such land be declared as non-tribal land? It is also not clear whether any non-tribal land that is transferred to tribal people would automatically become tribal land? For that matter what is the status of those tribal lands in the revenue districts of the valley? Section 158 provided that no scheduled tribe can transfer his land except to another scheduled tribes. Whether this also applies to the valley districts as well? Whether tribal lands is defined in its geographical term (say all the hill districts) although the term “land belonging to a scheduled tribe” is provided for in the Bill/Act. Such anomalies will keep cropping up once a person look into the Act closely. Such anomalies should be avoided as far as possible to prevent space for suspicion and distrust.

Trust Crisis, Trust Turbulence

What one sees from the way things are unfolding in present Manipur is that there is

every sense to believe that trust has been badly broken touching violently against the much needed social fabric in the State. The Central Government has little trust in the State Government so do the latter to the former. The State Government has little trust in the people and of local bodies just as the latter have little trust to the former. Worst, each community or section of the state population has no trust upon the other community or class. Each of them is suspicious that the other group is working against their interest. Central to this suspicion is the security of land and resources but one can also see replicating in all other aspects of life. The worst of these conflicting regimes of thought is the one based on ethnicity and identity politics. Everyone dares to speak out against the other group even to the extent of calling them “foreigner” or “outsider” or “immigrant”. Such a politics of hate campaign aggravated the situation of contested conflict and marginality to point of no return. If someone has to always prove that he is “indigenous” and not a “foreigner” and “immigrant” in their own homeland then certainly we are reaching a situation of an embodied fear and ontological insecurity (one experienced in the war zone). This is what one could see in apartheid South Africa. The role of government as a neutralising actor and a confidence building machine become especially pertinent in such situation. But when such actor turned hostile and instead turned into mover of a particular group or community’s interests a situation of trust become turbulent. This is, I think, the situation which one witnessed in the present State of Manipur. Under a sustained pressure from the valley people the Manipur State eventually came up with the bills that encroached upon the rights and interests of the hill tribes. It knew that opposition is sure to come from the tribal people on their land issue. It knew that 1951 baseline is unworkable horse to bank upon. It also knew that the people of other part of India would oppose such Acts and that the Governor is likely to decline his assent. But what ails the State Government to land into such activism? Whether it is an eyewash to appease the agitated valley population or whether it wanted different sections of the population to fight each other or is this a mere vote bank politics? No one can really say.

Nothing is too late for a problem to be resolved? I suggest that in order to generate more confidence on the working of the Government it has to ponder upon certain courses. The Government can withdraw the bills again only to re-introduce after a wide-ranging consultation with all stakeholders (as it promised when the earlier bill was withdrawn) are taken. The fresh bill should necessarily take into account the interests of the subaltern class in the State who are likely to be most affected by the new economic regime which is in the offing. As to the tribal subalterns who spear-headed the present movement against the bills, their concerns of the 1951 baseline, of giving a mandatory final decision to their local bodies in relation to the transfer of their land and resources, or excluding the tribal areas from the purview of section 14A (introduced in the present amendment) of MLR&LR Act and so on, are to be taken in spirit and action in the new bills. If this is done and the subalterns are thereafter quite secured from the invasive capitalism and the gross appropriation of their land and resources by the powerful, I think, the present crisis would soon subside and Government gained some confidence from the people. While the situation of

trust deficit is overwhelmed by a trust crisis, and even turbulence, the state cannot remain on one side or as a silent spectator. It has to choose between its legitimacy refurbished and the complete breakdown of trust in the State government. The present crisis is but a trust bomb being bombarded and is a difficult one but not non-ame-nable. But if it is not taken carefully the complete breakdown of trust can lead to disintegration of the State. That is something the present movement against the bills has called for.

Building trust calls for the State and Central governments as well as all sections of the population. State as the arbitrator of society must own the responsibility of what might have erupted in a way that dishonours trust among different sections of the society. GoI must first build trust across the region before it actually carried out its Act East Policy. The GoM or for that matter the government of North-eastern states, must first build trust among different sections of its population instead of aligning itself to a particular community or groups. The dominant community must first build trust in their relationship with the smaller and minority groups. It should prevent sections of its population throwing hatred against other community. Unless trust and confidence is properly built and structured among different sections of the populations in the land where people are dying for land and resources as the soul of their livelihood nothing can take any root no matter how good its concept would have been. A rash dealing of any kind can derail the very goal of development and progress in the region. The Northeast universe is small but unique. It encompasses enormous number of stakeholders in which each of them is daring enough to oppose any state project. The culture of resistance being deeply inherent in their cultural disposition the State needs to move slowly and cautiously in order to bring any change in the region. Progress is what people called for but such development should not go at the cost of their persevered rights over their land and resources.