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## JUDICIAL DECISIONS AND THEIR EFFECTS ON MANIPUR'S ETHNIC TENSIONS

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### ABSTRACT

Judicial decisions in conflict-prone societies carry consequences far beyond the courtroom, often reshaping social identities and power relations. This paper examines how judicial rulings have exacerbated ethnic tensions in Manipur, especially after the Manipur High Court ordered that the Meitei community be given Scheduled Tribe (ST) status. The analysis contends that Meitei and Kuki identities are historically constructed rather than unchangeable, drawing on Benedict Anderson's idea of nations as "imagined communities." Identity-based categorizations intensify animosity, as further explained by Amartya Sen's criticism of singular affiliations. In May 2023, the court's decision sparked widespread violence because Kukis saw it as a threat to their political representation and protections. The ruling ignored the socio-political ramifications of the Meiteis' request for ST recognition and historical exclusion, demonstrating how judicial actions can unintentionally exacerbate ethnic divisions.

*Key Words: -Ethnic identity, Judicial decisions, Manipur conflict, Scheduled Tribe status, Social constructionism*

*“Granting reservation to all, in essence, means granting reservation to none”*

## **INTRODUCTION**

Benedict Anderson, in his work- imagined communities, defined nation as an imagined community whose people maintain and sustain close-ties, even if they have never met in person. From Anderson's work, it could be inferred that ethnic identity is a social construct which could be reimagined. Hence, Meitei and Kuki identities are merely the products of the state classification or the historical narratives which have been passed down over generations. They cannot be classified as eternal truths. Additionally, Amartya Sen, in his work- Identity and Violence, asserts that individuals are narrowed down to singular affiliations which could turn out to be hostile, fuelling violence, as a result of inter-ethnic disagreements which are, furthermore, the consequence of placing one identity on a higher threshold than the other.

The Meitei community has been steadfastly advocating for recognition under the Scheduled Tribe (ST) status for over a decade. They passionately assert their place within the ST quota, emphasizing their historical identity as a tribal community in Manipur during the pre-Independence era.

In May 2023, Manipur violence unravelled when an ethnic conflict flared up between the Kuki and the Meitei communities. Hundreds of people were killed, thousands displaced and injured, and innumerable houses were burnt over the Manipur High Court Judgement, upon the inclusion of the Meitei community into the Scheduled Tribes' list. Both the Meitei community and the Kuki community have had their own sets of problems and grievances, which have led to Manipur's current deplorable conditions.

## **CHURAMANI METEEI AND 5 OTHERS Vs STATE OF MANIPUR AND 3 OTHERS**

The Meitei community has always struggled with biased policies and has faced exclusion in many ways. For instance, Kukis and Nagas live in the hill districts of Manipur, where Meiteis or any other non-tribal community is not allowed to buy land. Whilst, Kukis and Nagas can buy land anywhere in Manipur, including the valley where the Meitei community lives. Moreover, the infiltration of illegal immigrants from Myanmar into the valley of Manipur has exacerbated the struggle of the Meitei community. The Government of India considered the Meitei community as tribals, prior to the Treaty of Accession in 1949- when the Kingdom of Manipur

merged with India. However, after its merger, the Meitei community was put under the General Category. In 1979, they were granted the OBC category by the Socially and Educationally Backward Classes (SEBC) Commission. They had been struggling to attain the ST status for quite a while now. In the recent judgement of the Manipur High Court, Mutum Churamani Meitei and 5 others v the State of Manipur and 3 others, the counsel of the petitioner alleged that during the preparation of Scheduled Tribe lists of India under Article 342 of the Constitution of India, the Meitei/Meitei community were left out. However, there is documentary evidence showing the earlier Meitei/Meitei community also belonged to the tribal community. On these grounds, the High Court of Manipur granted the ST Status to the Meitei community. However, the Court did not consider its implications on the Kuki and the other tribal communities of Manipur, completely disregarding its repercussions on the state of Manipur.

The High Court's decision enraged the Kuki community for numerous reasons. Firstly, 40 out of 60 seats in the State Assembly are already reserved for the Meitei Community, although they consist of 53% of the population of Manipur. This implies that the Kuki community, along with the other tribal communities in Manipur, lack representation in the State Government. Furthermore, the Meitei community is, already, a forward community in Manipur and has better access to educational and job opportunities than the rest of Manipur. They live in the Imphal valley and enjoy the benefits of development, from which, the Kuki community is largely rendered isolated and excluded.

### **UNION'S SILENCE ON THE MANIPUR VIOLENCE**

Amidst the mayhem, the people of Manipur expected the Centre to do something about the entire situation. Thomas Hobbes, in his social contract theory, argues that people cede their powers to the sovereign, in expectation of an exchange for protection and tranquillity. However, the horrific violence in Manipur is the real-world example of the repercussions the people face when the sovereign becomes passive. In Hobbes' definition, Manipur has largely turned into the "state of nature" due to the inaction on the government's part.

The grievances of the people of Manipur were rendered unacknowledged and unaddressed for a long time until the Union Home Minister, Amit Shah, one and a half years after the violence erupted in Manipur, finally decided to look into its root-cause. The Home Minister has attributed the situation in Manipur to issues arising from the India-Myanmar border. To address this, the

government has initiated a border fencing project, completing 30 kilometres so far. Amit Shah also announced plans to secure the entire 1,500-kilometer border, with CRPF forces stationed at key points to prevent unauthorized crossings. Additional steps include revoking an earlier agreement between India and Myanmar that allowed unrestricted cross-border movement. Entry into India from Myanmar is now permitted only with a valid visa. As much as these steps are appreciated, the Centre could have looked into the matter much sooner and evaded this situation, in the first place.

Furthermore, the situation of Manipur was exacerbated when the media came to play. Instead of making the people from the rest of India aware of what was happening in Manipur, much misinformation was circulated throughout the country. Numerous unverified reports and fabricated videos had already been shared, including clips claiming to depict Meitei women allegedly being assaulted by Kuki men in the initial days of the conflict. The fake news led to violent reprisals that escalated into a series of horrific crimes against Kuki women, becoming victims of targeted sexual violence. For example- a video from May that surfaced, showed two Kuki women who were stripped naked, subjected to sexual assault, and then compelled to walk in front of a group of men belonging to the dominant Meitei community. Journalists and media professionals reporting from Manipur note a significant bias in news coverage, which greatly obstructs the collection and dissemination of information. As disheartening as it is, the Centre continued to avoid the subject matter at hand.

### **THE REPEAL CASE, 2024**

Frustrated by the inaction on part of the Government and the continued violence in the state, the applicants of All Manipur Union registered an appeal case registered against the first order. The Applicants challenged the jurisdiction of the Manipur High Court in granting the ST status to the Meitei community. Subsequently, the initial order was repealed and the ST status to the Meitei community was abrogated. This also points out to the incoherent behaviour of the Judiciary and its inefficient analytical adroitness in predicting the potential implications and grave repercussions of its orders.

## RECOMMENDATIONS

To elude such conflicts, on part of the Judiciary, judicial restraint should be practiced, wherever pertinent. Moreover, judicial prudence in analysing the socio-political reverberations is much needed.

On part of the government, it is pivotal to increase the number of seats for the tribal communities in the state legislature of Manipur to ensure equal representation to all. It is also necessary to invest in infrastructural projects and other initiatives to counter economic disparities in the hill districts. It would ensure that the benefits of development are accessible to the tribal communities, as well. Moreover, the Scheduled Tribes Act should be amended to reflect the current socio-economic profile of the tribes, ensuring an equitable and proportional distribution of land among all communities within the state.

The concurrent rise of Naga nationalism in the neighbouring state of Nagaland has also resulted in a heightened presence of the National Socialist Council of Nagaland (NSCN) in Manipur, exacerbating the situation. In response, the Kuki tribes have begun to organize their own groups to counter the Nagas. The government should refrain from adding more communities to the Scheduled Tribe list and instead reassess the Act based on the latest socio-economic census to enhance equity. As the number of communities recognized as tribes increases, there will be mounting pressure to address this issue. The political class's reluctance to engage with this matter for electoral reasons could lead to further violence. Moreover, it must be unequivocally stated that acts of violence committed in the name of Jesus or Krishna will not be tolerated and will not go unpunished. Restoring normalcy in Manipur will necessitate addressing all these factors through a comprehensive approach involving the government, civil society, and the people of Manipur.

Any future reconsideration of Scheduled Tribe status must include mandatory consultations with all affected ethnic groups, civil societies, etc. Reservation policy must not be modified without the involvement of every such affected group. Moreover, the concept of Judicial Impact Assessment must be adapted by courts deciding over the identity-based claims, particularly in conflict-prone regions. This will assist in evaluating the potential social fallout resulting from any decision.

## CONCLUSION

The exclusive benefits tribals of Manipur are entitled to, including the Kuki community, were restored, following the *2024's repeal judgement*. But at what cost? The period between these two judgements was almost a year. A year of ferocity is enough time to annihilate any place. Manipur had been blown to smithereens and neither the people nor the government, seem to care so much.

Manipur has witnessed a series of violence, ever since it became a part of India, primarily based on ethnic conflicts. The inaction of various state agencies, the judiciary and the spectators of the Manipur violence- the citizens of India, has been gravely detrimental to Manipur's development and security.

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