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# **MANIPUR- AN ETHNIC VIOLENCE**

AUTHORED BY - HARSHITHA. S

## **ABSTRACT**

*Manipur a north-eastern state in India was embroiled in an ethnic violence due to a clash between valley-dwelling Meiteis and the hill-based Kukis. The primary reason for the issue is the demand for Scheduled Tribe status by the Meiteis because the current legislation in Manipur prevents Meiteis from purchasing land in the hilly region whereas the Kukis who were already granted the status of Scheduled Tribe can purchase land in the valley region. This essay briefly explains the demands made by both Meiteis and Kukis regarding tribal status by analysing the existing constitutional provisions. It further delves into the reasons behind the violence by examining the triggers such as illegal immigration, eviction drive and the high court's order that led to the breakout of this violence. This paper further analyses the legal provisions that have been violated and the constitutional rights that were restricted during the violence. It also generally examines other factors such as the Government's intervention, media coverage, and all other actions taken towards resolving the conflict. It proposes possible solutions to resolve the ongoing issue. This article concludes by stressing that the government must take effective steps to prevent future conflicts in our country.*

*Keywords: Meiteis, Kukis, eviction drive, violence, tribal status, illegal immigration.*

## **I. INTRODUCTION**

Manipur, a state in India, is currently facing ethnic violence due to a clash between the tribal Kukis and the Meiteis. The conflict is primarily between the valley-based Meiteis and the hill-based Kukis, which arose from the Meiteis' demand for scheduled tribe status but there were al other factors that triggered the violence as well. This essay will examine the reasons for the violence and analyse the general and legal aspects of the issue and propose some possible solutions to be sought out by the government to resolve the conflict in Manipur and restore peace in our nation.

## II. MANIPUR- A BRIEF HISTORY

### A. Geography of Manipur:

The north-eastern Indian state of Manipur is situated between Myanmar to the east, Assam to the west, Nagaland to the north, and Mizoram to the south.<sup>1</sup> The state has a population estimated at 3.3 million.<sup>2</sup> The area of Manipur is predominantly hilly, forming up to 90 per cent of the region, while the remaining 10 per cent consists of a valley. The majority of the population, around two-thirds, is located in the valley region.<sup>3</sup>

### B. Ethnic Groups in Manipur:

The three primary tribes residing in Manipur are the Meitei, Kuki, and Nagas. Approximately, the Meitei community makes up 56% of the state, while the Kuki tribal community makes up 28% of the population and the Nagas and other communities constitute the remaining 16%.<sup>4</sup> The Meiteis, who are primarily Hindus, dominate the Imphal valley (plain region) whereas the Kukis and other tribes, who are mostly Christians, dominate the hilly region; other religions are also present among them and the Meiteis were granted the status of Other Backward Class (OBC) and Scheduled Caste (SC), while the Kukis, Nagas, and other hill tribes were determined as Scheduled Tribes (ST).<sup>5</sup>

### C. Kuki Migration:

History depicts that the Meiteis are indigenous people of Manipur whereas the Kukis have migrated to the state over time. In the 18th century, the ruling king of Manipur faced recurring conflicts due to raids from neighbouring Naga territories and so in order to create a demographic buffer, he resettled the Kukis in the hilly regions of Manipur.<sup>6</sup> In 1819, the Burmese kingdom (now Myanmar) invaded Manipur and caused destruction and to fight against them, Emperor Gambir Singh agreed with the British, to grant them control over the state administration in

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<sup>1</sup> 'Manipur' (*Encyclopædia Britannica*, 13 October 2023) <<https://www.britannica.com/place/Manipur>> accessed 13 December 2023.

<sup>2</sup> 'Manipur' (*Encyclopædia Britannica*, 13 October 2023) <<https://www.britannica.com/place/Manipur>> accessed 13 December 2023.

<sup>3</sup> Zou T, 'Distribution of Ethnic Groups in Manipur Hills' (2018) 8 *Journal of North East India Studies* <<https://www.jneis.com/8-2-3/>> accessed 23 October 2023.

<sup>4</sup> Nigombam M (*Geographical study of Manipur*) <<https://themanipurpage.tripod.com/geography/popugeo.html#3.%20PEOPLING%20OF%20THE%20REGION.>>> accessed 23 October 2023.

<sup>5</sup> Admin M (*The people - Manipur Science and Technology Council (MASTEC)*) <<https://mastec.nic.in/index.php/the-people.html>> accessed 23 October 2023.

<sup>6</sup> Schoetz A and Das Y, 'When Did Kukis Reach Manipur and How the Past Is Shaping the State's Present' *INDIA TODAY* (4 August 2023) <When did Kukis reach Manipur and how the past is shaping the state's present> accessed 31 October 2023.

exchange for their assistance.<sup>7</sup> This agreement led to the Anglo-Burmese War, which was won by Britain and to prevent future invasions, Kuki tribes from Chin, Tripura, and Mizoram were relocated to the hilly regions of the state.<sup>8</sup>

#### **D. Annexation with India:**

In 1947, the Maharaja signed the Instrument of Annexation in 1949, ceding defence, external affairs, and communication to India and as a result, Manipur was listed in the C category of Schedule I of the Indian Constitution.<sup>9</sup> Until 1947, Manipur was a princely state and in 1956, the 17th Amendment of the Constitution declared Manipur a Union Territory, and it was later declared as a state under the 27th Amendment in 1972.<sup>10</sup>

#### **E. Special provision:**

Article 371C of the Indian Constitution empowers the President to order a Legislative Assembly consisting of members elected from the hill area, and the Governor must make regular reports on the condition of the Hill areas.<sup>11</sup>

### **III. SCHEDULED TRIBE STATUS FOR KUKIS**

Before the 1949 agreement, Meiteis, Kukis, and other communities of Manipur were recognized as tribes but after the said agreement, the tribal status granted to the Meiteis was withdrawn while the status of the Kukis and Nagas remained the same.<sup>12</sup>

The Kukis were recognized as Scheduled Tribes as per the Constitution (Scheduled Tribes) Order of 1950 and the Meiteis also claim the recognition of their community as a scheduled Tribe.<sup>13</sup>

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<sup>7</sup> *ibid*; 'Manipur Directory' ([www.manipuronline.in](http://www.manipuronline.in)) <<https://www.manipuronline.in/about/profile>> accessed 12 October 2023.

<sup>8</sup> Singh B, 'Manipur: A Look into Migration and Identity of Kuki Tribe' <[https://organiser.org/2023/05/17/174501/bharat/manipur-a-look-into-migration-and-identity-of-kuki-tribe/#google\\_vignette](https://organiser.org/2023/05/17/174501/bharat/manipur-a-look-into-migration-and-identity-of-kuki-tribe/#google_vignette)> accessed 21 October 2023.

<sup>9</sup> S.M.A.W. CHISHTI, 'POLITICAL DEVELOPMENT IN MANIPUR 1919-1949' (dissertation, 1980) <<https://core.ac.uk/download/pdf/144521638.pdf>> accessed 12 October 2023.

<sup>10</sup> *ibid*.

<sup>11</sup> The Constitution of India 1950, art 371C (The Constitution).

<sup>12</sup> 'High Court Judgment and Violence in Manipur Explained' (*SCC Blog*, 12 May 2023) <<https://www.scconline.com/blog/post/2023/05/06/high-court-judgment-violence-in-manipur-explained-legal-news/>> accessed 13 August 2023.

<sup>13</sup> The Constitution (Scheduled Tribes) Order 1950.

#### IV. BREAKOUT OF THE VIOLENCE

On 3 May 2023, ethnic violence broke out in Manipur between the Meitei and Kuki communities.<sup>14</sup> The All-Tribal Student Union Manipur (ATSUM) organized a "Tribal solidarity march" in all hill districts of Manipur.<sup>15</sup> An uncontrollable outbreak of violence ensued, resulting in stone pelting, vandalism, and arson.

The timeline of events is as follows,<sup>16</sup>

March 27- the Manipur High Court ordered the state government to consider granting ST status to the Meiteis in response to a petition filed by the Manipur Tribes Union.<sup>17</sup>

April 28- Tribal bodies (Nagas and Kukis) expressed their displeasure against their eviction from the hilly region due to suspicion of poppy cultivation. Section 144 of CrPC was imposed along with a 5-day internet shutdown.

May 3- More than 60000 people turned to a solidarity march in the districts of hilly areas.

May 4- More brutal violence such as mob lynching, sexual assault, and burning of houses were reported. The Rapid Action Force was deployed along with the Army, CRPF, Assam Rifles, and government-issued shoot-at-sight orders in extreme situations.

May 6- Residents were displaced to Mizoram and Assam for shelter. More Vigilance in Indo-Myanmar border.

May 17- The Supreme Court said that the order passed by Manipur High Court is invalid.<sup>18</sup>

May 30- The Internal Affairs minister of India visited Manipur and announced the creation of a Judicial committee.

July 19- Two women being paraded naked and molested by a mob of Meitei men surfaced on the internet and sparked National outrage.<sup>19</sup>

July 20- The Supreme Court took Suo motu cognizance of the offense and asked the Centre and

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<sup>14</sup> Kaushik K and Prabhuswamy R, 'Manipur: Ethnic Violence in the Indian State Explained' (*Reuters*, 21 July 2023) <<https://www.reuters.com/world/india/why-is-indias-manipur-state-grip-ethnic-violence-2023-07-21/>> accessed 11 October 2023.

<sup>15</sup> 'Manipur Violence Explained: History of Suspicion between Ethnic Groups Escalates Violence' *THE ECONOMIC TIMES* (9 May 2023) <<https://economictimes.indiatimes.com/news/how-to/manipur-violence-explained-what-is-reason-behind-manipur-riots/articleshow/100037069.cms>> accessed 14 October 2023.

<sup>16</sup> Vallooran G, 'From Contentious HC Order To Using Of Women As Instruments Of Violence: A Brief Timeline Of Deadly Manipur Clashes' *THE FREE PRESS JOURNAL* (20 July 2023). <<https://www.freepressjournal.in/india/from-contentious-hc-order-to-using-of-women-as-instruments-of-violence-a-brief-timeline-of-deadly-manipur-clashes>> accessed 14 October 2023.

<sup>17</sup> Lakshman A, 'Manipur High Court Allows Tribal Bodies to Appeal against Order on ST Status for Meiteis' *THE HINDU* <<https://www.thehindu.com/news/national/manipur-hc-allows-tribal-bodies-to-appeal-against-order-on-st-status-for-meiteis/article67442711.ece>> accessed 28 October 2023.

<sup>18</sup> 'Completely Factually Wrong: SC Slams Manipur HC Order on Meiteis and ST list' *THE WIRE* (17 May 2023) <<https://thewire.in/law/supreme-court-manipur-hc-meitei-scheduled-tribes-list>> accessed 12 October 2023.

<sup>19</sup> 'Women Paraded Naked in Manipur: CBI Chargesheet against 6, Juvenile' *THE INDIAN EXPRESS* <<https://indianexpress.com/article/india/cbi-files-charge-sheet-against-6-people-juvenile-in-manipur-case-8986303/>> accessed 30 October 2023.

state government to take action.<sup>20</sup>

August 8- The Supreme Court appointed an all-women panel to oversee the investigation to be conducted by 5 officers of DSP rank from other states.<sup>21</sup>

September 23- Protest over the killing of two students. The Armed Forces (Special Powers) Act was extended for 6 months in Manipur.<sup>22</sup>

October 7- Mobile internet service ban extended till October 11.<sup>23</sup>

November 14 - The Internet ban was extended till November 18.<sup>24</sup>

November 28- The SC panel submitted a report on the death of 166 victims of violence.<sup>25</sup>

## V. REASONS FOR THE ISSUE

### A. Meiteis' Demand:

The Scheduled Tribe Demand Committee of Manipur (STDCM) began demanding the ST status for the Meitei community in 2023 and the reason behind the demand being said by the Meiteis is that the granting of ST status would help preserve their ancestral land.<sup>26</sup> Since only 10 per cent of the state is made of the valley region, the Meiteis are afraid that their culture and heritage might be influenced by the other tribes if they start living among them and they may lose their identity.<sup>27</sup> Moreover, The Manipur Land Revenue and Land Reforms Act, of 1960 prohibits the transfer of tribal lands to non-tribal except under special permission thereby preventing Meitei from buying land in hill districts whereas, the people of the hilly region can purchase land in the valley region.<sup>28</sup>

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<sup>20</sup> Sharma P, 'Deeply Anguished, Using Women as Instruments of Violence Unacceptable': Supreme Court Takes Suo Motu Cognizance of Manipur Video' (*Live Law*, 20 July 2023) <<https://www.livelaw.in/top-stories/supreme-court-takes-suo-motu-cognizance-of-manipur-video-233149?infinite-scroll=1>> accessed 13 October 2023.

<sup>21</sup> Rajagopal K, 'In Supreme Court's "Healing Touch", an All-Women Committee of Three Former High Court Judges to Oversee Relief in Manipur' *THE HINDU* <<https://www.thehindu.com/news/national/sc-on-manipur-violence-3-former-women-judges-to-oversee-humanitarian-measures/article67167933.ece>> accessed 23 October 2023.

<sup>22</sup> 'AFSPA Extended in Manipur for 6 Months from Oct 1 barring 19 Police Stations of the Valley' *TIMES OF INDIA* (27 September 2023) <<https://timesofindia.indiatimes.com/city/imphal/afspa-extended-in-manipur-for-6-months-from-oct-1-barring-19-police-stations-of-valley/articleshow/103989324.cms>> accessed 26 October 2023.

<sup>23</sup> Shirin B, 'Manipur Internet Ban Extended till October 11 amid Unrest, Violence' *INDIA TODAY* (7 October 2023) <<https://www.indiatoday.in/india/story/manipur-internet-ban-extended-till-october-11-amid-unrest-violence-2445789-2023-10-07>> accessed 23 October 2023.

<sup>24</sup> Shirin B, 'Manipur Government Extends Mobile Internet Ban till November 18' *INDIA TODAY* (14 November 2023) <<https://www.indiatoday.in/india/story/manipur-government-extends-mobile-internet-ban-till-november-18-2462496-2023-11-14>> accessed 25 November 2023.

<sup>25</sup> Singh V and Lakshman A, 'Supreme Court Panel Submits Report on Manipur Victims' *THE HINDU* <<https://www.thehindu.com/news/national/manipur-government-data-shows-kin-of-less-than-half-the-victims-paid-compensation/article67583885.ece>> accessed 30 November 2023.

<sup>26</sup> Kipgen L and Kipgen N, 'Intricacies Of Meiteis' ST Status Demand And The Hill-Valley Divide In Manipur' *Outlook* (29 May 2023) <<https://www.outlookindia.com/national/intricacies-of-meitei-s-st-status-demand-and-the-hill-valley-divide-in-manipur-news-290275>> accessed 30 October 2023.

<sup>27</sup> *ibid*; Donthi P, 'What's Behind the Manipur Violence and Why Stopping It Poses a Test for Modi' *THE WIRE* (27 July 2023) <<https://thewire.in/security/manipur-violence-reasons-failure-and-solution-q-and-a>> accessed 27 October 2023.

<sup>28</sup> The Manipur Land Revenue and Land Reforms Act 1960.

**B. Kukis' contention:**

The Kukis predominantly reside in the hilly region and oppose the demand of Meiteis. Since the Meiteis predominantly reside in the valley region of Manipur, they are comparatively more well-developed socially and economically than the people of the hills.<sup>29</sup> Moreover, they contend that the people of the Meitei community come under the OBC and SC categories and they were given fair opportunities already and they also believe that ST status and special provisions regarding land transfer of the Kukis make them feel protected against the Meiteis because the majority of the population are Meiteis.<sup>30</sup> Moreover, the political representation of Kukis is inadequate which is yet another reason to oppose Meiteis' demand.<sup>31</sup>

**VI. TRIGGERS FOR THE VIOLENCE**

There has always a disagreement between the Maitais and Kukis since 2012 but it erupted into violence due to the three following triggers<sup>32</sup>,

1. Illegal immigration from neighbouring countries<sup>33</sup>.
2. Forceful eviction due to poppy cultivation on the hill.
3. Manipur High Court's order favouring the Meiteis.

**1. Illegal Immigration:**

Manipur shares most of its border with the country Myanmar which experienced a coup in February 2021 and since then the refugees from the war-torn country started immigrating to Manipur, Nagaland, Mizoram, etc, it was contended by the Meiteis that the Kukis of the hill districts are aiding these refugees to illegally immigrate to Manipur.<sup>34</sup> In 2022, The state government started an eviction drive in the reserved forest region to remove the encroachers.<sup>35</sup>

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<sup>29</sup> Harad T, 'ST Status for Manipur's Meiteis: What Is at Stake?' *the quint* (6 May 2023) <<https://www.thequint.com/news/politics/manipur-violence-st-status-for-meiteis-valley-vs-hills>> accessed 27 October 2023.

<sup>30</sup> Kipgen (n 26).

<sup>31</sup> Rathore S, 'Navigating the Kuki-Meitei Conflict in India's Manipur State' *THE DIPLOMAT* (1 August 2023) <<https://thediplomat.com/2023/08/navigating-the-kuki-meitei-conflict-in-indias-manipur-state/>> accessed 23 October 2023.

<sup>32</sup> *Manipur Violence 2023 | Why Law & Order Is Missing?* (YouTube 2023) <<https://www.youtube.com/watch?v=ioRnpUSogG0>> accessed 14 October 2023.

<sup>33</sup> Kalita P, 'Over 2,000 Illegal Immigrants from Myanmar in Manipur: Govt report' *TIMES OF INDIA* (22 June 2023) <<https://timesofindia.indiatimes.com/city/imphal/over-2000-illegal-immigrants-from-myanmar-in-manipur-govt-report/articleshow/101176400.cms>> accessed 23 October 2023.

<sup>34</sup> Yadav D and Saha B, 'Refugee Camps, Border Issues: Understanding Influx of Illegal Immigrants from Myanmar to Manipur' *INDIA TODAY* (4 August 2023) <<https://www.indiatoday.in/india/story/illegal-immigration-from-myanmar-to-manipur-2416334-2023-08-04>> accessed 24 October 2023.

<sup>35</sup> Levion J, 'Manipur Govt Intensifies Eviction Drive against "Illegal Encroachers"' *THE INDIAN EXPRESS* (13 June 2023) <<https://indianexpress.com/article/north-east-india/manipur/manipur-69-illegal-encroachments-dismantled-in-waithou-protected-reserved-forest-under-thoubal-district-7966284/>> accessed 23 October 2023.

Earlier in 2023, when the eviction drive reached Cherachandpur, disagreement between the forest dwellers and the authorities arose and acted as one of the triggers for this violence.<sup>36</sup>

### **2. Eviction drive in hill districts:**

As per data released on May 16 2023 by K. Megachandra Singh, Superintendent of Police of Narcotics and Affairs of Border, about 15,496 acres are used for poppy cultivation among which 13,121 acres were in the area dwelled by the Kukis.<sup>37</sup> Thus, the State government started the eviction drive to control such poppy cultivation in the hilly region of Manipur.<sup>38</sup> The Kukis felt that they were being targeted by the government and expressed their disagreements which acted as a trigger for the violence.

### **3. Manipur High Court's Order:**

The Meitei Tribe Union members filed a writ petition in the High Court and the court gave an order on March 27 2023 stating that “the government should consider including meiteis as tribes under St category”.<sup>39</sup> Though the Supreme Court clearly stated that the High Court has no power to give directions regarding the inclusions in the ST category and it is wholly upon the Parliament to decide, the said order acted as a trigger for the violence.<sup>40</sup>

## **VII. LEGAL ANALYSIS**

### **A. Scheduled Tribe under the Constitution:**

Article 366(25) of the constitution defines scheduled Tribes as “such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes.”<sup>41</sup> Article 342 states that “the president with respect to any state, may by notification, specify the tribe to be a scheduled Tribe with the consultation of the governor. The Parliament may by law include or exclude the tribe from the ST category.”<sup>42</sup> As per Article 342

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<sup>36</sup> Hasnat K and Meitei N, ‘After Kuki Tribal Bodies’ Call for “Shutdown” over Evictions, Manipur District Sees Sporadic Violence’ *The Print* (28 April 2023) <<https://theprint.in/india/after-kuki-tribal-bodies-call-for-shutdown-over-evictions-a-district-in-manipur-in-state-of-uneasy-calm/1544786/>> accessed 24 October 2023.

<sup>37</sup> Achom D and Choudary R, ‘15,400 Acres Under Poppy Cultivation in Manipur, 2,500 Arrested In 5 Years: Sources’ *NDTV* (16 May 2023) <<https://www.ndtv.com/india-news/15-400-acres-under-poppy-cultivation-in-manipur-2-500-arrested-in-5-years-sources-4040264>> accessed 20 October 2023.

<sup>38</sup> ‘Manipur Government Continue to Eradicate Illicit Poppy Cultivation’ *The Morung Express* (16 November 2023) <<https://morungexpress.com/manipur-government-continue-to-eradicate-illicit-poppy-cultivation>> accessed 28 November 2023.

<sup>39</sup> Ohri R, ‘Manipur High Court Order to Include Meiteis in ST List Wrong:’ *The Economic Times* (18 May 2023) <<https://economictimes.indiatimes.com/news/politics-and-nation/manipur-high-court-order-to-include-meiteis-in-st-list-rong-cji/articleshow/100312542.cms>> accessed 30 October 2023.

<sup>40</sup> The Wire (n 18).

<sup>41</sup> The Constitution, art 366.

<sup>42</sup> The Constitution, art 342.

of the Constitution, the Parliament and the President on the advice of the Governor alone have the power to enact a law regarding the inclusion and exclusion of groups in the Scheduled Tribes list.<sup>43</sup> A High Court does not have any power regarding this matter.

### **B. Process for Inclusion of Tribes:**

The criteria to recognise a community as a Scheduled Tribe are : (i) indications of primitive traits, (ii) distinctive culture, (iii) geographical isolation, and (iv) shyness of contact with the community at large.<sup>44</sup>

Any state or union territory's government must initiate the proposal for inclusion of a tribe to the scheduled Tribe list by submitting it to the Union Tribal Affairs Ministry and the Office of Regional General of India (ORGI).<sup>45</sup> If the ORGI approves the proposal then it is sent to seek the approval of the National Commission for Scheduled Tribes. After receiving their assent, the said proposal is directed to the cabinet for making an Amendment to the Constitution (Scheduled Tribes) Order, 1950.<sup>46</sup>

### **C. Laws Violated During the Violence:**

Article 19(1)(b) of the constitution gives the right to form an assembly provided that it should be unarmed and peaceful and it is subject to restriction under Article 19(3) if it tends to cause harm to the people.<sup>47</sup>

#### **(i) Indian Penal Code:<sup>48</sup>**

In India, there is no special legislation for communal or ethnic violence, but section 146 of the Indian Penal Code punishes the offence of 'rioting'. Several acts of violence had occurred which are punishable under this code.

- Section 141-An assembly of five or more member if their common object is to resist any law, commit mischief, assault, etc, constitute an "Unlawful Assembly".

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<sup>43</sup> *ibid.*

<sup>44</sup> 'Change in Criteria for Inclusion in ST List' <<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1514486>> accessed 20 November 2023.

<sup>45</sup> THE HINDU BUREAU, 'Current Procedure for Inclusion of Communities in Scheduled Tribes List Adequate, Centre Tells Rajya Sabha' (15 March 2023).

<sup>46</sup> *ibid.*

<sup>47</sup> The Constitution, art 19.

<sup>48</sup> The Indian Penal Code 1860.

- Section 146- Whenever force or violence is used by unlawful assembly or by any of its members, they are guilty of ‘Rioting’ and punished with imprisonment for two years under section 147.
- Section 153 A- the offence of promoting enmity between different groups on the grounds of religion, place of birth, residence, language, etc, is punished with imprisonment for up to 3 years.

During the violence, the people of Hill region who are considered to be mostly Christians were attacked and in extension to that many churches were destroyed.<sup>49</sup>

- Section 295- Injury or defiling a place of worship with intent to insult any religion is punished with imprisonment for 2 years or with a fine or with both.

During the violence, women were molested and sexually assaulted. Two women were brutally molested and paraded naked in the street by a mob of men from the Meitei community, and that video was spread widely and sparked outrage among people throughout India.<sup>50</sup>

- Section 376 punishes the offence of ‘Rape’ with life imprisonment or with 10 years and also a fine.
- Section 376D punishes Gang rape with life imprisonment till a person’s natural life.

### ***(ii) Curfew Imposed:***

Section 144 of the Criminal Procedure Code confers power to the senior Magistrates to issue orders in urgent cases of nuisance or apprehend danger to abstain any individual or persons residing in a particular place from doing certain acts.<sup>51</sup> The order issued under this section imposes restrictions on people from moving from one place to another and thus it was issued during the violence in order to prevent further destruction.<sup>52</sup>

### ***(iii) Constitutional Rights Restricted:***

#### ***1. Movement restricted:***

Article 19(1)(d)<sup>53</sup> of the Indian constitution ensures freedom of movement to all citizens but a

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<sup>49</sup> ‘Three Churches Demolished in BJP-Ruled Manipur for “Illegal Construction”: Reports’ *The Wire* (12 April 2023) <<https://thewire.in/communalism/three-churches-demolished-in-bjp-ruled-manipur-for-illegal-construction-reports>> accessed 12 November 2023.

<sup>50</sup> THE INDIAN EXPRESS (n 19).

<sup>51</sup> The Code of Criminal Procedure 1973.

<sup>52</sup> Laithangbam I, ‘Mobile Internet Blocked, Section 144 Imposed in Manipur’s Churachandpur District’ *THE HINDU* (28 April 2023) <<https://www.thehindu.com/news/national/other-states/mobile-internet-blocked-section-144-imposed-in-manipurs-churachandpur-district/article66788166.ece>> accessed 20 November 2023.

<sup>53</sup> The Constitution, art 19.

curfew under section 144 of the Criminal Procedure Code was imposed thereby restricting the movement of the people.<sup>54</sup>

## 2. Internet Ban:

In 2020, the Supreme Court declared that ‘access to the internet’ is a fundamental right under Article 19(1)(a) of the constitution<sup>55</sup> which guarantees freedom of speech and expression. This right was restricted to the people by banning the internet throughout the state.<sup>56</sup>

## 3. Right to education:

Many schools and educational institutions throughout Manipur were closed due to the violence<sup>57</sup> and thus the right to education under Articles 21<sup>58</sup> and 21A<sup>59</sup> of the constitution was affected.

## 4. Right to life:

The right to life ensured under Article 21 of the Constitution also implies liberty and the right to live with dignity. But, assaults on innocent people, sexual assaults on women, loss of lives<sup>60</sup>, and causing injury to someone, all these acts violate the above said right. Moreover, the state government issued a ‘shoot at sight order’ in extreme cases also violates this right.<sup>61</sup>

## 5. Sexual violence:

Though the reason for the violence is due to differences of opinion between two ethnic groups, women were made victims of sexual assaults during the violence thereby violating the right to life of women.<sup>62</sup>

## 6. Cultural Rights:

Article 29(1) guarantees all the citizens ‘having distinct language, script or culture of its own shall have the right to conserve the same’.<sup>63</sup> Thus, when one community does any act to disrespect another community it is considered to be violative of the said right.

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<sup>54</sup> *ibid.*

<sup>55</sup> Dutta P, ‘Internet Access a Fundamental Right, Supreme Court Makes It Official: Article 19 Explained’ *INDIA TODAY* (10 January 2020) <<https://www.indiatoday.in/news-analysis/story/internet-access-fundamental-right-supreme-court-makes-official-article-19-explained-1635662-2020-01-10>> accessed 21 October 2023.

<sup>56</sup> Rajvanshi A, ‘How Internet Shutdowns Wreak Havoc in India’ *TIME* (15 August 2023) <<https://time.com/6304719/india-internet-shutdowns-manipur/>> accessed 20 October 2023.

<sup>57</sup> Kachroo S, ‘Manipur Schools To Remain Closed Till July 8 Amid Violence In State’ *News 18* (1 July 2023) <<https://www.news18.com/education-career/manipur-schools-to-remain-closed-till-july-8-amid-violence-in-state-8221423.html>> accessed 14 November 2023.

<sup>58</sup> The Constitution, art 21.

<sup>59</sup> The constitution, art 21A.

<sup>60</sup> ‘Police Updates Statistics on Manipur Violence: 175 Officially Dead, 96 Bodies Yet Unclaimed’ *The Wire* (15 September 2023) <<https://thewire.in/government/manipur-death-toll-violence-missing-arms>> accessed 14 October 2021.

<sup>61</sup> Khan K, ‘Manipur Violence: What Are “Shoot at Sight” Orders and How Can They Be Imposed?’ *THE INDIAN EXPRESS* (8 May 2023) <<https://indianexpress.com/article/explained/explained-law/manipur-violence-shoot-at-sight-orders-8593823/>> accessed 21 October 2023.

<sup>62</sup> Shekar R, ‘CBI Charges 6 for Rape of 2 Manipur’ *The Times Of India* (17 October 2023) <<https://timesofindia.indiatimes.com/india/cbi-charges-6-for-rape-of-2-manipur-women/articleshow/104480969.cms?from=mdr.>> accessed 23 November 2023.

<sup>63</sup> The Constitution, art 29.

## VIII. GENERAL ANALYSIS

A demand for Scheduled Tribe status by an ethnic group resulted in uncontrollable brutal violence despite the presence of the army, Assam Rifles, CRPF and State police. Let us analyse the steps taken by the Government and the judiciary regarding the violence, the role of media, and also some possible solutions.

### A. False information:

One of the reasons for the violence to be triggered is the order passed by the Manipur High Court in favour of the Meiteis. Since the Supreme Court declared that the High Court does not have jurisdiction over the matter of inclusion or exclusion of tribes, the High Court has to make it clear to the public. However, the illegality of the order was not made known to the public and the only news about the order in favour of the Meiteis was widely circulated, which was a major reason for the violence.

### B. State's negligence:

Each state has an intelligence department to foresee any danger to the state. They submit reports regarding the status of a particular state to the Chief Minister of that state. If a state's intelligence department was functioning properly, the state government would have known about the possibility of a riot. So, it was either the negligence of the government or the failure of the state's intelligence that led to the violence.

### C. Government's intervention:

Since the state government failed to bring the situation under control, the central government was the people's only hope to take measures to dissolve the issue. Though the Central government attempted to form a peace committee comprising representatives of both communities and the representatives of the government, it failed because the representatives of both communities refused to join the committee and initiate peace talks.<sup>64</sup> The government was also reluctant regarding this matter and did not proceed further to establish the committee.

### D. Addressing the issue:

Though the Prime Minister of India addressed to the press that the perpetrators of sexual assault

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<sup>64</sup> Karmakar S and DHNS, 'Setback to Peace Efforts in Manipur as Kuki Groups Refuse to Be Part of Peace Committee' *DECCAN HERALD* (12 June 2023) <<https://www.deccanherald.com/india/setback-to-peace-efforts-in-manipur-as-kuki-groups-refuse-to-be-part-of-peace-committee-1227252.html>> accessed 9 November 2023.

against two Kuki women would be punished<sup>65</sup>, he failed to address the root cause of the issue.

Even a proper discussion regarding the issue was not made in the Parliament sessions.<sup>66</sup>

#### **E. Possibility of bias:**

Since the state legislature of Manipur is dominated by the members of the Meitei community<sup>67</sup>, there is a possibility that the members of the legislative assembly may have a bias that restricts them from taking action against the people of the Meitei community.

#### **F. Media coverage:**

Two women's modesty was sacrificed to get the attention of the nationwide media to address the violence in Manipur. Due to the internet shutdown and curfews, misinformation and false rumours were easily spread and added more fuel to the fire. Even some of the most popular news television channels failed to address the issue.

#### **G. Sua motu cognisance:**

After the video of two women being sexually assaulted by a mob was widely spread, the Supreme Court took Sua motu cognisance of that offence and ordered both the state and central government to take action against the offence.<sup>68</sup> On August 7, 2023, the Supreme Court appointed an all-women panel of judges to oversee the investigation carried out in Manipur regarding the 6500 First Information Reports filed during the violence throughout the state.<sup>69</sup>

### **IX. TIMELINE OF COMMUNAL VIOLENCE IN INDIA<sup>70</sup>**

1. Nellie massacre of 1983- Bengal-origin Muslims were massacred in Nellie in central Assam.

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<sup>65</sup>'Heinous Acts of Violence Committed against Women in Manipur' *The Times Of India* (10 August 2023) <<https://timesofindia.indiatimes.com/india/heinous-acts-of-violence-committed-against-women-in-manipur-can-never-be-forgiven-pm-modi-says/articleshow/102614065.cms?from=mdr>> accessed 16 November 2023.

<sup>66</sup> Nair K, 'Manipur Debate in Rajya Sabha Lost in a Maze of Rules' *THE HINDU* (9 August 2023) <<https://www.thehindu.com/news/national/with-only-two-sessions-remaining-manipur-debate-in-the-rajya-sabha-is-lost-in-a-maze-of-rules/article67176398.ece>> accessed 3 November 2023.

<sup>67</sup> Harad (n 29).

<sup>68</sup> Sharma P (n 20).

<sup>69</sup> Ojha S, 'Manipur: Supreme Court Forms All-Women Judicial Panel for Humanitarian Issues' *INDIA TODAY* (7 August 2023) <<https://www.indiatoday.in/law-today/story/manipur-violence-supreme-court-forms-all-women-judicial-panel-for-humanitarian-issues-2417527-2023-08-07>> accessed 20 November 2023.

<sup>70</sup> 'Communal Violence & Riots in India' (*Finology Blog - Latest Updates & News on Current Affairs and Laws in India*, 23 February 2023) <<https://blog.finology.in/Legal-news/communal-violence-and-riots-in-india>> accessed 14 November 2023.

2. An anti-Sikh riot of 1984- after Indira Gandhi was shot dead violence against Sikhs blew up.
3. Babri Masjid demolition of 1992- A Hindu mob demolished the historical Babri Masjid.
4. Gujarat riots of 2002- Hindu pilgrims were killed by a Muslim mob and as a result, a huge riot in Gujarat occurred.

Though, history taught us many lessons we still don't have any specific legislation for communal violence or mob violence in India.

## X. LEGISLATION FOR COMMUNAL VIOLENCE:

In 2005, the *Communal Violence (Prevention, Control and Rehabilitation of Victim) Bill*<sup>71</sup> was passed in the parliament but it was not enacted in our country and no steps have been taken to date to pass the bill as an Act.

The Government of Manipur passed an Ordinance in 2018 called the *Manipur Protection from Mob Violence Ordinance, 2018* which was made Act later punishes acts of mob lynching and other hate crimes and also imposes liability on the police officer who is in charge. The court can take cognizance without prior sanction of the state government to prosecute the authorities.<sup>72</sup> Although Manipur has specific legislation against mob lynching, it does not appear to be effective. If the legislation had been in full force, the violence could have been avoided in the early stages.

## XI. POSSIBLE SOLUTIONS

By analysing both meiteis and kukis demand some possible solutions are suggested below.

(i) Permanent lease:

The State government can make legislation with the provision of permanent leases in land transfer throughout the state. The people of the valley region may be given the right to take a lease of the land in the hilly region by way of permanent lease so that if the lessee dies without legal heirs the land will be restored to the heir of the lessor. This will be an effective way to safeguard the land of the hilly region as well as to satisfy Meiteis' demand for land.

(ii) Stringent drug laws:

Parliament or the state legislature should make strict legislation to control illegal drug cultivation

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<sup>71</sup> Communal Violence (Prevention, Control and Rehabilitation of Victim) Bill (2005-06) [115].

<sup>72</sup> Mander H, 'Showing the Way: On Manipur's New Anti-Lynching law' *THE HINDU* (17 January 2019) <<https://www.thehindu.com/opinion/lead/manipur-shows-the-way/article26007016.ece>> accessed 20 November 2023.

in the hilly region with severe punishments and appoint separate authorities to supervise it to make it more effective.

(iii) Increase in vigilance:

Since illegal immigration stands as an issue for the people of Manipur, more forces should be deported to the border to prevent illegal immigration from neighbouring countries. The illegal immigrants if identified should be prosecuted legally.

(iv) Unbiased mediator:

A committee with members representing various communities and ethnicities of Manipur should be formed along with members who take a neutral stance i.e., members not belonging to any of the communities existing in the state, should be formed. All demands made by each community should be scrutinized and an effective solution must be suggested in an unbiased manner. Such suggestions should also be submitted to the state government.

## **XII. RELEVANCY OF PRESIDENT RULE:**

Article 356 of the Constitution says that in case of failure of constitutional machinery in the state, the President may proclaim an emergency in the state and take over all the functions of the state government and the law-making authority will vest in the Parliament.<sup>73</sup>

Under Article 355 of the constitution, the Centre has the duty to protect the state from external aggression, Internal disturbance and war<sup>74</sup>. On December 16, 1992, when the Babri masjid was demolished, unrest took place in many states like Madhya Pradesh, Rajasthan, and Himachal Pradesh and so a state emergency was proclaimed.<sup>75</sup> Similarly, the ongoing riots and violence in Manipur also amount to the failure of constitutional machinery. However, the central Government does not seem to be interested in dissolving the existing state government. Thus, irrespective of the rule by either the Central or the state government, the ongoing issue is expected to be unaffected.

## **XIII. CONCLUSION**

The People of Manipur have faced many challenges due to the violence and innocent lives were affected as a result. Though the demands of both communities seem valid, violence will never be

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<sup>73</sup> The Constitution, art 356.

<sup>74</sup> The Constitution, art 355.

<sup>75</sup> Mehta D, 'The Ayodhya Dispute: The Absent Mosque, State of Emergency and the Jural Deity' (2015) 20 Journal of Material Culture 397.

the solution. Rather it is seen as another hurdle to achieve the demand. In order to restore peace in the violence-driven state the blame game needs to be stopped and the government should take effective steps towards it.

Violence in Manipur is a complicated web of historical, ethnic and political causes that continue to persist in the state. Thus, the government, judiciary and we people must work together to resolve the issue and restore peace in the state and also take steps to prevent future conflicts by formulating long-term solutions.

