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A  
STUDY OF  
THE LAND SYSTEM OF MANIPUR



LAW RESEARCH INSTITUTE  
EASTERN REGION, GAUHATI HIGH COURT,  
GAUHATI

(Sponsored by North Eastern Council, Shillong)

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## FOREWORD.

Manipur is an ancient land where a high degree of civilization exists. When some parts of Asia were in comparative darkness, Manipur was the brightest jewel (Mani) on the crown of Mother India. Since the dawn of civilization the State had a high level of culture. The way of life and the traditions of the people are unique in nature and quality. Manipur is famous for its picturesque landscape which enamours every visitor. The Manipuris are highly cultured and courageous, decent and determined, healthy and beautiful people. The highly developed culture and heritage holds great attraction for the brave and the bold, the noble and the learned. Even Lord Arjune lost his heart to a graceful lady and went back 'rich' in the real sense of the word.

The unique land system evolved by the Rajas of Manipur demonstrates the ingenious character of the civilization that existed and it also highlights the magnanimity and benevolence of those who wore the crown. The Rajas made extensive grants of land which were permanent, heritable and transferable to the deserved and the poor. The poor, the learned and the noble were never out of their mind. Grants of revenue-free tenures including "lairou" were made to deities and idols, and 'Sipahi Lau' grants of paddy land were made to soldiers to make provisions for the families of the soldiers who were out on duty. Those poor and hard-working persons who could reclaim waste land and made them fit for cultivation got returns for their sweat and blood in the form of 'Grants'. Although the Rajas were the absolute owners of all land, they could not resume the land without payment of "just compensation". How righteous were the Kings and their council of Ministers!

This little book is not a mere theoretical study made in a cosy chamber but is the result of untiring practical study on the spot and field investigations by a band of dedicated researchers of the Law Research Institute, Eastern Region, Gauhati High Court, Gauhati. How I wish I could participate in this project by collecting data and processing and recording the same in the lucid manner in which they have been done.

The Law Research Institute, Gauhati High Court, Gauhati, with the backing of a few determined and hard-working persons is creating history— recorded history. It is achieving the basic objects enshrined in part IV of the Constitution of India. No other Research Institution in this part of our country and, to my knowledge, in any part of India, has been able to perform so much within so short a time and that, too, with such meagre fund and without much material at disposal and without any guide or helpful

hand. It is not just an adventure but a determined march forward. Posterity will surely realise the value of this great achievement.

I have learnt much about the land systems of Manipur. I have got a wealth of information about the landscape and humandscape of Manipur, its early history, medieval history and the modern march forward. We shall be happy if we can give pleasure to, and quench the thirst of, the thinking persons who hunger for acquisition of new knowledge.

Agriculture is the kingpin of Manipur's economy, nay, of Indian economy. I recall the debate on the First Amendment Bill to the Constitution of India when Pandit Jawaharlal Nehru, the Prime Minister, enlightened the Parliament in his inimitable style and language -

"A survey of Asia today will lead any intelligent person to see that the basic and the primary problem is the land problem today in Asia and in India. And every day of delay adds to the difficulties and dangers, apart from being an injustice in itself."

The big-estate system or the Zamindari Institution in India has been abolished, but the chequered history of the progress of land reforms in Manipur requires new thinking. Whether the attempted reforms are merely a copy of the land-systems obtaining in other States? Whether they are of tardy nature or is there any failure? Whether the land systems evolved and introduced in Manipur are congenial, just and appropriate for the people and to the agriculturists of Manipur in particular? These and many other questions troubled me while going through this great little book. It has generated in my mind a hunger to know something more and to think something more.

I am sure that the learned who love India truly will think and evolve a means to establish a better society. In this wonderful land, its lovely people, more particularly the Law Department of the Government, should be inspired by the conscience of the Constitution. Are the existing laws sufficient for the purpose of fulfilling the basic objects of the Constitution, — that conjoint orchestrated desire of the people of India incorporated in the Preamble to the Constitution when the people of India solemnly resolved to constitute India Sovereign Democratic Republic to secure to all — JUSTICE, SOCIAL, ECONOMIC AND POLITICAL, EQUALITY OF STATUS AND OPPORTUNITY TO PROMOTE AMONG US ALL FRATERNITY ASSURING THE DIGNITY OF THE INDIVIDUAL AND UNITY OF THE NATION. At the hour of Independence on the night between the 14th and 15th August, 1947, when the clock struck twelve, India made a tryst with destiny. That tryst was for attaining "social justice to the poor....." which in Pandit Nehru's historic expression 'was to wipe every tear from every eye'. Have we redeemed the pledge? We desired agricultural

revolutions— green and white— and wanted to mould the land system to achieve that end. Have the land system laws clinched? Have we shown any ingenuity and moulded the land system to suit the brave and bold people of Manipur? Have we wiped away many tears?

We achieved our independence but another more significant period commenced, perhaps a more difficult one and of more arduous struggle— the struggle against poverty and squalor, against ignorance and injustice, against medievalism and socio-economic maladjustment. I say emphatically that the hour for drastic land reforms has arrived. Procrastination is a generator of problems and further procrastination may generate many more problems, and we have to hurry if we want to save the country and the people from peril and disaster.

This little book is a great one indeed. It acquaints the readers with my country's history which will help all to understand the evolution of its land system and the dependence of the legal institution on the surrounding historical background. It depicts the political history and gives an insight into the structure and operation of the government. The book helps in discerning and grappling problems. It also speaks about the theory of economic justice. Thus this compact book contains wealth of knowledge about political, social, economic and moral forces which are operative in the early legal order. You get the law in the book and also view the law in action— that is why, I said that the book does not merely present a paper formula but pictures a social reality. There are materials to resolve many many existing problems and many emerging problems. These are my monologue which you may treat as prologue. Skip over it, go forward and read the book between the lines.

I am grateful to Shri Bhisma Narain Singh, Governor of Assam and Meghalaya, Chairman of North Eastern Council and Sri P. H. Trivedi, Secretary, North Eastern Council for the contributions made by them in keeping alive one of the best Institutions of the Region. I shall be extremely happy if the publication could improve the lots of the agriculturists, the people of Manipur and four other States and the Union Territories within the jurisdiction.

I have special words of praise for Sri J. N. Das, Director of the study of Land Systems in this Institute and former Vice-Chancellor of the Dibrugarh University for breaking another new ground.

( K. LAHIRI )  
CHIEF JUSTICE CHAIRMAN.

## **ACKNOWLEDGEMENT**

The book is the out come of a study undertaken by the Law Research Institute which was sponsored by the North Eastern Council, Shillong. We have decided to publish the report in book form.

We are deeply grateful to the Hon'ble the Chief Justice- Sri A. Raghuvir, Chairman of the Law Research Institute for guiding our activities.

We gratefully acknowledge the help extended by the North Eastern Council, Shillong, providing fund for printing the report.

It is a great pleasure to acknowledge our indebtedness to Sri J. N. Das, I.A.S. (Retd.) for the preparation of this painstaking study, without whose guidance it should not have been possible to publish the report.

We would like to acknowledge with thanks the sincere help and co-operation received from Sri B. P. Saikia, Registrar (Admn.), Gauhati High Court and Secretary of the Law Research Institute in managing the organisation and in publishing and getting the report printed.

We are thankful to all the members of the research staff of the Law Research Institute who helped in completing the study. We wish to thank Sri B. Baishya for his help in every stage of the work. We are specially thankful to Sri D. K. Bharali who typed the manuscript with all sincerity. Lastly, we are very much grateful to the management and the staff of M/S. Adworld, Bamunimaidam, Guwahati-21 for printing the report in a book form.

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Dated the 29th  
December, 1989.

## PREFACE

**Genesis and object of the study.** The present volume is the fifth in a series of reports prepared by the Law Research Institute, Guwahati High Court, after an on the spot study of the land-systems of the North Eastern Region. The previous reports in the series relate to Assam, Arunachal Pradesh, Meghalaya and Tripura. The study was sponsored by the North Eastern Council, Shillong (vide its letter No. NRPF/14/81-82/16 Dt. 5.5.81). The object of the study was "to obtain a clear picture of ownership, tenures, alienation, use, survey, settlement and land-records of the States and Union Territories of the North Eastern Region".

**Method of the study.** 2. In order to make an on-the-spot study of the land-system of Manipur, a team of six Research Officers headed by the Director of the Study visited the State from the 21st January 1984 to the 11th February 1984. Twenty-eight typical villages were selected for study in consultation with the local officers, thirteen of which were situated in the Valley of Imphal and fifteen in the hill districts of Ukhrul, Tamenglong, Senapati, Chandel and Churachandpur.

3. In these villages, the Research Officers made a plot-to-plot study of the actual rights and obligations relating to the lands covered by the plots. The study of the plots clearly brought out the manner in which the occupant acquired the rights over a plot, the ambit and quality of the rights, the manner of succession by inheritance and transfer, the customary as well as legal restrictions on enjoyment of various rights, the period of jhum-cycle, the rights, if any, over the jhumlands, and so on. On the whole 1494 (or roughly 1500) plots were studied in this manner. Of these plots, 1084 lay in the hills and 410 in the plains. The results of the plot-studies were further checked by group-discussions with the village-leaders and interviewing key persons. On the whole 190 persons were interviewed.

**Extent of plain areas & hill areas and the cultivation practised.** 4. It may be noted in this connection that ninety percent of the territory of Manipur State is covered by hills and only ten percent by plains. The entire plain area is under permanent cultivation while in the hill-areas only jhum cultivation or terraced cultivation is practised. Terraced cultivation is permanent cultivation, and so the rights relating to such land emerge in the same manner as in the plain lands of the Valley. But how far these rights are recognised either by customs or by written legislation is the point to be studied; and this, among other things, was studied during the visits of our officers.

**Old and new Land systems.** 5. Manipur now has a written legislation, namely, the Manipur Land Revenue and Land Reforms Act, 1960. Prior to this Act, the ex-Ruler had his own system of land-administration which has

been described in some detail in Chapter III.

6. After Independence of India and the merger of the native State of Manipur with the rest of India, there was a temporary vacuum, which was sought to be filled up by adopting the Assam Land and Revenue Regulation, 1886, and the Bombay Vidarbha Region Agricultural Tenancy Act, 1957. Under the Assam Regulation, annual pattas and periodic pattas were issued and revenue-free grants recognised. Land-records were also prepared after a ground-survey of the valley lands. In 1960, the Manipur Land Revenue and Land Reforms Act 1960 was passed. But under the provisions of the new Act, there emerged some difficulties in adjusting the old structure created during the Ex-Ruler's time and the post-Independence period when the Assam Land Revenue Regulation 1886 and the Bombay Vidarbha Region Agricultural Tenancy Act 1957 had been in force. The difficulties faced have been discussed in Chapters VII and XIV of this report.

**The new Act does not apply to the hills.**

7. The Manipur Land Revenue and Land Reforms Act 1960 applies at present only to the plain districts. It has not yet been extended to the hill districts, and for good reasons. There are genuine difficulties in the way of extending the Act to the hill-areas inhabited by various Schedule Tribes. Even in the plain villages inhabited by the Scheduled Tribes, the application of the said Act has given rise to some peculiar problems (vide Chapter VII) which have not yet been solved. We have made our observation to the effect that there need be no hurry to extend the provisions of the Act to the hill-districts in a general way.

**Land system in hills regulated by customs. Two broad divisions.**

8. In the hill -districts, land system is regulated entirely by customs. Customs differ from tribe to tribe but there are also marked resemblances among them. Customs of the same, wider ethnographic group are similar. The tribes of Manipur may be broadly divided into two main groups, namely, the Naga group and the Kuki group. The village institutions of the Kuki group generally bear the mark of domination of the village Chief, and this feature is manifested also in the Kuki land-system, too. The Chief is supposed to be the owner of all lands in the village, and the cultivators hold their lands as his tenants.

9. The institutions of the Naga-group are comparatively more democratic and the land system is freer. Besides, almost a wholesale adoption of terracing by certain Naga tribes(e.g. Maos) has added a new dimension to the system of land-rights in the Naga villages. The Kabui Nagas, however, exhibit a slightly different feature. Though the Chiefship has no impact on their land-system, the emergence of a middle-group called Rampaos (who own the village lands and led them out to tenant cultivators) has distorted the general pattern of the Naga land system in their villages (vide Chapter X).

**Land Reforms.**

10. Though the Manipur Land Revenue and Land Reforms Act 1960 was modelled on the same

pattern as the Tripura legislation under the same title, non-enactment of a chapter on abolition of intermediaries appears to be a glaring omission. The application of ceiling law has not also yielded any large area of surplus land. On the other hand, a general absence of the 'Adhi' or 'Barga' system (share-cropping) is a good feature of the Manipur land-system. Fixed-produce rent, which does not vary with the yield, is, however, widely prevalent, but the customary rate of fixed-produce rent was found to be fixed at a reasonable level.

11. This study would not have been possible without the whole-hearted cooperation, at all levels of the administration of Manipur State. Best possible transport and accommodation in distant areas of difficult terrain were provided; reports, notifications, rules, regulations and other documents were made freely available; queries were answered and discussions held. We take this opportunity to offer our sincerest thanks to the State Government of Manipur and all the officials who extended their help. We also offer our grateful thanks to the non-official leaders and countless villagers who gave all-out help in collecting the data needed for our study.

Gauhati,  
31st March, 1985.

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# STUDY OF LAND SYSTEM OF MANIPUR.

## PART I - GENERAL.

### CHAPTER-1.

#### GENERAL DESCRIPTION OF MANIPUR.

**Land of jewels.** Manipur means the land of jewels. If jewel symbolises beauty, then no better name could be given to this renowned land of the east. A circular valley surrounded on all sides by range after range of deep green hills, each higher than the preceding one, with silver streams running into a huge lake,— with soft, refreshing wind blowing all the while,— all these combine to create a magic which even the stoniest of hearts cannot escape. Rightly has it been called the 'Switzerland of India'.

**Boundaries.** Manipur is one of the easternmost States of India bounded on the east and the south by Burma which has a common boundary for a stretch of about 352 Kms. A part of the southern boundary touches Mizoram. On the west stand two Assam districts, namely, North Cachar Hills and Cachar while the State of Nagaland borders the north.

**Area.** The State has a total area of 22,356 sq. Kms. nearly 90% of which or 20,126 sq. Kms. are covered by hills. The valley covering 2,230 sq. Kms. constitutes only about 10% of the total area of the State.

**Elevation.** The average height of the valley is about 790 metres above the mean sea-level. The hills which stretch from north to south rise, in some places in the north, to over 2,500 metres above the mean sea-level. Average elevation of the hills is, however, between 1,500 to 1,800 metres only. Both the hills and the valley gradually slope towards the south.

**Logtak lake.** In the lowest part of the valley in the south, there is a big lake called Logtak which is said to be the largest fresh-water lake in the north-eastern region. The size of the lake varies from 64 sq. Kms. in the dry season to about 104 sq. Kms. during the monsoon. The lake receives the waters of two rivers called Nambul and Nambol. The lake attracts tourists from all over the world.

**Rivers.** There are many important rivers in the State, of which Barak is well-known to the people of the neighbouring States. It rises from the Barail range, crosses the hills in the west and flows through the plains of Cachar district in Assam where it is a major river of considerable importance. Erung is another river of importance which ultimately joins Barak. Other rivers in the hill-region are Jiri, Sugunnu, Mukra, Lengba and Limatak. Jiri forms the boundary between Cachar and Manipur and falls into

**Barak.**

The chief rivers in the valley area are Imphal, Iryl, Thoubal, Nambul and Nambol.

All the rivers in the plains are utilized for irrigation and those in the hills are the chief means of sustenance of the terraced cultivation.

**Climate.** Climate of Manipur is salubrious. As the valley itself is 790 metres high, it has an enjoyable climate throughout the year. The surrounding hills are colder but the climate is bracing. Temperature ranges from 3°C to 38°C according to the location and height of the place. Average annual rainfall varies from 1100 to 3,500 millimetres. Maximum humidity in terms of percentage, is 100 and the minimum 22.

**Forests.** Total forest area is 15,514 sq. Kms. which forms about 68% of the total geographical area. Reserved forests cover 1,377 sq. Kms. (6%), protected forests 4,171 sq. Kms. (19%) and unclassed forests 9,606 sq. Kms. (43%). The forests contain valuable timber like Oak, jarul, nageswar, teak etc.

**Minerals.** Limestone, salt, iron-ore, copper, lignite, nickel, cobalt and chromite are the chief minerals which are understood to have deposit in various parts of the State.<sup>1</sup> Limestone is found occurring in Ukhrul areas, and also east of Palel, nickel and chromite in Chandel district, and lignite in Churachandpur. Main salt wells are situated at the foot of the hills to the north-east. In olden times, nearly the whole of the salt consumed by the people of the State was obtained from saltwells situated in the valley.

Iron-ore was, in old times, obtained from the beds of small streams south of Thoubal and hills near Langatel.

**Industries.** Manipur is not industrially developed. Though it has got a good deposit of limestone and vast forest resources, lack of power and skilled-labour, and unsurpassable hurdles in transport and communication have stood solidly against rapid development of major industries. However, a Khandsari sugar factory and a spinning mill have already been established. Besides, there are proposals for starting a cement factory, a strach factory, a sugar mill, and a pulp and paper mill.

But Manipur has been famous for centuries past for its handicrafts and handloom products. Its woolen and cotton scarfs in red-and-black setting are popular throughout India.

**Agriculture.** Agriculture is the mainstay of the economy of Manipur. About 70% of the total labour force of the State depends on agriculture for their living. Rice is the single most important crop accounting for 90% of the total agricultural produce and 86% of the total cultivated area. Rice is grown both in the hills and in the plains.

Maize is the next important crop but covers only 6% of the

cultivated area. Pulses, potato, sugarcane, chillies, tobacco and vegetables are other important agricultural crops. Citrus fruits and pineapples are grown in the hills.

According to 1981 census, the total population of Manipur is 14,20,953.

**Population.** The following table (Table 1) shows the distribution of population Between the Valley and the Hills:—

Table 1, Population of Plains & Hills.

Valley/ Hill	Area in sq. Km.	P. C. to total area of the State.	Popula- tion	P. C. to total po- pulation	Density per sq Km.
1	2	3	4	5	6
Valley of Manipur	2,230	10%	9,23,000	65	414
Hills of Manipur	20,126	90%	4,98,000	35	24
State as a whole	22,356	100%	14,21,000	100%	64

It will be seen from the table that about two-thirds of the total population are concentrated in one-tenth of the total area of the State. Density of population in the plain area is therefore very high, namely 414. The valley is thus one of the most densely populated area in India, the average density of the country being 207.9.

**Decennial growth of population.**

The following table (Table 2) shows the growth-rate of population since 1921:—

Table 2 — Decennial Population growth.

Decade	Decennial growth-rate (percentage).	
	Manipur	India.
1921-31	16.04	11.00
1931-41	14.92	14.22
1941-51	12.80	13.31
1952-61	35.04	21.51
1961-71	37.53	24.80
1971-81	31.57	24.43

The table shows that till 1951, the decennial growth rate was round about 14% and was more or less in conformity with the all-India rate. But in 1951-61 that is, in the decade after Independence, the growth rate jumped upto 35, and in the following decade to 37 and even in 1971-81, the growth rate has remained

substantially above 30. Natural rate of growth is round-about 20. and so there must have been heavy influx of immigrants into the State after Independence.

**Valley inhabited by Meithei.**

The valley of Manipur is inhabited by the Meitheis, the muslims, the Scheduled Caste people and a small number of Schduled tribe persons. According to 1971 census the Meitheis form about 57% of the total population, the Muslims 6.6% and the Scheduled Castes 1.5%.

**Hill areas inhabited by Scheduled Tribes.**

The hill-areas are inhabited predominantly by the Scheduled Tribes, who, according to 1971 census, formed 31.2% of the total State population, and according to 1981 census 27%. This reduction in the percentage is due to the smaller percentage increase (10%) of the tribal population compared to the percentage increase of the total population (31.57%) during the decade 1971-81.

**Population of major tribes (1971)**

There are 29 recognized Schduled Tribes in Manipur, the more populous among which are shown in the following table

(Table 3) :—

**Table 3.**  
**Population of major Schduled Tribes.**

Sl. No.	Name of the tribe.	Population (1971)	Remarks.
1.	Thadou	59,955	
2.	Tangkhum	57,851	
3.	Kabui	40,257	
4.	Mao	33,379	
5.	Paite	24,755	
6.	Hmar	23,312	
7.	Kacha Naga	13,026	
8.	Vaiphei	12,347	
9.	Zow	10,060	
10.	Maring	9,825	
11.	Mizo tribe	7,483	
12.	Anal	6,670	
13.	Kom	6,550	
14.	Gangte	6,307	
15.	Maram	4,539	
16.	other tribes	18,153	
Total		3,34,466	

**Tribes classed into two major groups.**

Though there are as many 29 tribes, they are broadly classified into two major

groups,— namely (1) The Nagas, and (2) the Kukis. In the Naga-group are included Tangkhul, Mao, Kabui, Kacha Naga, Maring and Maram tribes. The Kuki group includes Thadou, Paite, Hmar, Vaiphei, Zow, Mizos, Anal, Simte, Kom and Gangte. The customs of the Naga-group resemble those of the other Naga-tribes of Nagaland, while the customs of the Kuki group resemble those of the tribes living in Mizoram.

The Naga tribes inhabit the hills in the northern, western and eastern parts of Manipur, while the Kuki tribes are found mostly in the southern ranges.

**Administrative Divisions.** Previously the State of Manipur was divided into 6 districts, — 5 in the hills and 1 in the plains. These were as follows:—

- (i) Manipur Central (Plains).
- (ii) Manipur North,
- (iii) Manipur South,
- (iv) Manipur East, (Hills)
- (v) Manipur West, and
- (vi) Tengnoupal.

The plain district of Manipur Central has since been divided into three districts, bringing the total number of districts in the State to 8. The number of hill-districts has remained the same but their names have been changed. The names, areas, population and density are shown in the following table (Table 4):—

Table 4.

Administrative districts, area, population and density.

Sl. No.	Name of the District with the old name (in bracket)	Area in sq. Km.	Population (1981)	Density	Remark.
1.	Imphal (Manipur Central)	1295	5,56,146	429	
2.	Bishnupur (Manipur Central)	530	1,41,150	266	
3.	Thoubal (Manipur Central)	405	2,31,781	576	
4.	Senapati (Manipur North)	3417	1,58,741 (11%)	49	
5.	Tamenglong (Manipur West)	4344	60,359 (4%)	14	
6.	Churachandpur (Manipur South)	4581	1,38,149 (10%)	30	
7.	Ukhrul (Manipur East)	4409	82,129 (6%)	18	
8.	Chandel (Tengnoupal)	3375	55,629 (4%)	17	
	State as a whole	22356	14,20,953	64	

The highest density is thus found in the plain districts and the least in Temenglong which contains very steep hills, unsuitable even for hill-cultivation.

## CHAPTER XIV

### CONCLUSION

#### **Land system during the ex-Ruler's regim, uninfluenced by land administration in British India.**

Manipur is an ancient country, and till the Independence of India, it was a native princely State. The long spell of princely rule cut it off from the British administration in that part of the country which was then known as British India. In Bengal the British Government had introduced permanent settlement, and in Assam the raiyatwari system. None of these systems touched the fringe of the Manipur land system.

The ruler of Manipur developed his own system of land administration as described in detail in Chapter III of this report, but did not impose this system on the hill-people who occupied 90% of the territory under his rule. The hill-people were left undisturbed to follow their own customary land-system.

Claiming absolute ownership of all lands within his territory, the Raja made extensive grants of valley lands to Brahmins, priests, learned persons, sepoys and officials, free forever from payment of land-revenue. These grantees were intermediaries and got their lands cultivated by tenants who paid them rents in kind.

At the same time, however, a large number of cultivators held valley-lands directly from the Raja after reclaiming jungly waste lands and by paying land-revenue in kind.

The Raja maintained some sort of a rough and ready record-of-rights on the basis of which he used to collect land revenue in crops.

#### **Position after Independence A.L.R. extended to Manipur.**

After Independence, on the structure left by the Raja's administration was super-imposed the Assam Land and Revenue Regulation 1886. Under this regulation, the system of annual patta, periodic patta and revenue-free (Kharposh) patta was introduced. Lands were surveyed, maps were made, Chithas written up and Jamabandis prepared. The old structure of the Raja's time was somehow forced into the new pattern. This state of affairs continued till 1960, when the Manipur Land Revenue and Land Reforms Act 1960 was passed.

#### **The Manipur Land Revenue and Land Reforms Act 1960.**

Though this legislation, according to the preamble, was "an Act to consolidate and amend the law relating to land-revenue in the state of Manipur and to provide for certain measures of land-reform" no consolidation of the old laws is traceable, and the land-reform provisions are also marred by certain gaps.

#### **Gaps in the new law. No abolition of intermediaries.**

The most notable among these gaps is the omission to incorporate a chapter on

abolition of intermediaries. The intermediaries continued from the days of the princely State through the post-Independence period till the date of passing the new act of 1960. But the Act, instead of straightway abolishing the intermediaries, seems to have given them a fresh lease of life by indirectly recognising them as 'land-owners' under section 99. Whoever were 'pattadars' or 'settlement-holders' on the commencement of the Act automatically became landowners.

### **No definition of pattadars and settlement-holders.**

The words "pattadars" and "settlement-holders" have not been defined in the Act. So the intermediaries who had held revenue-free (Kharposh) pattas or periodic pattas under the Assam Land & Revenue Regulation 1886 during the period of 1950-1960, became landowners. And under section 100 of the Act of 1960, the land-owners were entitled to get their lands cultivated through tenants. Though under section 106, new tenancies could not be created by the land-owners, the continuation of old tenancies under the intermediaries was not barred. The result was that the most important component of land-reforms did not pick up the start. \* Of course there is a provision in the Act, namely Section 127, which provides for transfer of ownership of lands from landowners to tenants by issue of Government notification after 1975. But no such notification has been issued yet, so that old-time tenants have continued to stay as tenants and have not been brought into direct contact with the State Government as have been done in most other States of India. Tenancies, therefore, prevail on a larger scale in this State than in the neighbouring ones. Out of 366 plots studied, as many as 73 (20%) were under tenancies. According to the World Agricultural Census of 1970-71, the total rented area in Manipur formed 8.8% of the total cultivated area, whereas in Assam and Tripura, the proportions were 5% and 4.2% respectively.

### **Some good features of Manipur tenancy: (a) Records of rights prepared.**

But one good thing about the Manipur tenancies is that these have been brought on to the record of rights and the tenants given Khatians. Another good feature of the tenancy system of Manipur is that the rate of rent is not too high.

### **Rate of rent reasonable.**

Even from before the passing of the Act of 1960, the rate of rent in general was 12 pots per pari or about  $2\frac{1}{2}$  maunds per bigha. The Act provides for one fourth of the produce as the maximum rate of rent in case of crop rent, and considering the yield of Manipur Valley land, the rate of  $2\frac{1}{2}$  maunds per bigha seems to be more or less within the statutory limit.

### **"Adhi" or "Barga" system not popular.**

Another good feature is that "Adhi" or "Barga" system is not very popular in Manipur Valley, although the Act of 1960 does not prohibit it. Share-cropping is not much prevalent, -"fixed-produce" rent (i.e. certain fixed quantity of

crop per hectare) is the general rule. According to the World Agricultural census figures of 1970-71, 99% of the rented area was on terms of "fixed produce", the balance 1% being on crop-sharing basis.

Money rent is also not very popular in Manipur Valley. "Fixed produce" rent is a speciality of the Manipur tenancy system.

**Ejection prevalent.** Of the three F's (fair rent, freedom from ejection and fixity of tenure) which are the essential ingredients of a good tenancy system one, i.e. 'fair rent' has been more or less secured in Manipur Valley tenancy system. Of the other two, though the Act of 1960 has by section 119 provided against arbitrary ejection of tenants, ejections do take place rather easily, as the period for tenancy is often very short, or more often kept vague by the landlords.

**Fixity of tenure not prevalent.** The Act does not provide for acquisition of occupancy right (i.e. non-ejectable right) by virtue of possession for a specific duration of time, - as has been laid down in Assam Temporarily Settled Areas Tenancy Act 1971. In Assam, by virtue of possession for a continuous period of three years, a tenant acquires occupancy right which is permanent and heritable. Nowhere in the Manipur L.R. & L.R. Act, 1960 it is mentioned that the tenant's rights are permanent. In villages Andro and Lamsang instances were found where tenants cultivating the land for 12 years were ejected. Generally the tenants are in a weaker position and do not go to the court objecting against ejection. Hence the two F's, namely fixity of tenure and freedom from ejection are not very satisfactorily secured to the tenants.

**Prohibiting future tenancy is a good feature but certain exemptions not wise.** It is a good thing that, as a measure of land-reform, the leasing of land by a landowner after 1975 has been prohibited by

section 106 of the Act. But exemption from this prohibition allowed to certain institutions do not seem very wise, as there is a scope for misuse of such exemptions. Exemption in favour of a cooperative society is particularly objectionable, because a cooperative society is meant for abolishing middlemen, and it should not be allowed to convert itself to an intermediary. Similarly, a public charitable institution, a religious institution or a local authority may, if given opportunity, serve as a cover for continuing intermediary rights.

**Ceiling on land-holding. Acquisition of surplus land very small.** Imposition of ceiling on landholdings is another essential part of land-reforms. The M.L.R. & L.R. Act 1960 has made detailed provisions for

imposition of ceiling, but the actual area of surplus land available for acquisition was very small, namely, only 338.8 hectares. While it is true that the delay in bringing the chapter on ceiling into force gave wide-spread opportunity for evasions, it also appears to be a fact that there had not been too many large holdings having lands above the ceiling limit. The average size of a holding in Manipur

Valley was only 1.15 hectares in 1970-71, while the ceiling limit was 10 hectares. According to the figures of the World Agricultural Census 1970-71 the total number of holdings having an area of 10 hectares each or above was only 22 and the total area covered by these holdings was 378.66 hectares. These holdings formed only .026% of the total number of holdings in Manipur valley and the total area covered by them was .4% of the total area of all holdings.

Thus the delayed enforcement of ceiling law and the small sizes of holdings have contributed to the smallness of the area of surplus land available for acquisition under the ceiling law.

**Allottees a new class of holders land-rights.** Allottees are a peculiar class of holders of land-rights created by the Manipur Land-revenue and Land-reforms (Allotment of Land) Rules of 1962. It is difficult to say whether the Act actually intended to create a large class of new right-holders. Because a good land-system seeks to reduce to the minimum the different categories of right-holders. The more such classes, the more complicated the land-system. For example, in Assam, before Independence, there were owners of fully-revenue free estates, half-revenue-paying estates, permanent revenue-paying estates, estates with concessional rates of revenue for a specified period, periodic estates, annual estates, some owners having rights over mines, minerals, forests and fisheries, others having no such rights, -still others having no right of transfer, so on and so forth. Existence of such varying rights created a jungle of tenures. After Independence, land-reforms were pushed through, and now, although the law still mentions these estates, in actual field most of them have disappeared, -leaving the field pre-eminently to the periodic and the annual estates.

In Manipur, in Chapter IX, the section 99 recognized only one class of landowners, which brought within its scope, all the old tenures of the ex-Ruler's regime. It is true that the granting of new land belonging to Government to others for agricultural or industrial purposes has been dealt with in a separate section, namely section 14, which authorizes framing of new rules. That does not mean that the rules should create a new class of persons holding lesser rights than the 'land-owners' under section 99. The new allottees, after they have brought the whole area under cultivation within three years, may be given the status of 'landowners' and certificates issued to that effect. If they did not fulfil this condition, then the allotments could be cancelled, and their lands allotted to a new set of persons. In Assam, annual leases can be converted to periodic leases on fulfilling certain conditions. This can easily be done in Manipur also, and that would reduce a lot of complications. As it is, in the sample taken by the Law Research Institute, as much as 16% of the total studied plots were held by allottees with lesser rights than the landowners. The allottees cannot transfer their lands within 10 years from the date of allotment, except with the previous consent of the Deputy Commissioner. The allottees cannot sublet their lands; while a large number of landowners are mere intermediaries. These

restrictions, if confined to a limited period of 3 or 4 years. might be justified, but their continuation indefinitely in contrast to the position of the favoured-class of landowners seems to lack such justification.

**Annual pattadars.** Annual pattadars form another class of persons who are now in a quandry. Their position is best described in the words of a Govt. document, \* which have already been quoted in a previous chapter (Chapter VII) but bear repetition due to the importance of the problem.

"Annual patta:— This was a creature of the Assam Regulations.\* While the lease was supposed to be annual theoretically, in fact it was to continue indefinitely until determined by either of the parties.\* After the commencement of the M.L.R. & L.R. Act 1960, such leases became legally untenable, as this Act does not provide for such a kind of lease and the Assam Regulations were completely repealed. Subsequently, the annual leaseholders were given an option to obtain a jamabandi patta by paying certain amount of premium by 31.1.70. A large number of annual leaseholders thus became normal landholders. However, a considerable number of leaseholders could not convert their pattas, either on account of ignorance, or due to lack of diligence on the part of revenue-officials. The present status of such persons is that their land is to be treated as Government land, and they can only be recorded as "occupiers" in the dag Chitha."

**Annual pattadars seem protected under sec. 99.** This appears to be an unhappy situation. The annual pattadars wonder why their lands are now recorded as

'Sarkari'. Nor do they understand why they have to pay premium for lands which have been cultivated for a very long time. These lands are not like ordinary Government Khas lands settled under section 14 of the M.L.R. & L.R. Act, 1960. These were lawfully settled with them long before the Act of 1960 was born and they have been paying land-revenue for them. It does not appear to be the intention of the M.L.R. & L.R. Act 1960 to throw them into wilderness. On the other hand, it seems that the provisions of section 99 were enacted to protect them. Though the words "pattadars" and "settlementholders" have not been defined in the Act, (which omission seems a serious gap in the Act), it can be presumed that these words were meant to convey the same meaning as they did under the Assam Land and Revenue Regulation 1886, which just preceded the enactment of M.L.R. & L.R. Act 1960. If this presumption is correct, then the conclusion that the annual leaseholders, being settlement-holders at the commencement of the Act of 1960, already acquired the status of 'landowners' becomes inescapable. In that case realisation of premium from them seems not very proper, if not illegal.

The process of cancellation of annual leases and making the occupied lands 'Sarkari' and then demanding premium from the occupants has created some dissatisfaction among the Kuki hill-tribes who inhabit some villages on the fringe of Manipur

valley visited by the team of our officers. After Independence, while the Assam Land & Revenue Regulation 1886 was in force, some of these villages were surveyed and mapped and annual pattas issued. When the M.L.R. & L.R. Act 1960 was extended to these villages, the general Government policy of cancellation of annual pattas also operated there, and suddenly the people who had been cultivating their lands for generations found themselves to be in so-called unauthorised possession; and in the 'land-records', Sarkar (Government) was recorded as the owners of their ancestral property. This appeared to them unjustified if not illegal.

**Other problems created by the extension of the Act to the Kuki villages.**

The extension of the M.L.R. & L.R. Act 1960 to the villages inhabited by the Kuki-tribes has created many complicated problems besides that of the annual pattadars as mentioned in the preceding paragraph. We have already mentioned that the M.L.R. & L.R. Act 1960 was extended to 104 villages which are included in the hill-districts but are located at the fringe of Manipur Valley. Topographically these villages are similar to other villages of Manipur Valley, but the customs relating to the land-system of these villages are different. According to the perennial customs of the Kukis who inhabit most of these fringe-villages, all lands in a village belong absolutely to the Kuki Chief of that village. It is he who divides the land of the village among his followers for agricultural or residential purposes. Sometimes the Chief realises heavy premiums for settling lands in his village. At least in two villages, our officers came across such settlements where premiums ranging from Rs. 600/- to Rs. 1000/- per family were realised by the chiefs. The villagers were his tenants, and they used to pay regular rents in kind, besides other presents on certain festive occasions. Without abolishing the ownership rights of the Chief, how could these be brought directly into contact with State Government? Yet, this was done, — wrongly in our view— at the time of issue of annual pattas under the Assam Land & Regulation 1886. If any patta were needed to be issued as a symbol of the Government's sovereign right, it should have been issued to the Chief, not to the tenants, and in fact, many chiefs actually possessed Sanads granted by the King or by the British officers. This only proved the recognition on the part of the State Government of the customary rights of the chiefs over the village land. If an analogy is needed, the chief may be regarded as some sort of a Zaminder, as the Raja of Bijni or Gauripur was under the State Government of Assam. The actual cultivators in the Zamindars' estates were their tenants and they were later on brought into direct contact with the State Government by acquisition of the Zemindars' rights over land. Subsequently these tenants were granted annual and periodic pattas.

Overlooking this aspect of the matter, the State Government after Independence issued annual pattas to the tenants of the chiefs under the Assam Land & Revenue Regulation 1886. But the position was not rectified even after the enforcement of the M.L.R. & L.R. Act 1960 in these fringe-villages of the Kuki Chiefs. It was

rather further complicated by treating as Sarkari all unoccupied lands as well as the occupied lands covered by annual pattas which were now cancelled under the new Government policy. Once these lands were treated as Sarkari, all occupation, — even if three generations old, — became 'unauthorised' possession; and demands were made by Government on the occupants for payment of premium for regularisation of the so-called unauthorised occupation. The existence of the Chiefs' rights was ignored. Even the Chief had to pay premium for procuring some kind of patta for his own self cultivated land.

### **Chiefs' rights over land ignored.**

But how could the Chiefs' rights over land be ignored? These rights have not yet been acquired by Government. A legislation for acquisition of Chiefs' rights called the Manipur Hill Areas (Acquisition of Chiefs' Rights) Act, 1967 has been enacted but it has not been implemented yet. In Mizoram, a similar legislation called the Assam Lushai Hills District (Acquisition of Chiefs' Rights) Act 1964 had been passed long ago and was forthwith implemented. The Mizo chiefs who had enjoyed the same kind of rights over the village land as the Kuki Chiefs do now in Manipur have disappeared and the Mizoram State Government has now issued pattas to the erstwhile tenants of the Mizo Chiefs. This should have been and may still be the model for Manipur fringe-villages to which the M.L.R. & L.R. Act 1960 has been extended.

### **Doubletaxation.**

Another grievance made out by the cultivators of these fringe villages is that they have been made to pay double-taxes, that is to say, land-revenue plus house-tax for the same piece of land. As these villages are administratively located within the hill-districts, they are liable to pay house-tax, and the villagers are paying it. But as the M.L.R. & L.R. Act 1960 has been applied to these villages, they are liable also to pay land-revenue and they are paying it. But they point their accusing fingers in the direction of the adjacent villages which are administratively located within the plain districts of Bishenpur, Thoubal and Imphal, where there is no double-taxation. The inhabitants of those villages who mix with them day in day out do not pay house-tax and are happy. The Kuki tribals, ignorant of the complications of law, feel discriminated and unhappy. House-tax everywhere is meant to be a substitute for land-revenue. As land-revenue cannot be assessed on shifting cultivation due to the change of possession every year, a house-tax is imposed on the cultivators of these areas. But here, in these fringe-villages, the cultivation is fixed and boundaries of land permanent; — so here assessment of land-revenue after acquisition of Chiefs' rights would be justified but then collection of house-tax should be discontinued. It can be so done even now.

### **Transfer of land to non-tribals controlled.**

A good feature of the M.L.R. & L.R. Act 1960 is that it has prohibited (vide S. 158) transfer of land by a tribal owner to a non-tribal person, except with the permission of the Deputy

Commission who, before giving any such permission, has got to secure the consent of the District Council concerned. In the 11 villages of Manipur Valley and its fringes visited by our officers, out of a total number of 105 transactions of transfer, 55 (52%) from tribal to tribal, and only 7 (6.67%) from tribal to non-tribal. This is a good sign and it seems that people are aware of the existence of the prohibition of transfer from a tribal to a non-tribal.

This legal prohibition, however, is not in force in the hill-districts, as the M.L.R. & L.R. Act 1960 has not been enforced in them. But there the customary rule is such that lands belonging to a tribal cannot be transferred to a non-tribal, — sometimes not even to a tribal of a different village or a tribe. This rigid custom has served as a bullwark against acquisition of landownership by non-tribals in semi-urban areas like those of Ukhrul, Mao, Churachandpur, Tengnoupal etc. It may, however, be necessary, to enact prohibitive legislation, if customary restrictions become loose in course of time, somewhat on the Line of the Meghalaya Transfer of Land (Regulation) Act, 1971.

The question of extension of the M.L.R. & L.R. Act 1960 to the hill-districts is hanging fire for sometime. The Government is keen on surveying and mapping hill-areas which have permanent cultivation and homesteads. The district officers feel that the extension of the M.L.R. & L.R. Act 1960 to these areas is a prerequisite to such survey and mapping, since there is a detailed procedure laid down for survey and mapping in the said Act. The hill-people, on the other hand, are apprehensive that the extension of the Act would induct land-revenue into the hill-areas and would create other complications. In our opinion, for the mere purpose of surveying and mapping, the extension of the M.L.R. & L.R. Act 1960 is not unavoidable. A set of adhoc rules and executive instructions containing the broad and rough outlines of the process of survey and mapping may be adopted by the Legislature or Government and these may be extended to selected villages that are fit for such survey etc. with the express consent of the village authorities concerned.

The land systems prevailing in the hill-districts are different from those prevailing in Manipur Valley. The M.L.R. & L.R. Act 1960 is better suited to the villages of Manipur Valley than those of the hill-districts. Even its well-meant provisions may create unforeseen complications, as have been seen in the few villages where it has been already extended. Different systems of inheritance and different methods of cultivation are followed among different tribes and these have a direct bearing on the prevalent land-systems. Rights over land everywhere are acquired either by clearing jungles or by inheritance or by transfer. Differences in these three methods create differences in the land-systems, too.

Now, among the Kukis, a person can acquire right by jungle-clearing only with the express consent of the Chief who is accepted as the absolute owner of all lands. within the village. The cultivators have to pay rent to the Chief. Acquisition of right by inheritance is through patrilineal primogeniture system with

variation here and there. Transfer of land among the persons of the same tribe and village is free, but transfer to others is prohibited by custom. The method of cultivation in the hill-villages is jhuming, though in the plain villages, the Kukis do wet-rice cultivation, too.

**Tangkhul land system.** Among the Tangkhul Nagas, the Chief is not the owner of the village lands and he is only a titular head commanding respect. Any cultivator can acquire rights over land by jungle-clearing with the consent of the village council. He is not required to pay any rent to anybody. Succession to land is by patrilineal primogeniture system, but it is not so rigidly followed. Often the younger sons are given shares, though smaller than the share of the eldest. Transfer to persons of other tribes or villages is generally not allowed. The method of cultivation is jhum, tarraced, or wet-rice according to the suitability of the land.

The Maos are at another end of the scale. They do only W.R.C. and terrace-cultivations, and practically there is no jhuming. Their chiefs are nominal heads of the village, so that people acquire land-right by jungle-clearing with the consent, tacit or express, of the village council. They generally follow the patrilineal primogeniture system of succession, but in this also they are found to be very liberal, and more often than not all sons inherit the property of the father, the elder getting a larger share. Even daughters are given shares now and then. Transfer to persons of other tribes or villages is not generally allowed. Their terraced plots are well-demarcated and can easily be surveyed and mapped. They do not pay any rent to anybody nor any land-revenue to Government.

**Kabui land-system.** The Kabui land system differs from those of the others in many respects. Here, though the chief is only a nominal head, he has below him a class of intermediaries called Rampaos who own all the lands of a village, — each one claiming ownership of a well-demarcated block. Cultivators can clear jungles with their permission only and become their tenants (Laopaos). These tenants pay regular rents to the Rampaos, and if they default, they are liable to ejection.

System of inheritance is also different, namely, patrilineal ultimogeniture. Deviations from the general rule, however, occur here and there.

Transfer is free amongst themselves, but otherwise restricted.

The method of cultivation is also different. The Kabuis mostly practise jhuming, but the jhumplots are fixed and permanent; that is to say, these plots are well-demarcated, and the jhumia returns to his old plot at the beginning of each jhum-cycle. Only the cultivation shifts, but the plots remain under the acknowledged ownership of respective cultivations. Jhum plots are even transferable. As the plots are fixed and have permanent boundaries, they are capable of being surveyed and mapped.

**Difficulty in putting these systems in a uniform pattern.**

It will thus be seen that it is rather difficult to push these

different systems into a uniform pattern so as to be easily dealt with by a single system of land law, much less by the M.L.R. & L.R. Act 1960. In our opinion, therefore, there should be no hurry to extend this Act, as it stands now, to the hill-districts of Manipur. Different aspects of the hill-land systems, where necessary, may be tackled by special legislations. For exaple, in our opinion, the Rampao intermediary system may offer some scope for reasonable reform without violently upsetting the existing customs and the popular opinion. Then agains, where terraced cultivation and wet-rice-cultivation are practised in fixed plots with permanet boundary marks, these plots may, with the consent of the village authorities, be mapped and surveyed and land-records prepared recognising permanent, heritable and restricted transferable rights, so that the owners may be able to secure loans from Government, banks, and cooperative societies. Suitable regulations for controlling jhum-cultivation, and for regulating transfer to non-tribals, and for preserving village-forests may also be prepared in the interest of the hill people themselves.

The above suggestions and criticisms have been made with the best of intentions. Let there be no mistaken impression that only defects have been shown, and good things overlooked. In a concluding chapter where suggestions have to be made, omissions and commissions of the existing system have got to be mentioned, otherwise, the suggestions lack the needed justifications. The mention of good features has been interspersed throughout the different chapters of the report. It is not necessary to repeat them here.

**Land records.** But one good thing that we found but did not mention before is the state of land record. Whichever places we visited in the valley, we found the land-records to be in a satisfactory condition. We were particularly impressed by the earnest efforts made by the Revenue Minister personally to update the land-records throughout the valley. He held monthly meetings of the Deputy Commissioners to review the progress of updating the land-records. acquisition of ceiling surplus land, and collection of land-revenue. We also found that the villagers were conscious of their rights over land.

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1. Three chief components of land-reforms are:- (1) Abolition of intermediaries, (2) fixation of ceiling on land-holdings and (3) tenancy reforms.

2. Handbook of Survey and Settlement Training 1981-82.

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