

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 229 of 2023

1. Shri. Mutum Churamani Meetei aged about 62 years S/O Late M. Iboton Meetei of Kabo Leikai Dewlahland, P.O. & P.S.-Porompat, District-Imphal East, Manipur who is the Secretary of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022,
2. Shri. Puyam Ranachandra Singh aged about 43 years S/O Puyam Kushumani Singh of Langathel Laikom Bazar, P.O. & P.S.-Thoubal, District-Thoubal, Manipur who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
3. Shri. Thokchom Gopimohon Singh, aged about 73 years S/O Late Thokchom Somokanta Singh of Keishamthong Laisom Leirak, P.O. & P.S.-Imphal, District-Imphal West, Manipur-795001 who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
4. Shri. Sagolsem Robindro Singh age about 66 years S/O S. Amu Singh of Sagolband Khamnam Bazar, P.O.-Imphal & P.S.- Lamphel, District-Imphal West, Manipur- 795001 who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.

5. Shri. Elangbam Baburam aged about 76 years S/o (L) E. Leipakmacha Singh of Keirak Khongnang Leikai, P.S Kakching B P.O Keirak, P.O Kakching District-Kakching, Manipur who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
6. Shri. Leihaorambam Projit Singh aged about 62 years, S/o L. Surjit Singh of Sorok Atingbi Khunou Hilghat, P.O. & P.S.-Jiribam, District-Jiribam, Manipur-795115 who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.
7. Shri. Thiyam Somendro Singh aged about 46 years, S/o Th. Ibohi Singh of Ningthoukhong Ward No. 5, Ningthoukhong Kha Bishnupur, P.O. & P.S.-Bishnupur, District-Bishnupur, Manipur-795126 who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022 and
8. Shri. Mutum Nilamani Singh aged about 61 years S/O M. Jadhop Singh of Chingdong Leikai, P.O. & P.S.-Jiribam, District-Jiribam, Manipur-795115 who is the Member of the Meetei (Meitei) Tribe Union being Regd. No. 15 of 2022.

.....**Petitioners**

-Versus-

1. The State of Manipur represented by the Chief Secretary, Government of Manipur and its Office

learned counsel, accepts notice on behalf of the fourth respondent.

2. By consent, the main writ petition is taken up for final disposal at the admission stage itself.

3. The petitioners have filed this writ petition for issuance of a writ of mandamus directing the first respondent to submit recommendation in reply to the Letter No.1902005/2012-C&IM dated 29.5.2013 of the Government of India, Ministry of Tribal Affairs within a period of two months or within a time frame and to include Meetei/Meitei community in the Schedule Tribe list of Indian Constitution as a “tribe among tribes of Manipur”, maintaining the tribal status of Meetei/Meitei existed before 21.9.1949 i.e. before signing of the Merger Agreement as part of the terms and conditions of the Merger Agreement of Manipur into the Indian Union and also direction on the fourth respondent to restore the Scheduled Tribe status of Meetei/Meitei community.

4. In support of the prayer made, Mr. Ajoy Pebam, the learned counsel for the petitioner submitted that the status of Meetei/Meitei community before the execution of the Merger Agreement dated 21.9.1949 as “tribe among tribes of Manipur” and while merging Manipur with the Union of India, the

Meetei/Meitei has lost the identity of tribe and, therefore, Meetei/Meitei should be included as a tribe among the tribes of Manipur so as to preserve the said community and save the ancestral land, tradition, culture and language.

5. By placing on record various documentary references, which are annexed with the writ petition, the learned counsel further submitted that during the preparation of Scheduled Tribe lists of India under Article 342 of the Constitution of India, the Meetei/Meitei community are left out. But there are documentary evidence wherein showing the earlier Meetei/Meitei community also belonged to tribe community.

6. The learned counsel for the petitioners would submit that as per Article 342(1) and 366 (19) (23) (25) of the Constitution of India, the Meetei/Meitei community should be restored the tribe status by recognizing as a tribe/tribal community as the Meitei are still tribe, but the status of Meitei community were left out while preparation of Scheduled Tribe lists. Moreover, the originality, genuineness and distinctness of the Meetei/Meitei was better known by the customary institutions of Manipur, State Government and Central Government Agencies as tribe. In this regard, various individuals, organizations including the petitioners have submitted several representations to the concerned authorities for inclusion

by restoring the Scheduled Tribe status of the Meeitei/Meitei community to the List of Scheduled Tribes.

7. The learned counsel further submitted that in reply to the representation submitted by Scheduled Tribe Demand Committee, the Ministry of Tribal Affairs, Government of India wrote a letter dated 29.5.2013 to the Government of Manipur whereby requesting for specific recommendation along with the latest socio-economic survey and ethnographic report. Despite the letter dated 29.5.2013, the Government of Manipur failed to submit the recommendation to the reason best known to them. In fact, the representation dated 18.4.2022 submitted by the petitioners was forwarded by the Government of India, Ministry of Home Affairs to the Ministry of Tribal Affairs, Government of India for necessary action. According to the learned counsel, Meitei community is the one of major/principal tribe of Manipur is not recommended by the State Government. Hence, the petitioners have been advised to file the present writ petition.

8. By placing on record, the order dated 26.5.2003 of the Gauhati High Court made in W.P.(C) No.4281 of 2002, the learned counsel submitted that pursuant to the said order, Chongthu, Khoibu and Mate have been included in the List of Scheduled Tribes and now there are 34 numbers of tribal

community of Manipur were included in the List of Scheduled Tribe of the Indian Constitution, but Meetei/Meitei tribe was left out. Arguing so, the learned counsel for the petitioner prayed for allowing of the writ petition.

9. This Court heard the submissions of the learned Deputy Solicitor General of India appearing for the respondent Union of India and the learned Government Advocate for the respondent State on the submissions made by learned counsel for the petitioner.

10. The grievance of the petitioners is that while merging Manipur with the Union of India, Meetei/Meitei of Manipur has lost the identity of tribe and the status of the Meetei/Meitei community before execution of the Merger Agreement on 21.9.1949 as a tribe among tribes of Manipur should be maintained by including Meetei/Meitei community in the List of Scheduled Tribe under the Constitution of India. The learned counsel for the petitioners contended that as per the order of the Gauhati High Court dated 26.5.2003 passed in W.P.(C) No.4281 of 2002, Chongthu, Khoibu and Mate have been included in the List of Scheduled Tribes. Taking aid of the said order dated 26.5.2003 of the Gauhati High Court, the learned counsel for the petitioners submitted that similar recommendation may be made by this Court to the respondent

authorities to include Meetei/Meitei community as Scheduled Tribe List of the Constitution of India.

11. This Court perused the order of the Gauhati High Court dated 26.5.2003 passed in W.P.(C) No.4281 of 2002 and the said order reads thus:

“Heard Dr. N.K.Singh, learned counsel for the petitioners and also heard Mr.K.Kumar, learned Additional C.G.S.C. appearing on behalf of the respondents 1 to 4 as well as Mr. Kh.Babul Chandra, learned State Counsel appearing on behalf of the State Respondents 5 and 6.

The limited grievance of the writ petitioners in this writ petition is that pursuant to the proposal of the Government of India to revise the list of Scheduled Tribes of the States and Union Territories after 50 years of the functioning of the Constitution in terms of Articles 341 and 342 of the Constitution of India, the Govt. of Manipur vide communications dated 31.12.99 and 3.1.2001 recommended 5 (five) Tribes namely, Inpui, Liangmai, Rongmai, Thangal and Zeme for modification in the existing entry with 3 (three) other Tribes namely, Chengthu, Kheibu and Mete were proposed to inclusion as new Tribes. But despite such recommendation of the Govt. of Manipur, all the 8 (eight) Tribes-5 (five) Tribes for modification and 3 (three) Tribes for inclusion in

the list of Scheduled Tribes as noticed above, have been left out of consideration by the competent authority.

The respondents mainly respondents 1 to 4 contested this writ petition by filing the affidavit-in-opposition. In paragraph 10 and 11 of the said affidavit-in-opposition it is stated that the proposal for modification/inclusion of the 8 (eight) Tribes has not been left out of consideration and the consideration of the same is under process. It is also averred by the contesting respondents that after examination, if the 8 (eight) communities are found to be eligible, necessary amendments in the order specifying the list of Scheduled Tribes of Manipur would be carried out in terms of the provisions of Article 342 of the Constitution.

Paragraphs 10 and 11 of the affidavit-in-opposition, being relevant, are reproduced as under:-

“10. That, with regard to the statements made in para 8 of the writ petition the deponent denies the correctness of the same, the proposals of five communities namely, Inpui, Liangmai, Rongmai, Thangal and Zeme for modifications in the existing entries of the list of Scheduled Tribes and cases of three tribes namely Chongthu, Koibu and Mate for fresh inclusion are being processed as per the approval modalities. Thus, the averments of the

petitioners that the case of the above referred eight communities has been left out of consideration is not correct. Their requests are under examination.

11. That, as regard to the statements made in para 9 of the writ petition the deponent begs to submit that the proposals of 8 communities are under consideration of the Government and they are being processed as per approved modalities. If after examination they are found eligible, necessary amendments in the order specifying the list of Schedules Tribes of Manipur would be carried out as per provisions of Article 342 of the Constitution of India.”

In view of the above referred statements made by the respondents and also upon hearing the learned counsel for the parties, this Court is inclined to dispose of the writ petition with a direction that the respondents 1 to 4 shall consider the case of the petitioners expeditiously in terms of the averments made in the said paragraphs as alluded above.

However, liberty is granted to the petitioners to approach this Court if they are still aggrieved by any decision taken by the Respondents 1 to 4 in this regard.

A copy of the affidavit-in-opposition as produced by the respondents 1-4 be kept as to form part of the record.

This disposes of the writ petition.”

12. On 18.4.2022, the Meetei (Meitei) Tribe Union submitted a representation to the Hon'ble Union Minister of Tribal Affairs with a copy to 12 authorities, including the Chief Secretary, Government of Manipur seeking inclusion of Meetei/Meitei Tribe of Manipur in the list of Scheduled Tribe under Indian Constitution. On 31.5.2022, the Ministry of Tribal Affairs forwarded the said representation to the Secretary, Government of Manipur. In the said forwarding letter, it has been stated as under:

"I am directed to refer to this Ministry's letter of even number dated 06/03/2019, 23/07/2021, 15/02/2022 & 07.04.2022 and to forward herewith a representation dated 18.04.2022 of Shri Salam Gourakishwor Singh, Meetei (Meitei) Tribe Union, Kaboleikai, Imphal East District, Manipur 795005, which is self-explanatory, for action as deemed appropriate.

2. Scheduled Tribes (STs) are notified under Article 342 of the Constitution. Government of India had on 15.6.1999 (and further revised on 25.6.2002) approved modalities for determining claims for inclusion in and other modifications in list of STs. As per those modalities only proposals recommended and justified by the state Government concerned and agreed to by RGI as well as NCSI are considered for

amendment of legislation. All the actions are taken as per approved modalities. The recommendation of the concerned State Government is pre-requisite to process the case further.”

13. Thus, from the above letter correspondence of the Ministry of Tribal Affairs, Government of India, it is clear that there appears to be a recommendation of the State Government is pending for inclusion of the Meetei/Meitei community in the Scheduled Tribes list of the Constitution of India.

14. It is not the case of the respondent State that representations regarding inclusion of Meetei/Meitei community as Scheduled Tribes submitted by the various Union including the petitioners have not been received by them.

15. At this juncture, the learned counsel for the petitioners submitted that the Government of Manipur has been totally violating the right to equality and right to life with dignity which are enshrined under Article 14 and 21 of the Constitution of India, as in the case of other tribe of the State, the State Government had recommended without any hesitation but in the case of the Meitei community which are also one of the major/principal tribe of Manipur are not recommended by the State

Government. This Court finds some force in the submission made by the learned counsel for the petitioners, as the petitioners and other Unions are fighting long years for inclusion of Meetei/Meitei community in the tribe list of Manipur.

16. Nothing has been produced by the respondents, particularly the respondent State to show that they have sent reply to the letter dated 29.5.2013 of the Government of India, Ministry of Tribal Affairs. Thus, the issue of inclusion of Meetei/Meitei community in the Scheduled Tribes list of the Constitution is pending for nearly ten years and above. No satisfactory explanation is forthcoming from the side of the respondent State for not submitting the recommendation for the last 10 years. Therefore, it would be appropriate to direct the respondent State to submit its recommendation to the Ministry of Tribal Affairs within a reasonable time.

17. In the result,

- (i) *The writ petition is disposed of.*
- (ii) *The first respondent is directed to submit the recommendation in reply to the letter dated 29.5.2013 of the Ministry of Tribal Affairs, Government of India.*

(iii) *The first respondent shall consider the case of the petitioners for inclusion of the Meetei/Meitei community in the Scheduled Tribe list, expeditiously, preferably within a period four weeks from the date of receipt of a copy of this order in terms of the averments set out in the writ petition and in the line of the order passed in WP(C) No. 4281 of 2002 dated 26.05.2003 by the Gauhati High Court.*

(iv) *No costs.*

ACTING CHIEF JUSTICE

FR/NFR

Sushil