

Tribal Commons and Conflicts in Manipur and Tripura in Northeast India

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Different reasons are given for two current conflicts in Northeast India. Most observers treat them as secessionist and terrorist. They may have some such components but land, particularly the commons managed according to the customary law, is crucial to them. These conflicts belong to two different categories but the commons are their commonality. In Manipur the focus is on land which the Naga tribes feel the dominant group is trying to alienate from them. They have traditionally managed it under their community based customary law which the state is trying to change. In Tripura the conflict began after the tribal commons were alienated from them in order to rehabilitate the refugees and immigrants from the erstwhile East Pakistan. This paper will look at the role of land, the commons in particular, in the conflicts in Manipur and Tripura and will reflect on some alternatives.

The Background of the Conflicts

Till Indian independence on August 15, 1947 Manipur and Tripura were British controlled princely states. They were integrated with the Indian Union in October 1949. Some militant groups of the Meitei, the dominant community of Manipur claim that their state was independent between August 15, 1947 and October 29, 1949 and that the Indian Government forced their ruler to sign the instrument of accession. That issue is beyond the scope of this paper. Of interest here is the fact that during these two years the Meitei who inhabit the Imphal Valley and are around 60 percent of the state's population and the hill tribes who are 34 percent, were working on two different constitutional arrangements for their areas with the hope of eventually forming a federation. Till 1947 the economy of the hills was linked to that of the rest of Manipur but the tribes who inhabited them ran their political administration according to their customary law (Guite 2000).

Also some hill areas of Assam were administered under the tribal customary law. They came to be called "un-administered" under the assumption that what could not be brought under the British "civilised" law was not administration. The Indian Constitution that was promulgated on January 26, 1950 brought the "un-administered" and some "semi-administered" areas of Assam under its Sixth Schedule. It confers on the communities coming under it much administrative autonomy including some control over land. The areas brought under the Sixth Schedule included the present-day Nagaland, Meghalaya and Mizoram states and Karbi Anglong and North Cachar Hills districts of Assam. The Hill areas of Manipur were kept out of it so was the whole of Arunachal Pradesh though 64 percent of its population is tribal today and it was higher in 1951. The tribes of Tripura were around 70 percent of the population in 1941. Their proportion was reduced to 58.1 percent in 1951 because of the 1947 Partition refugees from East Pakistan. The Schedule has been extended to the Bodo territory of western Assam and to the tribal majority Dhalai district of Tripura in response to their nationalist struggles. But Arunachal and Manipur continue to be outside it (Fernandes 2005).

The two components that laid the foundation of the conflicts in Manipur and Tripura have to be seen within this perspective. Both of them are around land. In Manipur the conflict is for the Sixth Schedule in order to protect the land which is under the control of the hill tribes. In Tripura it is for recovering what the tribes have lost to the immigrants from Bangladesh. Manipur has two types of conflicts. The nationalist struggle led by some Meitei militant groups, is primarily identity based and

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is between them and the Government of India (Singh 2010: 16-17). In Tripura the conflict began after the tribes lost much land to the Bengali immigrants and the conflict is for its recovery (Bhaumik 2003: 85). Though both the conflicts are around land, their nature differs according to power relations. In Manipur the customary law as well as tribal demands have changed because of intra-tribe dynamics as well as new ethnic relations. But its tribal communities are stronger than those of Tripura. Most of their communities as well as individual families continue to own land. But their customary law has been modified over the decades because of modern inputs. For example, school education in the tribal areas has led to changes in their economy as well as in their outlook. To earn money for children's educational expenses such as school fees, uniform and books, parents begin to grow commercial crops on their land. That requires individual plots. Secondly people transfer to their customary law the predominantly individual ideology which the school imparts to them (Pahru 2010: 62-66).

These and other components have modified their land ownership pattern but they have used their customary laws to legitimise many changes in it. Traditionally they had combined individual with clan or village ownership. But even individual families managed their land according to the norms of their customary law. When individual ownership became respectable through education, the leaders interpreted such privatisation according to their tradition that had individual ownership but it was within the community perspective. The new pattern gives priority to the individual and that can result in class formation (Nongkynrih 2009: 20-22). The changes in Tripura have been made not by new values absorbed by the tribes but are state-induced for the specific purpose of rehabilitating the Hindu Bengali refugees and later immigrants from the erstwhile East Pakistan. The tribes were too powerless to resist the erosion of their land management and ownership system (Deb Barma 2009).

The Conflict in Manipur

While the Meitei nationalist groups are in conflict with the Indian state, Manipur has also experienced ethnic conflicts between the three main communities. The hill tribes belong to two major families, the Naga and the Kuki-Chin-Mizo. The Naga are more numerous but the Meitei who outnumber both of them do not have much land. Because of it the hill tribes, the Naga in particular, believe that the state is trying to change the law in order to facilitate alienation of their land to the Meitei. To understand this attachment one has to remember that in tribal culture land is not merely an economic asset. Land managed according to their community-based customary law is also the centre of their identity as such it is included in the commons (Fernandes, Pereira and Khatso 2007: 17-18).

The Meitei nationalist struggles began in the 1980s while most ethnic conflicts belong to the 1990s. All of them were around identity and land as two closely linked components. For example, the Naga-Kuki conflict was around land with identity functioning as a second component. Some like the Rongmei-Paitei conflict were predominantly around land while the Thadou-Kuki conflict had a stronger identity component. Thus one of the components predominates at a given time but in most conflicts the commons and identity go hand in hand (Haokip 2008: 155-156). That is true also of the present conflict between the Naga hill tribes and the State around the Sixth Schedule. This issue has been hanging fire for four decades but its conclusion is not in sight. The central or state governments have changed the land laws more than once after independence. Some changes have reinforced autonomy and others have resulted in its erosion. The Naga tribes think that the objective of most state-induced changes is to facilitate alienation of their land to the Meitei (Maring 2008: 118-120).

This perception may or may not be the reality but it is basic to the conflicts. After Indian independence, *The Manipur Hill People's Regulation Act 1947* continued much of the autonomy that the tribes had enjoyed prior to it. In 1950 the Constitution brought the hill areas under Article 371C that said that the Governor would report to the President once a year and if necessary more often on the state of the administration in the hill areas. That too respected their autonomy. But the

modifications made to tribal administrative system and land management at various times after it do not respect their autonomy. For example, the *Manipur Hill Authorities' Act 1956* set up the village authority for the administration of the hill areas but stripped the chief and the village council of the power to function as the village court. The governor was to appoint two persons for this purpose. The tribes believe that the erosion of their autonomy began with it. The *Manipur Land Reforms and Land Revenue Act 1960* (MLR&LRA1960) recognised only individual ownership. The state has been making an effort every now and then to extend this Act to the hill areas and the Naga tribes have resisted it for fear that it would open up their areas for land alienation to outsiders (Shimray 2006: 13).

Thus, the main conflict is between the hill tribes and the State around the Sixth Schedule. The Naga tribes perceive the schedule as essential to prevent the alienation of their community-managed land. The Sixth Schedule does not respect all of their customary law but they believe that they need an alternative when, in their perception, the state is trying to transfer their land to the Meitei. What they demand may not be according to their customary law. But since the Constitution does not recognise their law it has to be based on what the formal law accepts. They feel the Sixth Schedule that belongs to this category will protect their land. The state on its part is trying to exclude the hill areas from this provision. On both sides the conflict is for land that the state would like to appropriate. But it is difficult to say that it is a Naga-Meitei conflict. It is true that the Meitei dominate the state and may also want a share of the land because they are 60 percent of the population but live on 10 percent of the area. However, the conflict itself is between the Naga tribes and the state for the Sixth Schedule. The Naga tribes want to reinforce their control over land and the state wants to amend the land laws to get round the customary laws. Polarisation has developed around this issue (Singh 2010: 17-19).

Both the state and the tribes refuse to compromise on this issue. The state has offered to the tribes district autonomous councils outside the Sixth Schedule and the Naga tribes have rejected them as totally inadequate since the land issue is excluded from them. That has resulted in a deadlock. The Naga tribes have also been demanding Naga unification i.e. coming together of all the Naga tribes in Nagaland, Manipur, Arunachal Pradesh and Assam. The fact that it involves also territorial integration adds to the tension (Fernandes 2010). Amid such controversies the Government of Manipur went ahead with the announcement of the elections in May 2010. In retaliation the United Naga Council and the All Naga Students' Association of Manipur declared an economic blockade of the highway. The elections were held. The turnout was high in the Kuki-Chin majority districts but was extremely low in the Naga majority districts. The tension continues around the Sixth Schedule.

The Conflict in Tripura

In Tripura the conflict began after the laws were amended to recognise only individual ownership. Its objective was to alienate their land without compensation or rehabilitation in order to rehabilitate the East Bengal refugees and immigrants at first and for the Dumbur dam later (Bhaumik 2003: 85). The 1947 Partition of the sub-continent into India and Pakistan was a turning point in ethnic relations in the Northeast in general and Tripura in particular. East Pakistani refugees came to different states. For example many Bengalis living in Meghalaya are refugees or their descendants. One knows of the Garo and other settled in Assam and the Chakma in Arunachal (Fernandes, Bharali and Kezo 2008: 13). A large number of Bengali Hindu refugees from East Pakistan came to Tripura in 1947 and immigrants followed them (Bhattacharyya 1988).

Tripura used to have Bengali immigrants before 1947 but most of them were Muslim peasants who came in the agricultural season to cultivate land and returned to East Bengal after it (Deb Barma 2009: 115-116). That was intrinsic to the British policy of supporting settlement on what they considered wasteland. Beginning from 1891 the colonial regime encouraged East Bengal peasants to

cultivate what they called wasteland in western Assam that was in reality tribal livelihood (Zehol 2008: 60-61). But in Tripura the peasants were seasonal immigrants who came to cultivate land and returned home after it. That changed with the arrival of the East Pakistani refugees at the Partition. Immigrants came later. Their flow stopped officially on March 24, 1971 when the census counted those who were registered with the state, were sent to the refugee camps and were allotted land. The census of that year showed that the Tripura population was 1,556,342 and the refugees were 609,998 (39.19% of the total). That excluded persons born to the refugees and immigrants after their arrival in Tripura. It also excluded thousands of others who were not registered with the state. Besides, registration was discontinued from 1957-58 to 1962-63. Around 180,000 persons are estimated to have come during these years or arranged their own accommodation with relatives and friends (Bhattacharyya 1988: 12-16). Because of them the tribal proportion of Tripura has declined from 58.1 percent in 1951 to 31.1 percent in 2001 (Registrar General and Census Commissioner 2001).

After the refugee influx the focus of the state shifted to their rehabilitation. Most land used for it was tribal sustenance. In 1948 the first ever farmers' cooperative was formed for them in the Dharmanagar (now Kanchanpur) Sub-Division. It became Swasti Samity Ltd in 1950 and some 6,400 acres were handed over to it from more than 600 tribal families, mostly Reang (Bru). The Directorate of Rehabilitation was formed in 1950 for the task of rehabilitating both registered and unregistered refugees, providing them shelter and opportunities for gainful employment. In the colonies built for them each family was provided shelter, food rations, clothes, beds, utensils, cash, medical help, educational and some professional benefits and loans for business, land, agriculture and housing. Families that did not get land were paid Rs.2,750 each for purchasing it (Bhattacharyya 1988: 56-59).

Then followed legal changes meant to facilitate land acquisition for their rehabilitation. *The Tripura Land Revenue and Land Reforms Act 1960* (TLR&LRA), based on the Assam Act of 1886 recognised only individual land registered with the state (Shimray 2006: 14). Most tribals being illiterate and not familiar with the formal law did not register their land. The law did not recognise their right over the commons. So the land that was their sustenance and habitat for centuries before the colonial land laws were enacted became state property under the colonial principle of individual ownership. Most of them were not paid compensation for the land taken for it though they had traditional rights over it according to their customary law (Bhaumik 2003: 84).

That resulted in massive tribal land alienation. Apart from the 6,440 acres allotted to the cooperative in 1950, the tribes lost not less than 26,101.2 hectares (64,470 acres) to the rehabilitation colonies 5,499 hectares (13,572.65 acres) of it private and the rest common. No notification was issued or compensation paid for the commons since the TLR&LRA1960 had turned them into "state property". So the tribes could not lay claim over their sustenance. Over and above these 70,910 acres, in 1981-82 the state acquired 3,697.03 acres, 1,164.05 acres of it for plain land Bengali immigrants and 2,532.98 for East Pakistani refugees. Thus the total used by the state for refugee rehabilitation is 74,607.03 acres, 17,269.68 acres of it private and 57,337.35 common. It was taken from 22,394 persons (Bhattacharyya 1988: 57-58). Much more land was alienated with no legal procedure through money lending or purchase. According to one study the tribes lost 20 to 40 percent of their land. Thus, the real number displaced by it is probably more than 50,000 persons (Fernandes and Bharali 2010: 62 & 87). Through these measures the state fulfilled its moral duty of rehabilitating the refugees but in so doing it ignored the interests of the tribes. That is where the tribal conflict erupted in Tripura.

The same principle of commons being state property was used to acquire land for development projects. In the early 1970s the Dumbur dam submerged over 23,530.55 acres and more land was used for its power house and the rest of the infrastructure. Most of it was tribal community land that was not compensated. Its project files mention 2,558 individual land owning displaced families (13,000 persons) but studies point to 8,000 to 9,000 families (40-50,000 persons) (Bhaumik

2003: 84). Of the 209,336.59 acres known to have been used in Tripura for development projects 1947-2000 a third is known to be tribal commons and more than half of the rest is tribal land (Fernandes and Bharali 2010: 71). The Dumbur dam was the turning point because by 1970 the tribes had lost 20 to 40 percent of their land officially and more through money lending and other means. Thus, when the Dumbur dam was announced they protested against it but the state ignored them. That is when the tribal insurgency began. It is called terrorism but it is for land (Bhaumik 2003: 85).

Despite their struggle the tribes have not succeeded in recovering their lost land. Records on much of the land occupied illegally are difficult to obtain. As in all other states Tripura too has a law banning tribal land alienation. But because of their powerlessness the legal system goes against them so they have not been able to demand its return. Of the 28,999 cases filed for land restoration till 2001 in only 8,636 cases the decision went in favour of restoring their illegally alienated land. But very little of it has been restored in reality because most of it is in the middle of Bengali colonies and the tribals dare not enter the villages to demand its return (Shimray 2006: 14). The state prefers to divert attention from their struggle by calling it terrorism. So it does not face the land alienation issue.

The Conflict of Values

That puts one in an ambiguous position from an ethical perspective. Refugee rehabilitation is a humanitarian task and a moral obligation of the state. But in order to fulfil this task the state has rendered tens of thousands of local persons homeless and landless without rehabilitation. It is true not only of Tripura but also of other states. In 1948 10,000 tribals in the present Malkangiri district of Orissa and an equal number in the neighbouring Bastar of Chhattisgarh were displaced with no compensation or rehabilitation in order to rehabilitate the Partition refugees (Fernandes and Asif 1997: 127-128). In West Bengal a drastic law was enacted in 1948 to expedite land acquisition for refugee rehabilitation. 305,344.81 acres of private land were acquired for it through notifications under this Act. Much more common land was occupied without any record (Fernandes et al. 2006: 71). That displaced around 500,000 persons, most of them tribals (ibid: 109). A similar number of refugees were rehabilitated in Assam, many of them on tribal commons, for example 10,000 Garo families from East Pakistan resettled in the Nagaon district and then shifted to the tribal majority Karbi Anglong (Sagar 2005: 15-20). In Tamil Nadu where the tribal proportion is small, many Sri Lankan refugees have been resettled on tribal commons. Thus, a laudable effort has gone against groups like the tribes. That brings into focus the policy priorities that exclude the subalterns.

However, land, not refugee rehabilitation is the central issue in the conflicts. Both in Manipur and Tripura, basic to ethnic conflicts is the effort of the state to alienate the commons from the tribes that have traditionally sustained themselves on them. One cannot conclude from it that the commons continue to be their sole sustenance even today. In Manipur many tribals have changed both the source of their income and the legal system governing their land. Many of them continue to own land but have absorbed individualist values through education and interaction with commercial agents. But the commons continue to be the sustenance of a large number of others. Moreover, the customary law and the commons continue to be the centre of the identity even of those whose main source of income is a job (Shimray 2009: 91-93). That is considerably different in Tripura where the dependence of the tribes on land is great even today but the state has deprived them of it.

In other words, the identity issue linked to land is important in both the states. In fact it is central to all the tribal communities and conflicts in the region. Traditionally all the tribes governed themselves according to their community-based customary law while the formal law that belongs to the state recognises only individual ownership. Thus, the contradiction begins with the principles governing these two systems. It does not mean that the customary law was good and the formal law was bad. Both the systems have positive as well as negative features. Identity and equity are the

positive point of the customary laws. Among their negative features is the claim of community management. Their resources are managed by the community no doubt but that community is exclusively male. Women are excluded from all power in the social domain. Tribal women's status is better than that of their counterparts in caste societies but no tribe considers them equal to men. Even the matrilineal tribes are patriarchal. They are matrilineal and women inherit land but social power is exclusively in the hands of men (Fernandes, Pereira and Khatso 2007: 28-38).

Ethnic conflicts result not from these features but from the commons-individual interface. Their land continues to be managed under the community-based customary law that is transmitted orally while the individual based formal law depends on a written document. That difference causes a contradiction between the two systems. Though the customary laws change from tribe to tribe, three values were common to most of them. Firstly, they ensured that none monopolised the resource, that every family had enough to eat and that the basic needs of all were met. The second was sustainable management meant to ensure the renewal of the resources. Their law was based on the belief that the resource had come down from the past generations, that it had to be used according to present needs and environmental imperatives and preserved for posterity. The first ensured intra-generational equity while the second was basic to inter-generational equity. Thus the customary law ensured that equity went beyond the present generation to the past as well as the future (Sacchidanands 2004: 98-102). Thirdly, most customary laws accorded a higher status to women than caste societies did but none treated them as equal to men. As long the resource was community managed women exercised partial control over it because of the gender-based division of power and work between the family and social spheres. In most tribes, men controlled the village council, the resource and political power. Women were in charge of the family and of its economy and production (Menon 1995: 101).

Legal Changes and Conflicts

Because of these features of the customary law the tribes in Manipur, Tripura as well as in other states could treat their land as their livelihood and the centre of their identity. That identity was linked to their land and the customary law. As such in these as well as in other states the initial conflict arose from the contradiction between their community-managed tribal sustenance and the formal law of the state that depends on property and individual ownership. The individual based formal law that was first enacted by the colonial regime treats the tribal sustenance, as commodity, a raw material and a source of profit. That causes a contradiction between them (Shimray 2006). The commons-private interface appears more in the land laws than in the remaining areas. The legal reality of the colonial land laws recognising only private property is in opposition to the social reality of the tribal community-based livelihood. That legal system continues to be in force today.

All the states have laws banning tribal land alienation to non-tribals. But for exception these laws focus only on private land and do not recognise the commons as their sustenance. They own very little private land but the common land was their habitat before the individual-based laws were enacted. But the law considers their commons state property. By denying them right over the commons the laws impoverish them and lead them to indebtedness. The result of indebtedness is alienation of private land but they cannot fall back on the commons to compensate it (Bora 1986). One cannot conclude from it that the customary law is practised in the same form today as in the past. Much has changed in it in the management in Manipur but not the close link between identity and land. The situation is considerably different in Tripura. The status of the commons was not far from the above reality when the law was changed and their commons were alienated from them for refugee rehabilitation at first and a major dam later. The legal status of their land was not identical to that of their customary because the king of Tripura had introduced changes in the land laws already from the early 20th century. But the social reality was close to that given above. When the state acquired their land for the cooperative and more of it for the refugee colonies, the tribes were running their affairs

according to their customary law despite the earlier legal changes. Their dependence on the commons was great so was their impoverishment after alienation (Deb Barma 2009: 120-121).

Unlike the Manipur tribes, those of Tripura were powerless. So the in their land could be alienated from them with impunity through the TR&LR1960. The state could get emotional support from the public in the act of depriving them of their sustenance because the TLR&LRA1960 was presented as intrinsic to refugee rehabilitation. But the fact that the tribal proportion declined after 1951 shows that most of those who are considered refugees are in fact immigrants come in search of land. Most tribals being illiterate could not register the little individual land they owned and the state did not recognise their commons as their sustenance (Bhattacharyya 1988). Its result is massive land alienation. Even the official figure of 74,607 acres is high. The reality is much higher. That creates the ambiguity between the moral duty of refugee rehabilitation and the social reality of impoverishment.

Search for Alternatives

One can see from the data given in this paper that central to tribal land alienation and impoverishment is delegitimizing their commons. The conflicts that have risen from it cannot be ended without facing the contradiction between the traditional and formal systems and identifying legal alternatives acceptable to both of them. The tribal leaders justify their actions in the name of the customary law. That is a legitimate statement because these community-based laws are basic to their identity. However, many of them speak of going back to their customary law as though it were a static system. In reality it has been a dynamic measure that kept changing according to need. It was born in a specific area within a given environment and society and was geared to the needs of that community and region. Precisely because the customary laws originated in response to a specific need and context they are subject to change according to the requirements of their practitioners (Sheleff 1999: 84-88). The formal law too becomes rigid at times and presents itself in contradiction to tradition.

An important reason for such rigidity is the confusion between the practices and the basics of the customary or formal law. Such identification is found also in a few other issues. For example Naga unification is a legitimate aspiration of all the peoples who believe that they have a common origin so they should come together. However, a conflict arises when a people is identified with a territory. Land is basic to tribal identity and the customary land is linked to it. The people are a nation that confers an identity on them. Territory is a colonial construct linked to a state that confers citizenship while a people are a nation that confers an identity on them. But the distinction between a nation and a state is often ignored. A territory or state is confused with a nation (Karna 2008: 20-21).

A solution to the conflicts requires a search for alternatives acceptable to all. Its answer is not polarisation or romanticising either the tradition or modernity. A way has to be found of modernising tradition in the spirit of the customary law that has kept changing according to need. It can change again to suit the present needs. The Sixth Schedule is the solution many tribes have been demanding all over India. The Naga tribes of Manipur have been demanding it without success. The tribes of Tripura have got it only partially. The Sixth Schedule, if understood creatively, can provide a solution both to the question of the modernising the customary law and to the issue of Naga Unification. But for this solution to be realistic, a separation needs to be kept between the spirit and practices of a law. Similarly one has to make a distinction between a nation and a state, between land and territory and ask whether territorial integration is intrinsic to people's unification (Fernandes 2010).

Conclusion

This paper is an effort to understand the conflicts in two states of Northeast India. Both of them are around the commons. On one side are the tribal communities whose identity is linked closely

to their land managed according to the community-based customary law. On the other side is the state that tries to change the law in order to alienate tribal land as in Manipur or has succeeded in doing it already as in Tripura. Whether the state succeeds in it or not, depends on the power relations. In Manipur it has met with resistance from a relatively strong group of tribes. But their powerless counterparts in Tripura have failed to protect their land though their dependence on it is greater. Amid different power relations the commonality between them is land and identity. Both have to be protected and ways have to be found of modernising the tradition of the commons to help the powerless communities to add to their power and thus protect their sustenance and identity.

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