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## **SCHEDULED TRIBE STATUS AND CONSTITUTIONAL LIMITATIONS: A STUDY OF THE MEITEI DEMAND IN MANIPUR**

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### **ABSTRACT:**

The demand for donning Scheduled Tribe (ST) status by Meitei community snowballed into constitutional and socio-political crisis in the state after an order of 2023 passed by Manipur High Court to the then Manipur Government to take necessary steps so that they can be included in ST list which led to ethnic riot and bloody tensions across the state. This academic paper explores the constitutional provisions that govern the identification of directly recognized Scheduled Tribes based on Article 342 of the Constitution of India and some judicial limitation over reviewing administrative orders on tribe constitution. The paper included history of Meitei people, ST legal provisions and pro-cons for the demand. It comprises of a spectrum ranging from reservation to tribal self-governance, land rights and ethnic identity, federalism and constitutional morality. So the paper finally demonstrates through a doctrinal and analytic route that there is not crossing or bullying on ingenious or left any behalf, maintain bilateral symmetry without much likely bias within space as well need to be protection of basic dignity without specific reference in social justice rights of identified vulnerable communities, & conditions just within frame that favour peaceful cohabitation freedom from hostility calls for conflict free harmony living based democracy as recognised decision making process envisages justice can take place if they live & lead life ends dignified humane which fared disharmoniously.

**Keywords:** Scheduled Tribe Status, Meitei Community, Manipur Conflict, Constitutional Limitations, Tribal Rights, Ethnic Violence, Indigenous Identity.

## **INTRODUCTION**

Scheduled Tribes (ST) are social groups that the Constitution of India has recognized as communities that have been previously marginalized and grass-roots level action has been taken through special constitutional provisions and safeguards. Constitution aims to preserve the tribal heritage, restore social justice and protect the tribals from any more exploitation. The Scheduled Tribe status is a politically and legally charged issue because it involves not just reservation but land rights, electoral representation and cultural identity.

The current agitation is rooted in the demand by Manipur's dominant Meitei community to be allowed Scheduled Tribe status — one entangled with constitutional limitations, judicial overreach and ethnic identity politics. The national perspective regarding the problem arose when in 2023, Manipur High Court ordered the State Government to find out whether Meiteis should be included in ST or not. The predominantly Hindu Meitei community clashed with Kuki-Zo tribal communities leading to rampant riots and ethnic violence in the state.

It was one thing to extend needed constitutional questions under Article 342 of the Constitution, something else entirely — and wrong — was the capacity and breadth of judicial authority over recognition. The demand is vehemently opposed by tribal organisations arguing it will erode benefits of reservation and constitutional protection, while the Meitei community seeks Scheduled Tribe status for preservation of its culture as also land rights against external encroachment.

The paper examines the constitutional design of Scheduled Tribe recognition in India, looks at key aspects of the Meitei demand, summarises judicial appraisal to it and examines some dimensions concerning constitutionality surrounding defining limits of tribal inclusion in India.

## **HISTORICAL BACKGROUND OF THE MEITEI COMMUNITY**

Meiteis: The predominantly settled community residing in the Imphal Valley of Manipur. Might Meitei have been greater as a rule ruling clan of the erstwhile princely state of Manipur prior to its merger with Indian Union in 1949. The community has its own identity in language, writing system and traditional culture, their own customs and belief. Various pockets of the Meitei

1. <https://www.epw.in/engage/article/meitei-kuki-crisis-heading-towards-protracted>

civilization are contributive for the sustenance political and cultural clout of Manipur from remotes and still it is exert citadel as a tribe at different center stage in Manipuri polity.

Segments of the Meitei people movement were claimed to be recognized as a clan before the merger of Manipur with India and that India has no right to interfere in its affairs until post-merger. After independence and formation of the state, Meiteis were excluded from other backward Scheduled Tribe list (ST) in Manipur while constitutional provisions were being framed. This exemption certainly ticked off a certain slice of the populace and would soon set off massive outrage by asserting that Meiteis are no distinct racial group from other native tribal clans of the area.

The Meitei community has been vying for Scheduled Tribe status on various ground and numerous Meiteis groups are presently in agitation for that. By far the most commonly cited application is to shield Meitei identity and culture, which they claim is indigenous to the state — so outside influence in fact constitutes a 'demographic change,' they say. Experts have also warned that growing migration into the state will threaten their social and cultural security. They also alleged that the Meiteis have not been provided for any sort of constitutional protection regarding land and cultural rights unlike some of the scheduled tribes of the state.

The land ownership factor has also driven demand for Scheduled Tribe status in Manipur. As it does in the hill areas of the state, tribal lands have been constitutionally and statutorily protected to not be bought or settled by non tribals. As the Meiteis are not classified as Scheduled Tribes, they cannot buy land in these protected hill districts. Advocates of the demand have argued that it is an "illogical" clause and has deprived Meitei people of their economic rights over land in their own homeland.

Older tribal groups — notably the Kuki-Zo and Naga — are staunchly against Scheduled Tribe status. These communities also worried that including the Meiteis under ST status (unlike other backward classes who lack such free access) would enable them unrestricted entry in constitutionally guaranteed tribal lands and undermine their rights as respective clans recognised by law, also a form of self-autonomy. Tribal bodies, too, have issued similar warnings saying

2. [https://en.wikipedia.org/wiki/2023%E2%80%932026\\_Manipur\\_conflict](https://en.wikipedia.org/wiki/2023%E2%80%932026_Manipur_conflict)

3. <https://sabrangindia.in/manipur-violence-sc-bench-seeks-updated-status-report-from-state-on-rehabilitation-law-order-situation/>

granting Scheduled Tribe status to Meiteis would be an act of "self-immolation" as it will lead to a big loss of space and rights available to traditional scheduled tribes. This dispute consequently has become a big constitutional and political issue in the state of Manipur during an ethnic agitation.

## **CONSTITUTIONAL FRAMEWORK GOVERNING SCHEDULED TRIBES**

The Constitution of India has provided certain safeguards for the interests to ensure identity and welfare of tribal communities. The Government of India is thus under a continuous obligation under this treaty to ensure constitutional protection everywhere in all corners of the country, which springs forth from hundreds of years of social disability and economic and political exclusion characteristic only to tribal population. Scheduled Tribes and statutes of protective discrimination (i.e., reservations, welfare measures) permitted within the constitutional framework must recognize tribal customs / culture / autonomy.

Constitutional Article relating Scheduled Tribes: Very Important constitutional Article regarding Schedule Tribes — Article 342 of Constitution of India Under this Article, the President shall in relation to a State or Union Territory, by notification can declare the tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes. A community can come into the Scheduled Tribe list or go out of it only by law enacted by Parliament. Therefore both the State Governments and Courts have no Independent Power of change or amendment in Scheduled Tribes list. It creates a streamlined constitutional mechanism (via article 342), which is parliament-monitored, and protects against hurdle-hopping or political arbitrage when it comes to tribal recognitions.

### **Article 342**

It is already more than once that it has been held by the Supreme Court of India, that the power to amend the Scheduled Tribe List lies with the President acting on a base placed which is at Parliament. Contemporary jurisprudence of judicial pronouncements, that no court can also either by way of suo motu or otherwise declare any particular group as Scheduled Tribe, also breathe down to constitutionally conferred powers confined to do so. The famous case of the Meitei's demand for Scheduled Tribe status in Manipur has thrown-up in debate within the

respective framework as to when Courts can intervene; Article 162(1) or Article 19 during mediations and this principle was at its most fronting.

In addition to Article 342, constitutional provisions for tribals are also safeguarded under the Fifth and Sixth Schedules. The schedules include entries pertaining to areas that are either governed or protected by the State (tribalised) so that such territories could continue to be administered with some sort of autonomy, which would be self-rule over certain elements of tribal existence. Tribal groups in the state do enjoy limited protections through autonomous councils or custom and tradition-based land protection laws, but Manipur does not come under the Fifth Schedule. Those constitutional protections were meant to protect for customs and culture, proprietary rights with respect to their lands, prohibiting non-tribal people who are out there trying to exploit them, and obtain basic representation in political matters that pertain to Natives.

Tribal recognition entails a greater degree of protection through Scheduled Tribe status as provided in the Constitution; additionally, by virtue of India's reservation policy, also entitlement to several socio-economic benefits.

### **Reservation in educational institution, Government job and in legislature for Scheduled Tribe communities**

They also have rights to scholarships, welfare schemes etc. or any other form of affirmative action started for them. Reservation in India — a quota regime of caste based reservation synonymous with vested interests and muddled thinking — may have a leading exponent now under the mantle of social justice, who rightly argues that current levels should remain and predicts it will not relieve centuries-old deprivation because she is striving to create compensatory discrimination today for upliftment by improving the working conditions living standards of backward classes community. Thus, intervention in the Scheduled Tribe will have a very large impact on law, economy and politics.

5. Lokur Committee Report, 1965.

<https://socialjustice.gov.in/public/ckeditor/upload/11301676262859.pdf>

6. <https://www.drishtiiias.com/daily-updates/daily-news-analysis/demand-of-meities-for-ts-status>

The issue of Scheduled Tribe status was a constitutional answer against the affirmative action that is Meitei. They said that in a way assigning Scheduled Tribe status to make a community politically and socially powerful could nullify the very purpose of reservations meant for truly underprivileged tribes. On the other hand, those supporting it said communities added that their identity and culture needed protection in the Constitution too. So, the inherent relationship between constitutional law and tribal identity on one hand and social justice and political representation with Indian Constitutional Law is what the controversy unveiled.

### **CRITERIA FOR RECOGNITION AS SCHEDULED TRIBE**

The Constitution of India does not define Scheduled Tribe but **Lokur Committee Report (1965)** ascribes some characteristics like primitivity, uniqueness of culture, geographical isolation, shyness of contact and backwardness as typical of tribal communities. And those criteria, though not legally binding, have helped shape government decisions on the question of whether an association is "a tribe" or a community belongs on a Scheduled Tribe list.

The Meitei people of Manipur contend that they have a specific land-based identity, unique traditions and tribal heritage which qualify them to receive Scheduled Tribe status. The supporters of the demand also allege that Meiteis were delisted from the Scheduled Tribe list after independence in a constitutional injustice, depriving them of protections other tribal communities enjoy.

But this demand is vigorously contested by tribal groups who maintained that the Meiteis were an ethnic majority in Manipur and as such could not be claimed to be a demographic minority, being beneficiaries of several political, educational and socio economic privileges. The anti-Bill group says that in light of the constitutional logic behind reservation as a device for uplifting socio-economically backward and marginalised groups, showing Meiteis Scheduled Tribe would be tantamount to confiscating reserved seats. Thus, this debate embodies the ambiguous tension of making a specific and beneficial native identity while remaining within social justice and affirmative action law.

### **THE 2023 MANIPUR HIGH COURT ORDER**

7. <https://www.scconline.com/blog/post/2023/05/06/high-court-judgment-violence-in-manipur-explained-legal-news/>

The Meitei demand of ST haul attention also because the judgment dated 27-9-2022 by none else than that Manipur High Court in **Mutum Churamani Meetei v. State of Manipur (2023)** Here the High Court directed state government to access and decide "at an early date" on the recommendation for inclusion of this community in Scheduled Tribe list. The Kuki-Zo community and the Naga community tribal organisations strongly opposed allowing such an order on grounds that it was judicial overreach in a constitutionally sensitive matter about granting tribal status. However, in India, courts put the matter up for day as usual. Days after the judgment came protests in parts of Manipur turning into ethnic violence with thousands displaced and many others killed. The episode highlighted long standing, deep-seated, inter-ethnic fault lines between the hill-dwelling Meiteis and valley-based tribal groups but also compounded socio-political and ethnic fault lines within the state.

## **SUPREME COURT'S INTERVENTION**

Ruling on the appeals against earlier observations made by the Manipur High Court that the Meitei community does not qualify for inclusion in Scheduled Tribe, The Supreme Court of India slammed high court. The apex court noted that the President has exclusive power under Article 342 of Constitution to specify Scheduled Castes or Tribes and categorically stated, "High Courts can't issue directions for adding or changing names in Scheduled Tribe list." The Court drew upon the landmark judgment in **State of Maharashtra v Milind (2000)**, whereby the Constitution Bench categorically held that Courts and States have no power to modify tribe classification or change a Presidential Order concerning Scheduled Tribes (ST) status. Later in 2024, the Manipur High Court scrutinized and subsequently expunged from its earlier verdict regarding inclusion for Meiteis. Such development also reaffirmed the constitutional bar for judicial intervention in regard of issues concerning tribal recognition and ruled out the principle of separation of powers under Indian Constitution.

## **CONSTITUTIONAL LIMITATIONS ON GRANTING ST STATUS**

### **1. Separation of Powers**

8. <https://www.orfonline.org/research/the-social-and-political-dimensions-of-ethnic-conflicts-in-manipur>

Separation of powers between three organs i.e. legislature, executive and judiciary is provided in the Constitution itself. Judiciary knows what law means, it is not a machine for making legislative and others. Even the Manipur High Court order itself has not been guiltless of such controversies, with overreach by even high judiciary over constitutionally sensitive matters, particularly those strictly political. It is only after thorough studies like anthropological and socio-economic study, administrative approval and also parliamentary approval that Scheduled Tribe status has been granted. That of course is not something that courts can be the arbiter of, they clearly have no institutional competence exercised what Article 342 very rightly provides for a limited power to be exercised by President/parliament.

### **Federal Structure**

In states, communities that are included or excluded from the Scheduled Tribe list influence not only reservations but also political representation as well as land and local governance. But judicial involvement in such issues can disrupt the constitutional balance of power between center and state, compromise democratic consultation and undermine parliamentary sovereignty. It is for this reason that Article 342 of the Constitution gives power to Parliament alone to decide on it.

### **2. Protection of Existing Tribal Communities**

Scheduled Tribe recognition is primarily rooted in constitutional stipulations like safeguarding of indigenous vulnerable communities. Advocates of existing tribal communities in Manipur largely contend that granting the Meitei community Scheduled Tribe status will reduce reservation space, weaken land protections and compromise, perhaps destroy, their autonomy. This creates a conflict between the equal rights assertions of the Meitei grouping and over-lives thrice as That is but defend tribes that have elsewhere been ignored.

### **3. Purpose of Reservation**

Reservation policies in India are to be utilized towards the right advancement of socially and economically backward communities by making use of both incentivized action. Critics say such a move would dilute the core reservation itself, and cause breach of constitutional morality by 8. <https://www.orfonline.org/research/the-social-and-political-dimensions-of-ethnic-conflicts-in-manipur>

granting Scheduled Tribe status to a particular politically mobilised section of society which is not only numerically strong but also active. Advocates of the Meitei demand say that minority status cannot be the only point of reference when it comes to constitutional safeguards, and philosophical questions about indigenous versus non-indigenous identity and historical rights must be approached.

## **ETHNIC CONFLICT AND HUMAN RIGHTS CONCERNS**

Manipur is a case study in how constitutional and identity disputes can degenerate into full-blown humanitarian disasters. And it killed, displaced thousands, destroyed homes and property, left people with no internet and widespread alleged human rights violations. It opened up dangerous fault lines within inter-community politics—in this situation between valley and hill communities—as well as competition between tribal and non-tribal populations racing to control for salable ethnic identities within the new contours of the state. Fuelling this battle as well, it is the constitutional question of free speech and digital rights given the scale of internet shutdowns. Hence, the Manipur crisis epitomizes what constitutional multicultural democracy has to counter: balancing order and unity (through legal-administrative means) against divisions in an anti-liberty atmosphere.

## **ARGUMENTS SUPPORTING THE MEITEI ST DEMAND**

The Scheduled Tribe demand was defended by supporters, where they argued that Meiteis were of the region as natives to Manipur and measured a definite culture, language and history deserving constitutional protection. They argue that the Meitei people have distinct culture, traditions, script and social practices compared to other tribes in the northeast. Supporters argued that Meitei tradition and identity have become increasingly risk in the wake of quickening globalization, migration and demographic adjustments and sought constitutional protections for them.

The third overall argument invoked in support of the demand pertains to land and territory rights. Tribal owned hill lands in Manipur under present laws and non-tribals like Meiteis prohibited from land purchase in hilly areas. Advocates say this creates within-state discrimination and

8. <https://www.orfonline.org/research/the-social-and-political-dimensions-of-ethnic-conflicts-in-manipur>

reduces existing Meitei rights to finances & land. They have also emphasized that through Scheduled Tribe ratification, they would be safeguarded against losing their ancestral land and traditional way of life to external forces.

The argument from historical injustice is another support. 14-min read Dr. Ratan Singh Imphal Some research scholars and community societies have even argued that colonial authorities were preempting parts of the Meitei society with a tribal designation, prior to Manipur's merger with India, but subsequently pushed out of the Scheduled Tribes list within India post-Independence — an arbitrary slight they describe it as. Scheduled Tribes planned that equates a constitutional cure for historical iniquity. Continued refusal to honor, in all cases where membership criteria and ownership terms are satisfied, a claim of tribes is unfairly inconsistent with comparative equality and principles of constitutionalized preservation of culture as well as unconstitutionally discriminatory based on status as an American Indian.

### **ARGUMENTS OPPOSING THE MEITEI ST DEMAND**

While the demand for Scheduled Tribe status is being pushed by the Meitei, across Manipur there is equally fierce opposition to it from other tribal communities backed by Kuki-Zo and Naga groups which already belong to the Scheduled Tribe category. The situation in the valley has grown increasingly contentious, however, with critics claiming that the Meitei are already demographic majority and politically dominating, socially strong, educated and economically well off within Manipur. Denial has been on account of politically and administratively the Meiteis have dominated the state, they cannot be CS (Socially or Educationally backward) [or SC (Scheduled Caste) economically].

Grounds for apprehension: lesser quota Scheduled Tribe groups argued that swelling Meitei numbers in the Scheduled Tribes category will push opposition from their caste out of education, government jobs and welfare programs meant for tribes. Global Compromise Now, here lies the catch: the opposition argues that the premise of exclusion with constitutionality must serve to undermine reservation for communities historically discriminated against in favour of dominant classes (also read why black is a reason to be white).

8. <https://www.orfonline.org/research/the-social-and-political-dimensions-of-ethnic-conflicts-in-manipur>

This quickly leads to a second significant problem: remaining secure and independent on the territory which is theirs. However, tribal groups fear that if Meiteis are given Scheduled Tribe status they could make claims to land in constitutionally protected hill areas and jeopardise the rights of tribals over ownership of land and traditional freedom too. Critics who challenged these figures added that reservation is for the genuinely socially and educationally backward, not segments in the top classes — rural as well as urban. And the demand has already been casted Manipur in an ethnic cauldron as its communal peace is under question and many commentators suspect that "Dharna" would take place this will only tear apart, too much the gap of gratitude as well polarise people not only between communities but also within them pulling more apart social union in a state whose harmony with each passing day stands thus get undone by many burning issues concerning inter-ethnic relations.

### **JUDICIAL RESTRAINT AND CONSTITUTIONAL MORALITY**

Judicial restraint that means finessing the 'Meitei Scheduled Tribe controversy' the management of it by courts is only possible in constitutional terms. Manipur — The elusive respite Here as well, there was significant constitutional pushback from the back edicts of the Manipur High Court by the Indian Supreme Court reads constituted through under Article 342 to reestablish balance in separation of power & postulate that parliamentary supremacy is ingrained part of constitutional discipline. The anxiety that arise from the concern is also reinforced by equality-based claims, novelties in minority protection and a recourse to social stability; thereby reinforcing constitutional morality. Therefore, judges should take actions that prevent any of their rulings from unwittingly triggering tensions among minority ethnic groups or risking the stability of society.

### **COMPARATIVE PERSPECTIVE**

States like Nagaland, Mizoram and Meghalaya have an overwhelming majority of Scheduled Tribes — the Nagas in Nagaland, the Mizos in Mizoram or even Khasis in Meghalaya. The Meitei demand backyard of Imphal — advocates of the Meitei push say a body with much larger population numbers cannot be excluded from ST status. In contrast, opponents say that geography — its demography, politics and social fabric — is too different in Manipur from these

states for any comparisons to be meaningful. And this raises wider issues about identity-based protection, the state and affirmative action in India.

## **LITERATURE REVIEW**

This is because Scheduled Tribe is a constitutional identity, and the very demand for Meitei has been subject to academic engagement for years. Most of the literature on northeast India has been on tribal identity, reservation/regional policies, constitutional safeguards and ethno-national conflict. It holds that 'Meitei have unique indigenous identity, his culture and land requires constitutional protection'; a catena of cases takes the view that it is always only by the President and Parliament either to amend statutory list of Scheduled Tribe (under Article 342). However, the opponents argue that Meiteis have a socio-political hegemony and grant of Scheduled Tribe status would mean natives are deprived of reservation benefits. The 2023 Manipur Violence thus sits in this wider literature (establishing the ethnic character and flavour of these tensions) and within a spider's web of judicial transactions and constitutional challenges containing an echo chamber of previous violence at the edges of its fraying fabric.

## **CONCLUSION**

The demand by the Meiteis for Schedule Tribe status is the most prominent ongoing constitutional strife in India. It touches on reservation policy as well as questions of indigeneity, constitutional authority, judicial restraint and accommodation. Scheduled though it endeavoured to specifically empower President & Parliament by allowing them modify the aforementioned list but further invoked of doctrine of separation of powers & constitutional restraints as heralded by honorable Supreme Court of India to ward off judicial intervention.

Inspired by other Exam Dumps, constitutional discourse is also required on fears being articulated at both Meitei and tribal society. Aversion to Constitution in this sense is actually enabling search for optimum balance among endeavour of individual and group recognition, social justice, equality and right to continue tribal independence as the hosted pursuit. This is yet another case of how identity-based conflicts can threaten social peace and civil order in a multiethnic society as seen in the Manipur violence. Thus, the decision to give Scheduled Tribe status must not violate constitutional principles of justice and equality for every Indian.