

**(1994) 12 GAU CK 0015**

**In the Gauhati High Court**

**Case No :** Misc Case No. 1125 of 1994 in Civil Rule No. 320 of 1990  
(Gauhati)/295 of 1987

Hemkholam Khongsi

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

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**Date of Decision :** 15-12-1994

**Acts Referred:**

**Citation :** (1995) 1 GLJ 58

**Hon'ble Judges :** V.K.Khanna, C.J.;D.N.Baruah, J and B.N.Singh Neelam, J

**Bench :** Full Bench

**Advocate :** M.Z.Ahnied lor, Advocates appearing for Parties

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## **Judgement**

D.N. Baruah, J.—This application has been filed for removal of the Chairman appointed by the Government of Manipur in pursuance of the directions given by a Full Bench of this Court by judgment and order dated 6.1.93 in Civil Rule No. 320 of of 1990 (Gauhati)/295 of 1987 (Imphal).

2. By order dated 13.10.72 the Government of Manipur constituted panels for recommendation of text books for certain tribal dialects. Thereafter, a Text Book Committee for Kuki dialect was also constituted. Text books had been prepared on the recommendation of the Committee and was put to use. By yet another order dated 22.3.77, the Education Secretary, Government of Manipur directed that the medium of instruction in primary schools having 90% of pupils on its rolls belonging to any one of the five tribes, namely, (1) Tangkhul, (2) Lushai,(3) Paite, (4) Hmarand (5) Thadou/Kuki shall be in those languages. This order was modified by order dated 3.11.81, deleting the word "Thadou" and retaining the word "Kuki" only in place of "Kuki/Thadou". By another order dated 6.5.87, Government recognised the Thadou dialect"as Thadou Kuki dialect" and directed that this would apply for all purposes including any official correspondence and recognition of text books in all the educational institutions. By a subsequent order the Government reiterated its direction given earlier replacing the words used in those orders by the words Thadou/Kuki". Two members of an Association

known as Kuki Literature Society at Imphal approached this Court by filing a writ application (Civil Rule No.295 of 1987 (Imphal), renumbered as Civil Rule 320 of 1990 (Gauhati).

3. The petitioners representing the Kuki tribe seriously prejudiced, challenged the said orders in the aforesaid Civil Rule. According to them, their tribe was Kuki tribe and Thadou was only a subtribe or clan of Kuki tribe. In otherwords, they were aggrieved by the orders which equated the subtribe or clan with the tribe. The Civil Rule was heard and disposed of by a Full Bench by order dated 6.11.93. The said Full Bench disposed of the Civil Rule giving certain directions.

4. One of the writ petitioners, namely, Hemkholam Khongsi, has filed this application praying for an order to remove the Chairman of the Expert Committee constituted as per direction of this Court in the aforesaid Civil Rule. In this application, the petitioner states, inter alia, that by orders dated 6.5.87 and 12.5.87 the Government recognised the Thadou Dialect" as Thadou Kuki dialect with immediate effect and directed the same apply for all purposes including any official correspondence and recognition of text books in all the educational institutions as the need arises from time to time.

5. A Full Bench of this Court as mentioned above directed the Government of Manipur to constitute a Committee of Experts to go into the controversy involved at the earliest and the Committee so constituted was directed to submit a report within 6 months of its constitution and thereafter the Government was to take a final decision in the matter within 3 months of the receipt of the said report of the expert body. In the meantime, this Court also directed to maintain status quo as on 6.1.93. The Expert Committee was ultimately constituted though there was delay and meanwhile the petitioner had filed an application before this Court praying for hearing of the entire matter. The petitioners' said application was yet to be disposed of.

6. After the constitution of the Expert Committee, the petitioner and other members and the supporters of Kuki Literature Society, Manipur participated in the deliberations with the Expert Committee and also the supporters of Thadou Kukis. In pursuance of the directions of this Court made in the Aforesaid Civil Rule Sri Sree Kishan, Department of Linguistics, University of Delhi, was appointed. He was nominated by Anthropological Survey of India. During the meetings the petitioner submits that the attitude of the said Chairman Sri Sree Kishan had been noted with deep suspicion by parties in favour of the Kuki dialect. To these parties, the Chairman had acted in a manner just to justify that Thadou as the dialect in controversy. The Chairman, according to the petitioner, had written a book under title Thadou a Grammatical Sketch" on basis of the field work in 1969 to 1971 in Manipur among the Thadou tribe. The Chairman Sri Sree Kishan, according to the petitioner, had expressed certain opinions which indicated his inclination in favour of the Thadou Kuki. Kuki Literature Society has therefore, expressed its lack of confidence on Sri Sree Kishan. Hence he submitted that justice would not be done at all by such an Expert Committee.

The petitioners apprehended that if Sri Sree Kishan continue to be a Chairman or even a member, injustice would be caused to the Kuki tribe. The petitioner submits that unless the Chairman of the Expert Committee constituted by the Government of Manipur pursuant to the order to this Court is replaced by an unbiased expert, the entire Kuki tribe shall suffer irreparable loss and injury.

7. Heard the learned counsel for the petitioners Mr.MZ Ahmed. According to Mr. Ahmed the present Chairman has already expressed his opinion regarding the dialect and he is inclined to favour Thadou community as he had conducted his survey only in the Thadou village and, therefore, he is inclined in support of the Thadou community and if he is allowed to continue as a Chairman then his views in favour of Thadou community would find place in the recommendation. Therefore, in fitness of things the present Chairman should be replaced by an unbiased and impartial person.

8. We have gone through the contents of the petition. There is no specific averments to indicate that Sri Sree Kishan is biased in favour of Thadou and against the petitioner's community. Merely because he had written a book in respect of Thadou community will not necessarily lead to the conclusion that he would give a bias view in the recommendation. Sri Sree Kishan is a renowned teacher in the Department of Linguistics in Delhi University, He was nominated by the Anthropological Survey of India. Sri Sree Kishan being a reputed teacher it will not be proper to hold that he will express bias view in his recommendation. Besides, the Expert Committee consists of other members also. In view of the above, we do not find any valid ground for removal of the Chairman on the basis of the averments made in the petition. Therefore, we are of the opinion that no such direction should be given. However, it is open to the petitioner to approach the State Government for this purpose and in that case Government may consider to dispel the doubts of the Kuki community.

9. With the above observations we dispose of this petition.