CHAPTER IV

AUTONOMY MOVEMENTS IN NORTH EAST INDIA AND CONSTITUTIONAL RESPONSES
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Autonomy

Autonomy refers to a state in which there are no external constrains or restrictions, and independence is based on self-determination. To be autonomous is to be self-governing. The Greeks used the word when referring to a self-governing political unit, notably the city-state. However, Sophocles also used the term in the Chorus’s description of the character of Antigone (Antigone). The term is still used to characterized both persons and political units, although the meaning of the concept now tends to refer more to personal autonomy.¹

The demand for autonomy/Statehood has become a major issue and problem in India. The demands for autonomy stem from the set sentiments people have towards a region, community or the tribe to which they belong. It implies the expression of distinctiveness in respect of race, culture or language; it is also the expression of a concern to protect and preserve one’s identity. All these are embedded in human nature and thus demands such as these are as old as human history. It is an aspect of political development with a universal bias. It is present wherever divisions exist.²

² Bhuyan B.C., (1989), The Political development of the North-East, Omsons Publications, P. 79.
In India demands for autonomy/Regionalism are inevitable because of the multifarious divisions within it. Anticipating this eventuality, the framers of our Constitution provided a framework for attaining unity through sustaining diversity.\(^3\)

**Premises Underlying the Demands for Autonomy/Statehood**

(a) States in India are the core areas for political activity. The Centre depends upon the state leadership for administering the country.

(b) The states in India are the basis of the entire planning and developmental process of the country.

(c) The states in India are heterogeneous units both linguistically and culturally.

(d) The States Reorganisation Commission acceded to the linguistic demands and the States Reorganisation Act of 1956 demarcated state boundaries in conformity with the dominant language of the region.

(e) The creation of linguistic states has augmented regional sentiments and stimulated demands for greater autonomy for States.

(f) The political map of India has been changed many a time. It was language which was the basis for breaking of the erstwhile Madras province. Andhra Pradesh, Tamil Nadu, and Karnataka were formed on linguistic basis. Maharashtra and Gujarat became separate states on this basis.

(g) The creation of States on linguistic basis has been followed by movements for the protection of local interests especially in respect of employment and trading. Thus emerged the theory of "Sons of the Soil".

\(^3\) Ibid, P. 79
(h) Since independence, political leadership in the country has become localized, and hence the emergence of the concept of the grassroots politician.4

Basis of Autonomy

Within two decades of independence, the North East Indian Hills were transformed from a paradise for Anthropologists to a hotbed of politics. Though the Bardoloi Sub-Committee rightly noted the emerging political aspirations in the region, the later policy of the government became colored by a rather obscure inclination to fuse the social and political aspects of the hills problems. In a way, this was a legacy of the anthropological approach of our former rulers. The rationale of the Government of India’s stand was supplied by the States Reorganization Commission which, faced with myriad demands for linguistic states, haunted by apprehensions about the defense of a new and problem-ridden multilingual nation, and guided by the passion of the integrationist geopolitical situation. K.M. Panikkar, characterized the Hill State demand as a problem “at least as much psychological as political”.5

Table

What are the reasons for the people of North East India to demand for autonomy/independence?

<table>
<thead>
<tr>
<th>No. of Respondents answered</th>
<th>22</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Respondents those who did not answer</td>
<td>78</td>
</tr>
</tbody>
</table>

Out of 100 respondents only 22 respondents could answer something about it.

The reasons given were geographical isolation of the region, indifferent policy of the

4. Ibid. P. 79-80.
national leaders, Favorable homeland of the people etc... The demand for autonomy comes from the set sentiments of the people towards their region, or to their community it is also their concern to protect and preserve their identity. We see this wherever division exists, besides the 'separatist pull of the extremist elements'; the factors that promoted the demand for autonomy are:

(i) Suspicion and distrust of the people of the plains by the tribal people of these areas;

(ii) The diversity of races and cultures and the different levels of social, educational and political development in the different areas of this region which have prevented the tribal people from coming up to the level of the people in the plains:

(iii) Lack of communications in these areas which has made it difficult for the various tribes to come in close contact with the rest of India; and

(iv) The economic backwardness of the region. It was, however, the Pataskar Commission which gave the government policy the most absurd twist. Believing that dissatisfaction with the economic progress of the Hill areas was 'at the root of the unsatisfactory general relationship' between the hills and the plains of Assam, the commission overlooked the subtle political articulation of this discontent. The problems of the Hill areas has been somewhat complicated by the presence of the security force especially in inaccessible areas where suspicion about foreign Christian missions and foreign agents have also been raised. More recently,

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7 Ibid, P. 243.
almost every foreign power which has been suspected to disfavor India’s progress is assumed to be involved in the politics of these regions. What is overlooked is that foreign influences cannot seriously affect a society unless native conditions are favourable to them. Besides, the assumption of a continued loyalty of the hill people to the departed British rulers is neither complementary to the competence of the democratic national government to inspire a new sense of belonging, nor to the noted self respect of the hill people who never accepted British domination with complacency. To be fair, however, it should be stated that for a newly liberated country obsessed with a vast security problem, it was easy to be hurt at the British granting political asylum to A.Z. Phizo and Michael Scott’s meddling in Naga politics.

But to throw a blanket accusation for all political ills of the Hills at the Christian missions is to ignore the organizational conflict among their various units. In the faction-ridden hill societies of today, the church can hardly afford to be politically committed except possibly to two ideas; peace and opposition to communism. At the time of the transfer of power, though the foreign missionaries generally supported the Coupland plan, many of the Mizo pastors were actively with the Mizo union that supported continued union with India. Later, though the extremist Mizo leader, Lal Denga, used the cross as his seal, he could not win the blessings of the church. In the Naga Hills Phizo invoked the name of Christianity but did not succeed in getting its support. In the fifties, the foreign missionaries were removed from the different districts and in 1963, when the involvement of China in Naga politics became known, the church issued circulars condemning the alliance.

8 Ibid, P. 243
The persistence of the underground movement despite repudiation by the church proves the secular character of the movement. In the predominantly Hindu Imphal valley, on the other hand as late as 1970, a Meithci-State Council threatened secession unless statehood was conceded to Manipur.\(^9\)

If the aspirations of the hill people are to be conceptualized on a single scale, the measure would be called 'a quest for identity'. At one end of it is the demand for district autonomy within the existing states like Assam and Manipur. At the other are the movements for independence like those of Phizo, which aim to create a 'sovereign' Nagaland. What is more important is to note that, although autonomy is a particular form of external relation, its need is felt at a particular stage in the internal development of a community and can never be an independent demand. Precisely because of this, the hill people of Tripua are fighting for a constitutional guarantee for their land and the Kukis were identifying themselves with the statehood demand of Manipur and yet talking of district autonomy. Articulate public opinion in Meghalaya was not satisfied with the autonomous state which indeed separated it from Assam for all practical purposes. The nature of the political aspirations of the hill people would, therefore, have to be assessed in the context of the state of socio economic development of the different groups. What appear to be 'tribal solidarity movements' have a definite socio economic content.\(^10\)

National apprehensions about the hill peoples' movements arose out of the sundry demands for independence voiced at the time of the transfer of power. A close scrutiny of those demands would, however, rule out any blanket condemnation.

\(^9\) Ibid, P. 243-244.
\(^10\) Ibid, P. 244-245
of the hill people. The demands were by no means universal but came from a particular section, where as positively integrationist forces expressed themselves equally if no more powerfully.\textsuperscript{11}

The mainstream of the hills’ movements today can be characterized as ‘sub-national’. Its goal is a respectable position on the national map for the simple Hill people who acquired western education in greater numbers than many of their plain neighbors in the plains, and who feel they are as modern as any other group. This feeling could be sensed by the author when, at a seminar on national integration in February 1970, a senior APHLC leader quoted the late communist leader Ajoy Ghosh, to stress that the rub of the hills-plains relations lay in the absence of equality.\textsuperscript{12}

\textbf{Varieties of Autonomy}

The power of the state, the spread of administration,\textsuperscript{3} the growth of communications and the persistence of factionalism have contributed to the weakening of secessionism. It should be noted that Phizo’s independent government operated from the un-administered Naga Tribal Area and Lal Dengar’s MNF violence was facilitated by open, unguarded international borders on both sides of the Mizo hills. The situation is so different today that the National Socialist Council of Nagaland operates from the unadministered Burma Hills. Of course much violence still continues along the Borders with Bangladesh, as also smuggling. But there is a qualitative difference from the situation obtaining in the fifties and sixties.\textsuperscript{13}

\textsuperscript{11} Ibid, P. 245
\textsuperscript{12} Ibid, P. 245
Factionalism is inextricably tied up with ethnic politics, giving it a centrifugal continuity. After the formation of Mizoram, Pawis (Lais) in the south and Hmars in the North have raised their demand for autonomy. In Manipur the Kuki-Naga conflict has intensified. In Maghalaya the congress political party thrives on the Garo-Khasi rivalry. In Arunachal Pradesh, Gegong Apang, the chief Minister, virtually defied the central government and the party leadership on the question of Chakma and Hajong refugees, and won more than two third of the Assembly seats in 1995. He is believed to have sabotaged the prospects of the two Lok Sabha candidates of the Congress. When the congress took disciplinary action against him, Apang walked out of it with almost all the MLAs and formed a new government.14

The hill-plains equation in Assam politics has never been stable, with the parties complaining of the Assam government’s persistent intervention in their areas of autonomy and the latter’s complaint of its abuse by the hill parties. At the same time much of the murk in hill politics sprang from factional politics within the Assam Congress, with rival leaders patronizing rival hill factions. Politics in the Karbi-Anglong district is its latest illustration.15

During the 1980 elections a boycott was sponsored by the All Assam Students’ Union. In the Autonomous district constituency of Karbi-Anglong and North Cachar two Kachari candidates filed nominations while no Karbi (Mikir) did. Poling could not be held in the constituency as the Assamees government officers refuse to conduct it. The incident showed the political orientation of the Karbis towards the Assamees while the Kacharis are traditionally oriented towards the

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14 Ibid, P. 256
15 Ibid, P. 256
Bengali speaking Barak valley. Within a decade, however a statehood demand by the Karbis cropped up. In November 1992 the Karbi District Council was superseded by the Assam government. To its extreme embarrassment, the Gauhati High Court reinstated the District Council, passing strictures against the state government. In the elections to the Karbi and to the North Cachar District Councils held on 3rd June 1996, the congress was defeated by the Autonomous State Demand Committee.16

It is evident that North East Indian Politics has contributed a staggering variety of autonomy to the Indian constitutional structure. Right at the beginning the part A tribal areas were granted autonomous Districts. The Naga Hills never had them. When the Naga Tribal Area was joined with the Naga Hills District, as the Tuensang District, to form the state of Nagaland, the 13th amendment of the Indian constitution provided for regional autonomy under Article 371A, for that area. When the autonomous state of Meghalaya was set up in 1969, the 22nd amendment inserted Article 244A, which is still in force. The reorganization of 1971 drastically altered the pattern of the Sixth Schedule. The Mizoram District Council disappeared and the Pawi-Lakher Regional Council was split into three District Councils. The District Councils in Meghalaya were devalued, while in Assam they were strengthened by the grant of developmental functions. In Manipur District Councils were created by a parliamentary Act, outside the scope of the Sixth Schedule. Later, when the Sixth Schedule was introduced in Tripura, a Tripura Tribal Areas District was created. In 1993 the Bodo Land autonomous Council was created by a state legislation.17

16 Ibid, P. 256-257
17 Ibid, P. 257
On 1 April 1995, a memorandum of understanding was signed between Hiteswars Saikia, Chief Minister of Assam, and representatives of several political organizations of the Karbi Anglong and North Cachar Districts (the Autonomous State Demand Committee and the Karbi Students Association from the Karbi Hills, the North Cachar Hill State Forum and the Dimasa Students’ Federation from North Cachar) envisaging a larger autonomy for District Councils. The format of an ‘Autonomous Council’ would imply a higher political status than that of the (Autonomous) District Council but lower than that of the autonomous state as envisaged for Meghalaya in 1970. The change would call for an amendment of the Sixth Schedule. Almost simultaneously a scheme for autonomy, somewhat resembling the Bodo autonomy scheme was worked out for the Lalungs who live in a somewhat dispersed way within the Karbi-Anglong District.  

Since our Constitution makes special provision for those backward and downtrodden sections, provision of management of tribal areas is one under the Sixth Schedule of the Constitution, which provides certain guidelines for administration of tribal areas all over the country.

The administration of the Tribal Areas of North-Eastern region which were previously known as “Backward Tracts” has a history of its own. The Grant of the Diwany of Bengal to the East India Company in 1765 by Shah Alam II, secured for the British India Company “superintendence of all revenues” in the presidency of Bengal. Even prior to the taking over of the territories formerly administered under the East India Company by the British sovereign in 1858, after the Sepoy Mutiny of

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18 Ibid, P. 257-258
1857, the making of laws was entrusted to the Governor General-in-Council by the Government of India Acts of 1833 and 1853.20

These statutes allowed laws to be enacted directly for the areas which were earlier under the authority of the East India Company. In the following years, many Acts and Regulations were passed which affected the North Eastern region in diverse ways—like the Inner Line Regulation of 1873, the Scheduled Districts Act 1874, and the Government of India Acts 1919 and 1935. As per the scheme of Provincial Autonomy, the hill areas of the then province of Assam fell into two categories, viz., Excluded and partially Excluded Areas, as scheduled through the Order-in Council under the Government of India Act 1935. The main concern of the administration at that period of time was more static than dynamic.21

This way, the administrative insulation contributed to the prolongation of backwardness of the North-Eastern region especially the areas predominantly inhabited by the tribal people. In independent India, under the inspiring leadership of Jawaharlal Nehru, a policy of winning the confidence of the tribal people and promoting closer contacts and intercourses between the tribals and non-tribals, ensuring the safety and interests of the tribals in their lands and autonomy to shape their lives as they desire, was followed.22

In the Constituent Assembly, Jawaharlal Nehru presented the historic Objectives Resolution which was adopted on 22nd January 1947. These objectives have actually shaped the making of the Constitution. This Resolution proclaimed that India would become an Independent Sovereign Democratic Republic wherein

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20 Ibid. P. 163.
21 Ibid. P. 163.
22 Ibid. P. 163-164
inter-alia, "adequate safeguards shall be depressed and other backward classes."

When the Constitution of free India was adopted it envisaged strong democratic institutions at the grass-root level as well as concerning the affairs of the tribal communities.²³

**North-East India**

The North-East is a mosaic of various societies; it consists of tribes and races that remain distinct by their language, culture, traditions, and customs. The terrain of the region is a combination of hills and plains. However, there has been a clear distinction between the people living in the hills and the plains. This has been one of the major factors which resulted in the creation of new states in the region.²⁴

Democratic decentralization and setting up of the Panchayati Raj became one of the Directive Principles of state policy. However, in the case of the tribal areas in the country, especially those in the North-East, there are some specific provisions provided in the Constitution. The makers of the Constitution also recognized the necessity of a separate political and administrative structure for the hill tribal areas of the erstwhile province of State of Assam by adding the Sixth Schedule to the constitution of India. In doing so, they were guided broadly speaking by three main considerations.²⁵

(a) Need to maintain the distinct customs, socio-economic and political culture of the tribal people of the region, to ensure autonomy of the tribal people and to protect their identity.

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²³ Ibid. P. 164.
(b) The necessity to check their economic and social exploitation by the more advanced neighbouring people of the plains:

(c) To allow the people to develop and administer themselves as per their own genius.

Keeping the above in mind, in pursuance of paragraph 20 of the Cabinet Mission Statement of May 16, an Advisory Committee on Fundamental Rights of Minorities in Tribal Areas, was formed by the Constituent Assembly of India. One of the Sub-Committees constituted by the Advisory Committee was the North-East Frontier (Assam) Tribal and Excluded Areas Sub-Committee under the chairmanship of Gopinath Bordoloi (popularly known as Bordoloi Sub-Committee). The Sub-Committee visited the tribal areas in the then composite State of Assam and talked with the representatives of the hill people in order to formulate a model administrative set up for these within the State of Assam. When the Sub-Committee studied the difficulties of the tribal people of the region, it realized that these areas needed protection and safeguards so that they might be able to preserve their way of life and at the same time take part in the political life of the country along with others. 26

It also saw the existence of the traditional self-governing institutions which functioned democratically and solved their disputes in accordance with their customs and traditions. The Sub-Committee tried to find a system by which it could be possible to remove the apprehensions of the tribal people, innocent and backward as they were, so that they might not be exploited by the advanced people of the plains. The suggestions of the Sub-Committee were incorporated in the Sixth Schedule of

26 Ibid.P. 164.
the Constitution. The idea behind the Sixth Schedule was to provide the tribal people an administration that can protect their traditions and cultures and to give maximum autonomy to them.\textsuperscript{27}

The Bardoloi Sub-Committee specifically appreciated that the tribal people were particularly sensitive about their lands, traditional system of justice and social rituals. In acceptance of the recommendations of this Sub-Committee, the Sixth Schedule of the Constitution of India was adopted. This provided for the formation of Autonomous District Councils (ADCs) in certain hill districts of the then composite State of Assam. The Autonomous District Councils (ADCs) in certain hill districts (except Naga Hills) of the then composite State of Assam were first introduced in 1952, and in 1955 Regional Councils (now District Councils) were introduced in the then Lushai Hills District (now Mizoram), according to the provisions of the Sixth Schedule. For the last forty years, these ADCs have functioned in their respective autonomous districts.\textsuperscript{28}

The first political autonomy movements among the tribals began during the colonial period, but the formation of separate states on ethnic lines was done only after independence. The North-East has experienced the formation of more tribal states than central India and has also experienced stronger militant struggles. As the North-East is on the international border, such militancy makes the region more politically sensitive. The Government of India has, therefore, tried to appease the agitated tribes by allowing the formation of more ethnic states in the region.\textsuperscript{29}

\textsuperscript{27} Ibid, P. 165
\textsuperscript{28} Ibid, P. 165
The 1960s proved to be eventful years for political movements in North-East India. The movements veered round the demand for more political autonomy to the hill people of the region which later culminated with the creation/formation/establishment of separate hill States in the region beginning with Nagaland as a full-fledged State in December 1963. Autonomous District Councils (ADCs) under the Sixth Schedule of the Constitution were however in existence since 1952 in certain hill districts of the composite State of Assam. Before the reorganization of Assam, the hill leaders have had a second look for scrutiny at the initial autonomy granted to them through Autonomous District Councils and found that such Constitutional arrangements were inadequate. The hill leaders were of the opinion that ‘autonomy’ under the Sixth Schedule of the Constitution was not real autonomy as per the resolution passed by the Chief Executive Members in their conference held at Tura in 1954. Thus, besides the demand for the amendment of the Sixth Schedule, an added demand for separate hill States instead of autonomous districts, till then under the composite State of Assam was made.

The demand for separate hill States led to the appointment of different committees, sub-committees and commissions to examine and study the varied demands of the hill people of North-East India. This gave rise to a number of proposals, plans suggestions, etc. which were offered to the hill people from time to time to meet their demands for both administrative and political structures in different shades and forms.

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31 Ibid. P. 8.
Since independence the State of Assam has lost a lot of territory – the district of Sylhet at partition, the Naga Hills in 1958, Meghalaya (Khasi, Jaintia and Garo Hills districts) in 1970, and Mizo Hills and Arunachal Pradesh (NEFA) in 1972. The greater Assam State has now been reduced to the Brahmaputra valley, where the State’s official language, Assamese is spoken; the Barak valley (Cachar) where Bengali enjoys the status of the officially recognized district language; and the connecting Mikir and North Cachar Hills where tribal languages have official local provenance.

The political situation of the tribal areas of North-East India became different after India became Independent. Though in North-East India the struggle for political freedom was limited to the valley areas only, on the eve of the attainment of Independence political consciousness started to develop rapidly among all the tribal populations of this part of the country. The Constitution of India in the Sixth Schedule provides for district autonomy for the hill districts of erstwhile Assam. But the Nagas, from the very beginning were demanding separation from Assam, and they did not co-operate in forming a District Council in Accordance with the Sixth Schedule of the Constitution. Only five District Councils, one each for the Garo Hills, the United Khasi and Jaintia Hills, the Mikir Hills (the present Karbi Anglong district), the North Cachar Hills and the Mizo Hills (present Mizoram), were set up in 1952. But soon there were demands for the creation of Regional Councils for the minority communities in the Mizo Hills and in the United Khasi and Jaintia Hills and as a result in 1953 a Regional Council was formed for the Pawi-Lakher région in the

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33 Ibid. P. 1
south-eastern part of the Mizo district and in 1963 a separate District Council was created for the Jowai sub-division of the United Khasi and Jaintia Hills district.\textsuperscript{34}

Soon after the Sixth Schedule came into operation in the hill districts of erstwhile Assam, it was felt that the powers of the District Councils were not adequate for the all-round development of the tribal populations and so there were two sets of demands: some wanted the Constitution to be amended to give more powers to the District Councils and the others demanded a separate state comprising the hill areas of Assam. The movement for a separate Hill State was intensifed in 1960 after the passing of the bill to make the Assamese language the official language of Assam. This movement was led by an organization of the leaders of various political parties of the hill areas called the All-Party Hill Leaders Conference (APHLC). On 11\textsuperscript{th} September, 1968 the Government of India announced its decision on the reorganization of Assam by forming an autonomous State comprising the hill areas within the State of Assam. On 15\textsuperscript{th} October, 1968 the AFHLC decided to accept the proposal. But meanwhile all the hill districts of erstwhile Assam except Garo Hills and United Khasi and Jaintia Hills districts decided to keep away from the autonomous State; so ultimately the autonomous state was formed with these two districts only. Ultimately at the time of the reorganization of North-East India this autonomous State within Assam was granted full statehood as the Meghalaya State and Mizoram and Arunachal Pradesh were granted the status of Union Territories, and all the North-Eastern states, namely, Assam, Meghalaya, Manipur, Nagaland and Tripura were placed under one common Governor.\textsuperscript{35}

\textsuperscript{34} Ibid. P. 24.
\textsuperscript{35} Ibid. P. 24-25.
It cannot be said that after the reorganization of the states in North-East India the problems of the tribal populations of North-East India have been solved once for all. After Independence the political aspirations of the tribes of North-East India varied between complete severance of all political ties with India and formation of small administrative units (that is, States) for a group of communities having some affinities.36

**Constitutional Framework for Tribal Autonomy with Special Reference to North-East India**

Right of self-determination was included in the Universal Declaration of Human Rights in 1948. It was in the context when two-fifths of the population of the world were under colonial rule. Since then the concept has undergone considerable changes in the context of (a) decolonization of large part of the world, (b) emergence of power blocks in a cold war situation; (c) emergence of multinationals with more resources than even the host countries and with their sway cutting across state boundaries; (d) functioning of UN organs and adoption of a number of codes and conventions operative throughout the world; (e) voluntary restrictions in operation of sovereignty by European Economic Community (EEC) countries to remain viable as a collective candidate for hegemonic power in the world system and the (f) gathering shadow of global environmental crises and recognition of the need of accepting international discipline for the sake of the physical survival of life on the planet.37

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36 Ibid. P. 25.
Constitutional Provisions for the implementation of Autonomy by the Tribal People:

The Fifth Schedule is meant to protect the interest of the smaller tribal groups which are placed within the larger unit – the state-structure. It provides a limited platform by way of the formation of ‘Tribes Advisory Council’, which can articulate the aspirations of their respective communities so that these issues are taken care of while framing the laws pertaining to their welfare and advancement. The council has neither any executive power nor does it enjoy any legislative or judicial powers within the scheduled areas. The legislative power is vested in the hands of the Governor and the Council has the duty to advise him on his desire. The Governor is empowered to apply his discretion regarding the applicability of any law passed by the Parliament or State Legislature in the Scheduled areas. In consultation with the ‘tribes advisory Council’ he can make laws for the Scheduled areas.38

Mention has been made of Article 38 in the part relating to the Directive Principles of State Policy requiring the state to secure a social order for the promotion of the welfare of the tribal people. Article 38 (2) envisages the welfare not only of individuals but also of groups of the people residing in different areas or engaged in different vocations. This clause was adopted by the Constitution (Forty-Fourth Amendment) Act, 1978.39

38 http://www.merg.ac.in/civil_societydialogue3.htm, Experiences on Autonomy in East and North East, P. 21
Recognition of group rights not only of individuals but also of peoples in 1978 is an indication of the evolution of constitutional thought in India in recent decades.

Article 19 stipulates that all citizens shall have the right (a) to freedom of speech and expression; (b) to assemble peaceably and without arms; (c) to form associations or unions; (d) move freely throughout the territory of India; (e) to reside and settle in any part of the territory of India and (f) to practice any profession, or to carry on any occupation, trade or business.40

Clause 5 of Article 19, however, stipulates that nothing in Sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law insofar as it imposes or prevents the State from making any law imposing reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe. This sub-clause has only indirect bearing on tribal autonomy in so far as by restricting immigration of populations it makes exercise of autonomy more feasible.41

The 73rd amendment of the Constitution on Panchayati Raj indirectly helps the tribal pockets outside 5th and 6th Schedule Areas. Where the concerned State Legislature desires common panchayat pattern can be introduced even in these areas.42

40 Ibid. P. 82.
41 Ibid. P. 83
42 Ibid. P. 83
Fifth Schedule of the Constitution

Article 244 (4) provides for a Fifth Schedule which may apply in any state other than those states in North-East India where a separate schedule, namely Sixth Schedule applies.

Subject to the provisions of this Schedule, the executive power of the state extends to the scheduled areas therein.

The Governor of each state having Scheduled Areas shall originally or whenever so required by the President, make a report to the President regarding the administration of the Scheduled Area in that state and the executive power of the Union shall extend to the giving of directions to the state as well as to the administration of the said areas.  

The Fifth Schedule provides for the establishment in each state having scheduled areas a Tribe Advisory Council consisting of not more than twenty members of whom, as nearly as may be, three-fourths must be the representatives of the Scheduled Tribes in the Legislative Assembly of the state. If the President so directs, the Tribes Advisory Council may also be established in the States without Scheduled Area. For instance, though West Bengal does not have any Scheduled Areas, a Tribes Advisory Council has been established in this state at the direction of the President.

Though through the provisions of the establishment of Tribes Advisory Council, consisting of the elected representatives of the tribals, scope for greater participation of the tribals in the decision making process has been created, the main
thrust of the Fifth Schedule is paternalistic. It envisages welfare and protection of the interest of the tribals under the benign umbrella of the Union Government.

The actual operation of the Fifth schedule, however, shows that the Tribes Advisory Councils meet very infrequently and when they meet are more concerned with petty matters of local relevance rather than policy issues of general concern to tribals. As regards the role of the Centre to protect the interest of the tribals, it is to be noted that except once, the Centre has never invoked the authority of the Fifth Schedule. Analytically it can be pointed out that this Schedule can be used by the Central bureaucracy to subvert in collusion with the State bureaucracy the political process involving the tribals at the state level.

In general it can be stated that in the matter of stimulating self-reliance and self-management of the tribals the Fifth-Schedule has been a non-starter.

**Sixth Schedule of the Constitution**

The Sixth Schedule contains provisions relating to the administration of the tribal areas in the states of Assam (North Cachar Hills and Karbi Anglong District), Meghalaya, Mizoram, and Tripura (Autonomous Hill District). There are Autonomous District Councils and Autonomous Regional Councils in the areas which have a long tradition of Self-management systems. These Autonomous Councils not only administer the various departments and development programmes but they also have powers to make laws on a variety of subjects, e.g., land, forest, shifting cultivation, village or town administration including village or town police

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45 Ibid. P. 84
46 Ibid. P. 84
and public health, inheritance or property, marriage and divorce and social customs.\textsuperscript{47}

The degree of autonomy under the Sixth Schedule is far larger than that of the Fifth Schedule. In fact, the Sixth Schedule provides some sort of 'proto-state-structure' to the areas under its jurisdiction. It has been suitably designed to take care of the autonomy aspirations of the smaller tribal groups in the North Eastern States of India. \textsuperscript{48}

(i) \textbf{Constitutional Provisions.}

Article 244 (2) of the Constitution provides for a Sixth Schedule which shall apply to the administration of the tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.

Article 275 (i) of the Constitution also makes a passing reference to the Sixth Schedule.

Para 20 of the Schedule provides a list of tribal areas covered by the Sixth Schedule in three parts. These are as follows:

Part 1 (Assam)

1. North Cachar Hill District
2. The Karabi Anglong District.

\textsuperscript{47} Hooja Meenakshi, Policies and Strategies for Tribal Development, Rawat Publications, Jaipur and New Delhi, 2004., P. 47.

\textsuperscript{48} \texttt{http://www.mcrrg.ac.in/civil_societydialogue3.htm}, Experiences on Autonomy in East and North East, P. 21
Part II (Meghalaya)

1. Khasi Hills District
2. Jaintia Hills District
3. The Garo Hills District

Part II (A) Tripura Tribal Areas Districts

Part III

1. The Chakma District
2. The Mara District
3. The Lai District.

There shall be a District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage.

If there are different Scheduled Tribes in an autonomous district, the Governor may by public notification, divide the area or the areas inhabited by them into autonomous regions, and there shall be a separate Regional Council for each area constituted as an autonomous region.

The District or the Regional Council may after its first constitution make rules for the approval of the Governor inter-alia with regard to matters regulating (a) the formation of subordinate local councils or boards and their procedure and the conduct of their business, and (b) generally all matters relating to the transaction of

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49 Hansaria’s B.L., (2005), Sixth Schedule to the Constitution, Universal Law Publishing House, P. 104-105.
51 Ibid. P. 85
business pertaining to the administration of the district or region, as the case may be.  

The Regional Council and the District Council shall have power in their respective jurisdiction to make laws regulating (a) the allotment, occupation or use or the setting apart of land, other than any land, which is reserved forest for the purpose of agriculture or grazing or residential or other non-agricultural purposes or for any purpose that is likely to promote the interests of the inhabitants of any village or town.  

Provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or unoccupied, for public purposes by the Government of the State concerned in accordance with the law for the time being in force authorizing such acquisition; (b) the management of a forest not being a reserved forest; (c) the use of any canal or water course for the purpose of agriculture; (d) the regulation of the practice of Jhum or other forms of shifting cultivation; (e) the establishment of Village or Town Committees or Councils and their powers; (f) any other matter relating to town or village administration, including village or town police, and public health sanitation; (g) the appointment or succession of chiefs or headmen; (h) the inheritance of property; (i) marriage and divorce and (j) social customs. 

All laws made under this paragraph shall be submitted forthwith to the Governor and until, assented to by him, shall have no effect. “Reserved Forest” mentioned in this paragraph means any area which is a reserved forest under the
occasionally and constitute plans and devices to achieve statehood for the Hill organization called the All Parties Hill Leaders Conference which used to meet in the territory of the Mizo people. Thereupon, the people of Khasi and Jaintia Hills also began to put pressure upon the Government of India for the creation of Mizoram State. When the Government of India denied conceding the demand, the Front indulged in unlawful and hostile activities against the government which resulted in anarchy, chaos, disorder and bloodshed in the territory of the Mizo people. Thereupon, the people of Khasi and Jaintia Hills also began to put pressure upon the Government of India for the creation of the Meghalaya State. The Hill leaders of North-East India had formed a political organization called the All Parties Hill Leaders Conference which used to meet occasionally and constitute plans and devices to achieve statehood for the Hill

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Assam Forest Regulation 1891 or under any other law for the time being in force in the area in question.\textsuperscript{55}

For the Administration of justice in Autonomous Districts and Autonomous Regions the Regional Council and District Council may constitute Village Council or courts within their respective jurisdictions for the trial of suits and cases (except certain categories of cases mentioned in the Schedule) between the parties all of whom belong to scheduled Tribes. The Regional Council and the District Council shall exercise the power of a court of appeal in respect of all suits and cases triable by a Village Council or court. The High Court shall have and exercise jurisdiction over suits and cases specified by the Governor from time to time.\textsuperscript{56}

\textbf{Autonomous State of Meghalaya}

The birth of Nagaland state which took place in 1962, encouraged and invited all the Hill Tribes of Assam to come ahead with similar demand which could not be denied. Firstly, it encouraged the Mizo National Front under the leadership of Mr. Laldenga, to demand for the creation of Mizoram State. When the Government of India denied conceding the demand, the Front indulged in unlawful and hostile activities against the government which resulted in anarchy, chaos, disorder and bloodshed in the territory of the Mizo people. Thereupon, the people of Khasi and Jaintia Hills also began to put pressure upon the Government of India for the creation of the Meghalaya State. The Hill leaders of North-East India had formed a political organization called the All Parties Hill Leaders Conference which used to meet occasionally and constitute plans and devices to achieve statehood for the Hill

\textsuperscript{55} Ibid. P. 86.
\textsuperscript{56} Ibid. P. 86
people. Their Main complaint was that attempts were being made by the Assamese to impose their language on them while they were very much interested in English language for their States. Secondly, they were afraid of occupation of the hill territories by the Assamese. The leaders of Meghalaya complained that the land belonging to the tribals was being acquired for the construction of hydro-electric projects for the benefit of the people of Assam. Moreover, The Hill people thought that most of the policies of the government of Assam were not useful to them. That is why the hill leaders were pressuring the Government of India to separate their land from Assam and grant them a separate administrative set up.  

By 1968, it was not possible for the government of India to overlook the demand of the people of Meghalaya. So the Government started to think over their problems seriously and adopted some measures to create the autonomous state of Meghalaya. Though, in the beginning, the All Party Hill Leaders Conference was not ready to accept anything less than a full-fledged State, they were persuaded to accept the Autonomous State first and then move for full Statehood. So on 28th January, 1969, the All Party Hill Leaders Conference accepted the Autonomous State plan and appealed to the two District Councils- the Mikir Hills and the North-Cachar Hills- to join the Autonomous State of Meghalaya. They were assured of having equal representation in the cabinet, equal opportunity for participation in various fields of administration and development and greater opportunity for preserving their distinct identity and culture. Offer was given to Mizoram also besides Mikir Hill and North Cachar Districts, to join the Autonomous State of Meghalaya.

Meghalaya but the North Cachar District’s people demanded the status of Union Territory for themselves which was not acceptable to the people of Assam. The Indian Parliament passed the Bill for the Autonomous State of Meghalaya on 24th December, 1969, and the State was inaugurated on 2 April, 1970 with great cheer and rejoicing by the people of Meghalaya. It comprised the Garo Hills Khasi Hills and Jaintia Hills. The Mikir Hills and the North Cachar Hills remained Parts of Assam. The autonomous state of Meghalaya was given a separate Legislature and separate Cabinet. The Legislature consisting of not less than thirty five and not more than fifty five members was to be elected by the people of the area on the basis of universal adult franchise. The Governor was authorized to nominate three members for those people who were not represented. Provisions were also made to send hill representatives to the Legislature of Assam and the Cabinet of Assam. The Meghalaya Legislative Assembly had no jurisdiction over public order and police. However, it was vested with town and village police administration. Again, Meghalaya had no control over water supply, irrigation, canals, drainage, embankments, water storage and hydro-electric and navigation projects financed by the Government of Assam. As regards forest administration of all forests except reserved ones, was vested with Meghalaya. Education of all kinds including University also came under the government of Meghalaya. It also got the power to control chiefs and headman of the scheduled Tribes. There was clear cut division of powers between the State of Meghalaya and the State of Assam. There were four lists of powers. The powers in the first list were exclusively in the Assam State Legislative Assembly while the second list contained the powers of the Meghalaya
Legislature. The third list had concurrent powers over which both Legislative assemblies could legislate. The fourth list had the subjects of common interest and these were given to the legislature of Assam. Assam Legislature was given twenty six subjects of common interest- Hills and Plains which included public order, (except village police and town police in the hill areas), High Court, Assam Public Service Commission, prison, historical monuments of national importance, State High ways, State water ways and water supply and irrigation.  

Thus it is obvious that the creation of the Autonomous State of Meghalaya, though still kept the people of Meghalaya under the state of Assam, it provided independent status to them in local affairs and also freedom to run their local administration. It is a fact that it did not grant them full fledged Statehood as they desired, but it brought them very much nearer to their goal. Subsequently they were also granted full Statehood in 1971.

**Assam**

In Assam, the forces demanding autonomy came to the fore immediately after independence. Assam being a composite state comprising diverse races and tribes became the scene where regional forces began to operate in diverse ways. There were demands for secession from the Indian Union by certain elements among the Nagas and Mizos. There were also demands for autonomy/ Statehood among other hill tribes. Thus in the sixty’s and the seventy’s new States and Union Territories emerged in the North-East. The entire scene has now changed and at present there are eight states comprising the North-Eastern region. It is very important to note that

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59 Ibid. P.199-200  
60 Ibid. P. 201  
the forces demanding autonomy/ Statehood were not confined to the hill areas. Certain demands were also voiced by the Plain Tribals of Assam.

In the tribal districts of Assam the demand for Statehood has a long history. The Ahom movement launched under the banner of Ujoni Assom Rajya Parishad the Udayachal-state demand of the Bodos, launched originally under the banner of the Plains Tribal Council of Assam (during the 1960s) and the Karbi movement under their student leaders and public leaders have revived, changed and altered, their actions and movements. The Zemis of Assam, as part of the Zeliangrong ethnic component, continue to press for their demands of a common ethnic name and a ‘separate State’. 62

The All Bodo Students’ Union is fighting for the creation of a Union Territory along the North Bank of the Brahmaputra for the tribals, and constitution of District Councils in Bodo dominated areas on the south bank. The ‘United Tribal Nationalist Liberation Front’ led by the Bodo Cacharis, demand the creation of what has been called ‘tribal land’ more or less in the same region of Udayachal (the land of the rising sun). Yet another organization, the ‘All Assam Tribals Students Union’ in a bid to unite all tribes of Assam with a common demand for autonomy has proposed a ‘federal structure’ for the state in which all communities and tribes would get due recognition. In the two hill districts of Assam, fairly strong agitations have been launched, since 1986 in particular demanding the creation of an Autonomous State, under the provisions of Article 244A of the Constitution of India. 63

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63 Ibid, P. 246-247
Bodo Tribal Movement

The Bodos are referred to as a 'tribe' by the British administrators and missionaries and designated as a Scheduled tribe after Independence. These communities, like other communities of the region are struggling for development of their language and for political autonomy. The Bodos are concentrated in the five districts of Assam, viz., Kokrajhar, Barpeta, Nalbari, Lakhimpur and Darrang.

During the second half of the twentieth century Bodo intellectuals and leaders felt the necessity to develop their language and established an organization for that purpose. This organization called the Bodo Sahitya Sabha, became the path finder of the Bodo people in subsequent years. Continuous efforts of Bodo Sahitya Sabha and other organizations in the 1960's, 1970's, and 1980's sharpened the political aspirations of the Bodo people.

Welcoming the central government’s effort in bringing about the Darjeeling Gorkha Hill Council Accord, the All Bodo Students’ Union (ABSU) of Assam has demanded a similar intervention by the centre for the creation of a tribal homeland on the North bank of the Brahmaputra, according to Amrit Bazar Patrika (28 July 1988). The area of the proposed tribal homeland would be 25,4781 square kilometers and would extend from the Sankosh River near Srirampur in the west to Sadia on the east. This territory will have West Bengal on its north, Assam in the south, and Arunachal Pradesh in the east. This area would consist of the present

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64 Chaudhuri Sen Sucheta, (200), The Bodo Movement and Women's Participation, Mittal Publication New Delhi P. 29.
65 Ibid. P. 17.
districts of Kokrajhar and Lakhimpur, and the eight subdivisions of Dhubri, Goalpara, Barpeta, Nalbari, Kamrup, Darrang, Tezpur Majuli and Sadia.66

The All Cachar-Karimganj Students’ association (ACKSA) of south Assam has extended its solidarity to the ABSU movement. A first step to mobilize mass movement in support of the tribal home land against police atrocities and “Assamese Chauvinism”, the ABSU and the ACKSA gave a joint call to observe the 41st independence day as a ‘black day’. The ABSU charter of demand contained 99 points. But to draw the attention of the Union Home Ministry and to mobilize a mass struggle, the ABSU has been pressing for the acceptance of three primary ‘political demands’, such as the creation of a tribal home land as a Union Territory, District Council for the south bank of Brahmaputra and the inclusion of Bodos in the Karbi-Anglong Autonomous District Council with Tribal status.67

The United Tribal Nationalist Liberation Front, spearheading a movement for a separate home land for the plains tribals of Assam, called a 12 hour bandh in the tribal areas of Assam on 28th July 1988.68

Assam has witnessed the rise of a variety of ethnic movements at different stages of its political evolution in the era after independence. At no time was there any finality in regard to settling the national question. For reasons of power as also rising expectations of ethnic groups, various movements surfaced demanding separate political entities. Although the Ahoms formed an integral part of the Assamese nationality, certain leaders of that community floated the idea of

66 Das N.K., (1987), Ethnic Identity Ethnicity and Social Stratification in North East India, Inter-India Publications, p. 267-270.

67 Ibid, p. 270

68 Ibid, p. 270
separatism with the formation of the Ujani Asom Rajya Parihsad (UARP) in 1967 demanding a separate State comprising the upper Assam Districts of Sibsagar, Lakhimpur and Dibrugarh. But by 1978 the movement petered out with the merger of the UARP with the Janta party.\(^69\)

The indigenous listed tribal communities of Assam are: Boro-Kachari, Deori, Dimassa Kachari, Karbi, Lalong, Mishing, Rabha, Bramans of Cachar, Kukis, Rengma Nagas, Zeme Nagas and Sonowal Kacharis. Not all these communities raised the issue of identity crisis to the point of demanding separate political formations, although the idea of self determination has since found acceptance on a noticeable sale. However, after the Assam Accord of 15\(^{th}\) August 1985, the Bodos and Kerbi-Dimasa communities began their agitations for Bodo land and an Autonomous State respectively.\(^70\)

Although the issue of identity crisis was not spelt out in so many words, the ‘Script issue’ began to stir the Bodo heart in 1974. The state’s repressive measures to deal with the movement tended to create a mental divide. Gradually a state of mind was created and the opinion spread among the Bodos that social mobilization was necessary to realize the ethnic and political demands of the community.\(^71\)


\(^{70}\) Ibid, P. 180

\(^{71}\) Ibid, P. 180
Issues of the Bodo Movement

The issues raised in their first memorandum submitted to the President of India on 20th May 1967 were alienation, unemployment, exploitation, and preservation of tribal language, culture, customs and traditions.\(^{72}\)

While the underlying causes of the Bodo Land movement lay in the urge and aspirations of the ethnic Bodos, the immediate occasion was provided by the example of the Assam movement and its apparent success. The Assam Accord promised a series of safeguards for protecting the distinctive identity of the people of Assam. It is possible to think that if proper safeguards for different communities were actually worked out, the Bodo Land movement might not have assumed the proportions it did.\(^{73}\)

As in the case of the Assam movement, the Bodo Land movement was led by a student body, the All Bodo Students’ Union (ABSU). Other plains tribals outfits like the Plains Tribals Council of Assam (PTCA) became irrelevant in the wake of the movement. The ABSU did not want to secede from India but sought a separate State by the name of Bodo Land with as large area as 50 percent of the State of Assam. This was a wholly unjustified demand in terms of composition of the population and geographical spread.\(^{74}\)

Formed in 1967, ABSU came to the lime light in 1986 with the election of Upendra Nath Brahma as president of the organization. It began acquiring a new

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\(^{72}\) Chaudhuri Sen Sucheta, (2004), *The Bodo Movement and Women’s Participation*, Mital Publication New Delhi, P. 71


\(^{74}\) Ibid, P. 181
dimension enabling it to come to a position of exercising a sort of 'civil hegemony' over large sections of the masses of Bodos. Upendra served as the moving force of the Bodo Land movement. The Bodo elite turned to him. It was under his leadership that ABSU decided to launch a 'Democratic Mass Revolution through Gandhiji's Non-violent method on 2nd March 1987 for the solution of all its demands with more emphasis on political demands'. The movement however, did not remain non-violent because much violence marked the active phase of the Bodo Land movement. It was under Upendra's guidance that in 1988, the Bodo People's Action Committee (BPAC) was formed; the idea was to mobilize 'all the people for the Bodo Land movement'. In actual practice, the BPAC developed militant tactics and provided for armed training of their members and acquired large quantities of sophisticated arms and ammunitions. They also developed locally made shot guns and powerful bombs. BPAC may be called the armed wing ABSU and it adopted terrorist methods not only against the non tribals living in mixed population villages of Dhubri, Kokrajhar, Borpeta, Nalbari, Darrang and Sonitput but even against its political opponents, namely the followers of the Plains Tribal Council of Assam (PTCA), which till then claimed the following of all Bodos Violence came to be officially acknowledged when the Bodo Accord (20 February 1993) was signed after the end of the movement. The accord soon collapsed amidst a vertical split in ABSU and other Bodo political parties brought about mainly by the split between SK Bwiswmathiary and Premsingh Brahma, and violence erupted in Bodo areas leading to a displacement of over 70,000 people.

75 Ibid, P. 181
Despite the Bodo Accord, neglects remain, no economic parity is apparent. Lately, there a few signs of efforts to improve these situations. However, there are thousands of people still languishing in refugee camps including Bodos and non-Bodos. Their lives have been disrupted several times in last two decades. Although, a few dozen single lane roads have been repaired in the last few years, while hundreds of bridges remain in poor condition.\footnote{Frontline, Territories of fear, November, 22nd, 2003. p. 21} On 21\textsuperscript{st} October 2009 a Bodo ceasefire leader was short in Assam.\footnote{Nagaland Post, \textit{Bodo ceasefire leader shot in Assam}, October 21\textsuperscript{st} 2009, p.6.} So the issues of Bodo Land self-determination is still an open question.

**Mizoram and Arunachal Pradesh**

The North-Eastern Areas (Reorganisation) Act 1971, provided the people of Arunachal and Mizoram the status of Union Territory with a Common High Court, separate Legislature and Council of Ministers, no doubt, but the people were not satisfied with that. What they needed more was full-fledged Statehood like Nagaland, Manipur and Tripura. Once the process for creation of the full-fledged States was started in the North East Region, it was not possible for the Government of India to stop it until the hill people having their own separate political identities would be granted the same status. So the political leaders of Arunachal Pradesh and Mizoram began to approach the Central political leaders for fulfillment of their demand for up-gradation of their territories from Union Territories to full-fledged States under the Indian federal system. However, in Mizoram the Mizo National
Front under the leadership of Laldenga became more impatient and continued its unlawful and anti-national activities against the Government of India.78

Rajiv Gandhi, the then prime minister of India, who had sympathetic approach towards the tribal people, thought of awarding the people of Mizoram and Arunachal Pradesh with full-fledged Statehood. He invited Laldenga, the leader of the Mizo National Front to come to New Delhi and have negotiation with his government to solve the political problem of Mizoram. Accepting the offer, Laldenga reached New Delhi and participated in discussions with Government of India.79

The talks between the Government of India's representative and the leader of Mizo National Front, Laldenga, were fruitful, and in 1986, an accord was concluded between the Government of India and the Mizo National Front. One of the terms of the accord mentioned that “in view of satisfying the desires and aspirations of all sections of the people of Mizoram, The Government of India will initiate measures to confer statehood on the Union Territory of Mizoram subject to the other stipulation contained in the memorandum of settlement”. On the other hand, the MNF agreed to stop all hostile activities in Mizoram and lay down arms before the Government. The assurance given to the people of Mizoram by the Government of India to award them with a full fledged State encouraged the people of Arunachal Pradesh too. As a result, it was not possible for the Government to refuse the demands of the tribes of Arunachal Pradesh who, too, wanted to have a Statehood for them. Since the Government of India was fully satisfied with the behavior of the

78 Singh Chandrika, (2004), North East India politics and insurgency, Manas publications P. 206-207
79 Ibid. P. 207
people of Arunachal Pradesh and the performance of their government, it decided to create one more State besides the state of Mizoram. Hence two Bills were passed—one for creation of Mizoram State and Arunachal Pradesh State and another for amendment of the Constitution of India—were introduced in the Lok Sabha in December, 1986. After following the parliamentary procedures, the Lok Sabha passed the Bills with majority vote. The Rajya Sabha and the Indian president, too, approved the Bills.80

The Legislative Assemblies of both the states, Arunachal and Mizoram were provided with forty seats each, and the members of the Assemblies were to be elected by the people on the basis of universal adult franchise. The Act provided for special autonomy to the tribal people with respect to their religious, social and customary practices, but the Governor was also given special responsibilities in order to maintain law and order in the state of Arunachal Pradesh. However, this power of the Governor was not permanent.81

Creation of the States of Mizoram and Arunachal Pradesh fully satisfied the tribal people of these states. Thereafter, hostilities against the Government of India in Mizoram ceased. Democratic processes in both the states took firm root. The people of both the states soon became busy with the composition of their Legislative Assemblies and formation of responsible governments. The zeal and enthusiasm shown by their people during general elections for the formation of the Legislative Assemblies proved the fact that they were fully satisfied because their long cherished demand had been fulfilled by the Government of India. Thus the process of

80 Ibid, P. 207-208
81 Ibid, P. 208
reorganizing the State of Assam which had started with the creation of the Naga Hills Tuensang area in 1957 got completion with the creation of the States of Mizoram and Arunachal Pradesh.82

**North Cachar Hills and Karbi Anglong**

Two hill districts of Assam have been demanding an Autonomous State since 1970 to chart out their political, social and economic destiny, namely North Cachar and Karbi Anglong. They had the option to join the state of Meghalaya which became an Autonomous State on 2 April 1970. However, the two decided to remain as a part of Assam because of the promise of greater autonomy given by the then government in the State. Thus an Autonomous State Demand Committee was constituted for the creation of an Autonomous State to safeguard the language, culture, and tradition of the hill people of North Cachar Hills and Karbi Anglong. The continued backwardness of the hill areas has been ascribed to the apathy of successive state governments in Assam. With the coming to power of the A.G.P. government in 1985 the demand for autonomy/ statehood in the two districts became more pronounced. Two factors were mainly responsible for this development:3

(a) The Secondary Education Board of Assam’s Circular No. SEBA/AB/Syll. 11/85-86/1, 28 February, 1986 clause Four according to which Assamese was to be introduced as a compulsory Third Language, which the non-Assamese sections contend, violated Article Three and Five of the Assam – Language Act of 1960 and Constitutional provisions and recommendations of the States Reorganization Commission which enlisted Assam as a polygot state.84

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82 Ibid, P. 208-209.
83 Bhuyan B.C., (1989), Political Development of the North East, Vol.1, Omsons Publications, P. 82
84 Ibid, P. 83
(b) Making mandatory the knowledge of Assamese for all recruitment to government service. The two hill districts reckoned as a violation of B.P. Chalia’s commitment of not making the knowledge of Assamese compulsory for recruitment to government service.\(^\text{85}\)

The tribal people of these two hill districts do not like to be confined within the spheres of the Assamese language. They wanted to educate their children in English and Hindi medium schools to have a link with the rest of India.\(^\text{86}\) So they wanted to join the North Eastern Hill University established in Shillong which was meant mainly for the benefit of the hill people of North Eastern Region. The government of Assam did not allow them to join it.

Another reason why they were demanding for a separate State was that they were aware of their backwardness compared with other hill states. The demand of these two hill districts was for autonomy with equal status with other hill areas. ‘The tribal people of these two hill districts are more akin to one another and their problems are common.’\(^\text{87}\) Because of this reason they stand together in the question of demanding a separate state.

We can also see their political aspiration between all the other hill districts have developed themselves and shaped their own destiny compared to these two hill districts. So they want ‘complete separation from Assam not only because of fear of losing their identity, but also to have their own separate home land like the other hill brethren of their neighbouring States like Meghalaya, Nagaland and Mizoram’\(^\text{88}\) So

\(^{85}\) Ibid, P. 83
\(^{87}\) Ibid, P. 59.
\(^{88}\) Ibid. P. 60.
they are asking for complete autonomy and separation from the state of Assam inorder to preserve their own language, culture and tradition and to live and develop themselves according to their own heritage.

**The Demand for Autonomy in North Cachar Hills**

In the District Headquarter town, Halflong, there are posters and graffiti demanding autonomy. A cross section of the people, elderly politicians and students leaders are agitated over their several grievances, real and imaginary. The demand for autonomy in this hill district has been spurred by three factors.

(a) The language policy of the government.

(b) The recruitment policy of the government.

(c) The dissolution of the duly elected District Council and the constitution of a new body in its place.

The Central Autonomous State Demand Committee (CASDC) met Prime Minister Rajiv Gandhi on 9th May, 1986 and submitted a memorandum to him demanding an autonomous state under the provisions of Art 244(A) of the Constitution.89

The leader of NC, Hills have taken exception to the State Governments decision to make knowledge of Assamese a pre-requisite for government jobs; the dereervation of seats for Scheduled castes and the Scheduled tribes and other backward classes and ex-tea garden laborers in appointment and training, and the constitution of a Central Recruitment Board in each district for recruitment to Class III and IV posts in the state Government.90

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90 Ibid, P. 84
Of great significance in this rising crescendo for autonomy as well as a separate State, is the stand of the All North Cachar Hill Students’ Union (ANCHSU). Their demands include:

(a) Withdrawal of the Secondary Education Board of Assam’s (SEBA) circular.
(b) Revision of the recruitment policy.
(c) Restoration of democracy in the district.\textsuperscript{91}

The Movement for Autonomy/ Statehood in Karbi Anglong

The Language issue spurred by the Secondary Education Board of Assam’s (SEBA) circular, the employment question and other socio economic problems are the major causes for the movement for autonomy or Statehood in Karbi Anglong District. The Karbi Anglong Autonomous State Demand Committee was constituted, comprising all the major political and non-political parties to demand an Autonomous State for Karbi Anglong and N.C Hills, under Article 244(A) of the Indian Constitution. The chairman of the Karbi Anglong Autonomous State Demand Committee (KAASDCOM) Ajit Timung claims that five political parties, viz. Karbi Anglong People’s Conference, Karbi Adorbar, Congress(1), Adibasi Council and Kuki National Assembly; seven political organizations i.e. Tea Garden and Ex-Tea Garden workers, Youth Association, Karbi Anglong Tribal Youth Organization, Dimasa Daradusani Dal, Karbi Anglong Kuki Students Organisation, Khong Pu Thau Jathao Man (Tai speaking Khao) and Karbi Risoa Darbar have extended their support for an Autonomous State and joined the KAASDCOM as member organizations.\textsuperscript{92}

\textsuperscript{91} Ibid, P. 84
\textsuperscript{92} Ibid, P. 85
Centre’s Reaction to the Language Issue.

The Union Minister for State for Communication, Santosh Mohan DEY reacting to the agitation in Assam against the Secondary Education Board of Assam’s (SEBA) circular stated that “all the people of Assam should learn the Assamese language but it should not be imposed upon the non Assamese speaking people”. Criticizing the education policy of the State government he contended “it had created an atmosphere of agitation in almost all parts of the State and had hampered the existing sense of brotherhood among all the linguistic groups of the greater Assamese community”.93

The General Secretary of Assam Sahitya Sabha, Amal Rajkhowa, stated that “the present government in Assam had violated Article 3 and 5 of the Assam language Act of 1950. He urged the government to continue both Assamese and English in the Hill District of Assam under the purview of the language Act of 1960. Rajkhowa supported the 3 language formula of the central government and offered the suggestion to the State government towards introducing the 4 language formula so that all the local languages could be taught.94

State Government’s Response

The Education Minister Brindaban Goswami clarifying the government’s positions on the Secondary Education Board of Assam’s (SEBA) circular pointed out that the circular was issued by SEBA- an autonomous body. However, he assured the people that the circular was being reviewed in its broader perspective. He also clarified that in implementing the SEBA circular, care would be taken to see that the

93 Ibid, P. 87
94 Ibid, P. 87-88
other languages of Assam i.e. Bodo, Mising etc. would also be developed, while providing the status of link language to Assamese for cultural and linguistic assimilation. Further, to improve the slandered education in the State the Minister stated that the government has directed the State Education Service Board to prepare a panel of competent teachers from the primary to college level for constituting the governing bodies of colleges. It was also pointed out that trained teachers would be given preference in all appointments at the school level. In addition to this, the government was to initiate the following measures:  

(a) The constitution of a State Council of Education in Research and Training modeled on the pattern of the NCERT, to revamp the education structure in the State with emphasis on vocational education.

(b) Giving top priority to the improvement of primary education in the State.

(c) Ensuring that educational institutions were free from all types of political interference.\(^{96}\)

**Nagaland**

The first ever autonomy movement in the Northeast was the Naga Movement. In fact, it was a demand for self-determination. However, before examining the Naga movement we shall briefly speak about Nagas in general.

The Naga tribes are found both in India and Myanmar. In India they are partitioned into different states, viz, Nagaland, Manipur, Arunachal Pradesh and Assam.\(^ {97}\) Irrespective of their location, they have a distinct identity; they have a great sense of self discipline, spirit of sacrifice for their villages and tribes and love

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\(^{95}\) Ibid. P. 88  
\(^{96}\) Ibid, P. 88  
\(^{97}\) Sema Hokshe, (1986) Emergence of Nagaland, Vikas Publishing House, , p. 159
and respect for their customs and traditions. Voluntary labour for the community is treated with great importance by every Naga. This enthusiasm to work collectively for the good of the community and their spirit of adventure inspire in them a feeling of oneness, solidarity and unity. It is this feeling that is the secret of their great political consciousness. They oppose the incorporation of their territory into India and Myanmar.

**Naga National Council**

The desire for Naga unity and solidarity is expressed in the formation of the Naga Club in 1918. The first political gesture was the memorandum submitted by the Naga Club of Kohima to the Simon Commission in 1929, demanding their exclusion from the proposed reform scheme. The Naga Club was revised in 1945, when C.R. Pawsey, the then Deputy Commissioner of the Naga Hills District, formed the Naga Hills District Tribal Council in order to develop the Nagas on modern lines. The Naga Hills District Tribal Council, at its meeting at Wokha in 1946, re-christened itself as the Naga National Council (NNC) by which name it is known today.

Initially, the NNC was a social organization, working for the unity and development of the Nagas. It however, had both social and political objectives. According to Varrier Elwin, its aim was to foster the welfare and social aspiration of the Nagas, to achieve local autonomy for the Naga Hills within the province of Assam, and to train the Nagas for self-government.

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98 Iibid, P. 159-160.
At first, the NNC did not speak of separation from India. This was expressed in the Four Point Memorandum submitted by it to the Cabinet Mission which came to prepare the ground for granting independence to India on 19th June, 1946. The four points are:

1. This Naga National Council stands for solidarity of Naga tribes including those in the unadministered area;

2. This Council strongly protests against the grouping of Assam with Bengal;

3. The Naga Hills should be constitutionally included in autonomous Assam, in a free India, with local autonomy and due safeguard for the interest of the Nagas; and

4. The Naga tribes should have a separate electorate.\textsuperscript{101}

It was only in 1947, on the eve of Indian independence, that it changed its stand, and demanded that, if the British were to leave India, they should leave the Naga Hills, too. It was with the determination for independence that it declared Naga independence on 14th August, 1947, the same day as Pakistan and one day ahead of India.\textsuperscript{102}

The NNC, initially, adopted pacific measures to achieve its goal. It followed Mahatma Gandhi’s methods of civil disobedience movement and boycott.\textsuperscript{103} It refused to cooperate with the government of India and boycotted anything that was Indian, even pursuing education in Indian schools. The Nagas were asked to leave the Indian Schools and take up


education in the Naga National schools. Those who disobeyed would be punished and fined. As a result, many Naga youth abandoned schooling altogether.\textsuperscript{104} It also boycotted the 1952 and 1957 Indian General Elections.\textsuperscript{105}

Towards the end of 1949, A.Z. Phizo became the president of the NNC. With this, the NNC came under the influence of the revolutionaries. It conducted a plebiscite under the leadership of A.Z. Phizo on 16\textsuperscript{th} May 1951, in which it was alleged, that 99.9\% of the Nagas voted for independence.\textsuperscript{106} Gradually, however it came to be divided into moderate and revolutionary elements and the two groups parted ways in 1955. With this, the revolutionaries had full control of the NNC and Naga insurgency was born in 1956.\textsuperscript{107} Under the leadership of A.Z. Phizo the Federal Government of Nagaland was proclaimed on 22\textsuperscript{nd} March 1956 at Pheninsyu, a Rengma village.\textsuperscript{108}

\textbf{Naga Peoples Convention}

Ignoring the sentiments and aspirations of the Nagas, the Government of India adopted repressive policies and suppressed the revolutionaries with military strength. The result was the undeclared war between the Naga revolutionaries and the Indian forces. This was a nightmare for the Naga public. Under the leadership of the moderate members of the NNC, who came overground, the Nagas convened an all Tribes Naga Peoples Convention, commonly known as Naga Peoples’ Convention.
(NPC) on 22nd-26th August 1957 at Kohima in order to find a solution to the Naga problem.109

The NPC passed six resolutions. The first resolution was to settle the Naga question politically. The second was that since many were still underground and there was no freedom of movement and speech, no full discussions could be held prior to negotiations. The third resolution was that in order to create the conditions necessary for a political settlement, the Naga Hills District of Assam, the Tuensang Frontier Division of NEFA, and the reserved forests transferred out of the Naga Hills Districts in 1921, should be constituted into a single administrative unit under the ministry of External Affairs and to be administered by the Governor of Assam as the agent of the President of India. The fourth resolution was urging the Government of India to implement the above proposals, and promising to cooperate with the same. The fifth resolution was appealing to the underground Nagas to give up violence and the sixth was asking for the prayers of both underground and over ground Nagas for the achievement of lasting and honorable peace.110

The Government of India positively responded to the demand of the NPC. The Naga Hills Tuensang Area Act 1957 was passed by the Indian Parliament and received the assent of the President of India on 29th Nov 1957. The Act of 1957 was supplemented by the Naga Hills-Tuensang Areas (Administration) Regulation 1957, which provided the administrative arrangement for the Naga Hills Tuensang Area (NHTA). Accordingly, the NHTA was inaugurated on 1st December 1957.111

The NPC wanted to find a lasting solution to the Naga problem. So they convened the second NPC at Ungma on 21st-23rd May 1957 and invited the Underground Nagas to participate in the convention. But, the underground Nagas put a condition and refused to cooperate. Then it decided to find a solution in its own way within the Indian Constitution. It constituted a Drafting Committee to prepare its constitutional demands. The Drafting Committee drafted a 16 point proposal, which was adopted at its third convention, held at Mokokchung on 22nd-26th October 1959. The delegates of NPC went to Shillong and then to New Delhi, and discussed the 16-points with the senior members of the Ministry of External Affairs, Government of India. With some amendments to the 16 points proposed by the NPC, an agreement was arrived at between the NPC delegation and the Government of India on July 30th 1960. The Government of India practically accepted in total the proposals of the NPC, except points 12 and 13, which related to consolidation of forest areas (point 12) and consolidation of contiguous Naga area (point 13). In respect to inner line regulation, the proposed Protected Area Act 1958 was replaced by the Bengal Eastern Frontier Regulation 1973 (point 16).

Accordingly two Acts were passed by the Indian Parliament, in 1962, namely, The State of Nagaland Act 1962, and the Constitution (Thirteenth Amendment) Act 1962. These Acts provided for the formation and administration of the State of Nagaland. The President of India, Dr. S. Radhakrishnan, inaugurated the 16th State of India, Nagaland on 1st Dec 1963.

The formation of the State of Nagaland was intended to bring about lasting peace to the Nagas, but failed to achieve its goal. It was resented by the underground Nagas and the undeclared war continued. Several attempts have been made to arrive at a lasting peace such as the ceasefire Agreement of 1964 and the Shillong Accord of 1975. The latter, instead of ending Naga insurgency, added fuel to the fire. The National Socialist Council of Nagaland (NSCN) formed in 1978, was the product of this accord. The war continues.

**Recent issues**

There have been several meetings that have been held between the NSCN (IM) and the Central government representatives led by Oscar Fernandes in November 2004 and subsequently in February 2005. The only agreement on the part of the Indian government was to extend the ceasefire agreement to cover the Naga inhabited areas of Assam, Manipur and Arunachal Pradesh. The NSCN saw the refusal of extension of the cease-fire to all Naga inhabited areas as one of the obstacles to peace talks. The acceptance of this demand though has been a cause for an increase in inter-state ethnic conflict in the region. There are a lot of concerns as regards the talks and the peace process. First the talks are very slow and protracted and this is causing anxiety and anger amongst various sections of the Naga community. There has hardly been any positive result from the talks. On the part of the Indian government, the demand for Nagalim includes parts of various other states in the North-East: Assam, Manipur, Arunachal Pradesh as well as some part of Myanmar. The 30-point charter of demands forwarded by the NSCN (IM) includes the unification of Naga-inhabitant areas to form a sovereign state –Nagalim. The talks are now centred on ‘autonomy’ and both sides explored the scope of
'autonomy' within the Constitution at the peace negotiation meetings held in Amsterdam. One of the striking points is the NSCN (IM) demand for a 'Sub-national Constitution' for the Nagas being accommodated within text of the Indian Constitution. NSCN (IM) has consistently opposed the reinforcement of a federal relationship with India and has positioned themselves on defining the relationship between India and the Nagas by a mutually agreed settlement clause incorporated to the Indian Constitution as well as in a separate Naga Constitution. This has caused difficulty in arriving at any agreement in the most recent talks held in 2006. A significant issue therefore would be to find a way to balance the demand for sovereignty with the demand for 'Naga territorial imperative' of "Greater Nagaland'. The political process is still going on, but so far there is no concrete solution for the problem even after 12 years of ceasefire and talks.

The on-going peace process vis-a-vis political talks between the Government of India and the Naga Representatives needs to be strengthened by all right thinking individual and groups as well as by every peace lovingpersons. The movement has inspired many struggling group in this part of the region to assert their rights for their self-determination. It is to be hoped that an honorable settlement to the Naga issue will be an inspiration for others to resolve their issues peacefully. Nevertheless, this is possible and realized only through the cooperation and support of every body including the Indian Civil Society.\textsuperscript{115}

The North Eastern part of India consisting of eight states has witnessed movements at various points of time. Such ethnic movements and other issues have

\textsuperscript{115} http://www.merg.ac.in/civil_societydialogue_3.htm, Experiences on Autonomy in East and North East, p. 20
created demands of autonomy, separate states, and even independence. The Government of India tried to put an end to such movements through military force and through the state apparatus.

Different ethnic groups have been demanding autonomy. The Bodo movement is mainly against the Assamese who are trying to establish hegemony through cultural and linguistic domination. Assamese language as a compulsory subject in the state services and in the school curriculum is the manifestation of such hegemony. The Bodos are the single most numerous communities in Assam. The Bodo Accord of 1993 was signed between the Assam Government (AGP) and the Union Congress government. The Accord did not concede to either a State or a Union Territory carved out of Assam. Instead it provided for a statutory structure of autonomy within the form of Bodoland Autonomous Council (BAC).

The Sixth Schedule of the Constitution of India made all the Hill Districts of Assam autonomous with respective District Councils. Autonomy was given to the tribal people of Assam in social, religious, cultural and economic fields. The Tribal Areas which were put under the Sixth Schedule Part B were declared Autonomous Region and separate Regional Councils were provided for them. The Governor of Assam was empowered to administer the areas mentioned in the Sixth Schedule Part II as the agent of the President of India.

Thus it is very much clear that the Sixth Schedule of the Indian Constitution provided the Autonomous District Council giving the considerable autonomy to the hill people keeping in view their political and economic backwardness. When the Constitution of India came into force in 1950 the District Councils were constituted in the entire hill Districts of Assam except in the Naga Hills Districts because the
Naga people had boycotted the first general elections held in 1952. As the years passed many more Districts and Sub-divisions were constituted in the District Councils in their respective areas except in Nagaland.

When the autonomy given to the hill tribes under the provisions incorporated in the Sixth Schedule of the Indian Constitution failed to satisfy tribal leaders, especially the Naga leaders, the Government of India carved out some more States and Union Territories by dividing the province of Assam. But such step instead of satisfying their sentiments and emotion, encouraged more ethnic communities to come forward with the demand of Autonomous States on the one hand, and angered the extremist tribal leaders who wanted independent sovereign status on the other. It changed the whole political scenario of North-East India. Today, the entire hill region including the plains of Assam is under the militant tribal movements, creating numerous problems in the region for the Government of India and the hill people of North-East. Insurgency and political extremism have become the order of the day in the North East. In Assam the districts like Karbi-Anglong, North Cachar Hills, Kokrajhar etc are in full grip of insurgency. In Nagaland, the NSCN has established its control over the region. Autonomy movements in different places have been shaped in different way. The next chapter that the researcher will deal with is 'Special development measures for the people of North East India'.