CHAPTER- III

Constitutional Provisions and Their Implications for the Nagas

North Eastern Region

The North-east region has the highest number of indigenous peoples (220 communities according to the Anthropological Survey of India) in the sub-continent. A British colonial legacy of post-independent India is that the territories of these nationalities and communities, besides having been broken and fragmented by the division of the region by India, China, Burma and Bangladesh, are further divided into seven states viz., Arunachal Pradesh, Assam, Manipur, Mizoram, Nagaland and Tripura, in addition to the more recent Sikkim, in the name of reorganization. This subdivision has divided the territories of numerous nationalities and communities, as for example, the Naga areas form part of Arunachal Pradesh, Assam and Manipur, besides Nagaland; the Garo and Khasi areas have been divided amongst Assam, Meghalaya and Tripura; the Mizos in Manipur, Mizoram and Tripura, and the Misings and Dueris in Arunachal Pradesh and Assam.¹

The creation of various states has been done to accommodate and assimilate the frontiers' peoples into the nation-building project. Some of the states have been created as a model of conflict resolution like Mizoram. Others were born out of demands for autonomy by various communities like Meghalaya. Nagaland was created in the midst of conflict between the Indian state and the Nagas led by the Naga National Council (NNC). Creation of these various states comes with Special Constitutional Provisions such as, Article 371A in the case of Nagaland, Article 371C in Manipur and other provisions like Autonomous District Councils etc. in North Cachar Hill District and Karbi Anglong District in Assam. There are primarily two major Naga communities, viz., Zeliangrong and Rengma who inhabit North-Cachar Hill, Karbi- Anglong, and parts

¹‘Naga’, ‘Nagaland’ and ‘Nagalim’ in Naga Resistance and The Peace Process- A Dossier, Published by Other Media Communications Pvt. Ltd., 2001, p. 2
of Golaghat, Sibsagar, Nagaon, Jorhat, Dibrugarh and Tinsukia from time immemorial. There are various organisations to look after the affairs of the villages and regions such as, All Zeme Mathai ((Gaon Bura) Association (AZMA) Zeme Council (ZC), Rengma Village Council, Rengma tribal Council, Zeme Students’ Union (ZSU), Zeliangrong Union, Assam, etc.

From the Nagas’ point of view, the special provisions of the Constitution of India vis-à-vis the Nagas in the states of Arunachal Pradesh, Assam, Manipur and Nagaland has to be analysed and assessed by situating the same in the context of Naga national movement for Self-determination. The creation of Nagaland state as the 16th state of the Union of India was a conscious plan and strategy of the policy-makers to divide the Nagas and their movement through boundaries and barriers. The major limitation of the creation of Nagaland state was the recognition of only 16 Naga communities excluding as many as 24 Naga communities of Arunachal Pradesh, Assam and Manipur. The problem with this exclusion of the same people from the formation of Nagaland state was that the Constitutional provisions of Article 371A treat equals unequally which means the laws itself is also a source of this division. In such a situation, the Nagas in Arunachal Pradesh, Assam and Manipur are being treated with differential laws according to the wishes and whims of the dominant communities which have created an environment of internal colonialism, structural and socio-cultural violence against the minority nationalities like the Nagas. The focus of this chapter is to explain as to why various Constitutional steps have not been the right medicines or models to the nationality-based conflict.

The following discussion will bring out the implications of these constitutional provisions on the Nagas. The upholders of the provisions as they were and are status quoists have been one of the main hurdles and problems for the Naga unification. The important points to be noted here is that preservation and maintaining the present division-inducing structures and socio-cultural aspects will seldom resolve the conflict.

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2 See Memorandum Submitted to the Prime Minister of India by the Naga Parliamentarians and Legislators, July 18, 2007, pp. 1-9
Instead, it will prolong the problem because justice, fairness, human rights, individual dignity, liberty, freedom etc. are being suppressed and repressed in the name of territorial integrity and national security. There is a need for alternative mechanisms to comprehensively resolve the conflict with utmost sincerity with political maturity and will. Now, let us look into the various constitutional provisions and their implications on the Nagas.

A large part of the North-East region is governed by the Fifth and Sixth Schedules of the Constitution of India. The Panchayats (Extension to the Schedule areas) Act, 1996 extends 73rd Amendment, to the Fifth Schedule areas. Three states Mizoram, Nagaland and Meghalaya including the hill areas of Manipur are not covered by the purview of the 73rd Amendment as Nagaland and hill areas of Manipur are under the provisions of Articles 371A and 371C of the Constitution while Assam, Arunachal Pradesh, Mizoram, Meghalaya, Tripura, are covered by the Sixth Schedule. The Indian Constitution also made various special provisions for the protection of the interest of the Scheduled Castes and Scheduled Tribes (SCs/STs). Some of the important measures are Articles 15(4) and 16(4), which provided for reservation for employment. Besides, there are temporary provisions for special representation of and reservation of seats for SCs and STs in the legislature [Art. 330, 332, 334]. The most effective and successful achievement under the Constitution of India for the Nagas as a whole is Articles 15(4) and 16(4), 330 and 332. Many have benefited because of reservation in Services and Parliament and Legislative Assemblies. However, Lima Imchen is of the view that all these provisions have been made in contravention to the Hydari Agreement and this provision was imposed against the Nagas wishes.

The creation of the state of Nagaland on 1st December 1963 was the culmination of the process initiated at the three Naga People’s Convention (NPC) held from 1957 to

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1959. The First NPC was held at Kohima from 22-26 August 1957 under the guidance of S.M. Dutt. Dr. Imkongliba Ao was chosen as the President of the NPC on 25 September 1957. In their meeting Prime Minister agreed to set up one administrative unit of the Naga Hills District and Tuensang Frontier Division under a special selected officer. On 1st of December 1957, Tuensang Frontier Division was separated from North-East Frontier Agency (NEFA) and joined with the Naga Hills to form a new administrative unit named as Naga Hills-Tuensang Area (NHTA) and ceased to be a district of Assam. After the promotion of Naga Hills-Tuensang Area the Second NPC was held in Ungma village in Mokokchung district from 21-23 of May 1958 amidst protests and threat from Naga National Council (NNC). Later a 16-Point Memorandum for the constitution of a separate state to be called ‘Nagaland’ with the Indian Union was drafted which was passed with a few modifications in the Third NPC held at Mokokchung from 22-26 October 1959.

Thus, the principle of a ‘state of Nagaland’ was reluctantly conceded by Nehru at his meeting with NPC delegation led by Imkongliba Ao on 20th July 1960 within the terms of the “16-Point Agreement”, and finalized in detailed discussion with Foreign Secretary on 27 and 28, 1960 Nehru announced the establishment of Nagaland on 1st August, 1960. On 18 February 1961, under the provision of the Nagaland Regulation, the Naga Hills -Tuensang Area was designated as Nagaland. Although Imkongliba Ao, who was the architect of the NPC and formation of Nagaland state, was assassinated on 22 August, 1961 by the Naga Nationalist, President S. Radhakrishnan inaugurated the State of Nagaland as the Sixteenth State of the Indian Union with P. Shilu Ao as Chief Minister on 1st December, 1963.5

Village Councils and the Village Development Boards in Nagaland

Village level institutions have been strong in all the Naga areas including the state of Nagaland. Since time immemorial Naga villages were independent in nature. There have been two major forms of village governments in Naga society, viz, democratic and autocratic. For instance, the Angamis, the Aos, the Chakhesang etc. have

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democratic forms of government whereas the Semas, the konyaks in India and Burma practiced autocratic form of government. The governments are run with the Naga customary laws which are the guiding principles of life in society. Traditionally, life in every village in Nagaland as in other Naga areas is managed by councils of elders-Village Council. Village organisation in the Naga society is primarily based on institution of clan. A clan is a group of families amongst whom inter-marriage is strictly prohibited. It is the basic unit of the village administration. Two or more such clans form a village. Geographically, a Naga village is divided into Khels (wards or sectors) which indicates a cluster of families.  

The history records that Naga villages were organized as small states or republics. However, there was no uniform legal system of village government till 1970 which led the state of Nagaland passed an Act known as Nagaland Village, Area and Regional Act, 1970. Thereafter, it was further amended in 1973 and 1978 as Nagaland Village and Area Council Act with a view to bringing uniformity in Village Council structure all over Nagaland.

A Village Council consists of members chosen by villagers in accordance with the prevailing customary practices and usages, the same being approved by the state government, provided that hereditary village chiefs, Goan Buras (GBs) and Angs shall be ex-officio members of such councils and shall have voting rights. The village council will choose a member as Chairman of the Council. The Village Council may select and appoint a Secretary who may or may not be a member of the Council. If the secretary is not a member of the Council, he shall have no voting power. The powers and duties are such as, to formulate village development schemes, to supervise proper maintenance of water supply, roads, forest, education, to constitute Village Development Boards, administer justice in accordance with the customary laws and usages, to maintain law and order etc. Area Council is constituted by the representative sent by each Village Council within the circle. Area Council is an intermediary body between district and village. However, Area Council has been eliminated since 1990.  

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7 Ibid., p. 166
Village Development Boards (VDBs)

In accordance with the Nagaland Village, Area and Regional Council Act, 1970, VDBs came into existence in 1980, as a subsidiary to Village Council. Each village has Village Council to look after law and order situation of the village and the VDB to undertake developmental activities of the village. VDB deliver developmental works to the village through centrally sponsored as well as State government schemes.

Communitisation

The quest to improve the extensive grass-root level service delivery network of the government of Nagaland led to the evolution of the 'Communitisation' approach. This perspective sought to pool the extensive resource base of the government with the richness of social capital lying latent within Naga society. This led the Government of Nagaland to enact the Nagaland Communitisation of Public Institutions and services Act, 2002, thereby creating the legal and institutional context for the Communitisation process to take off.⁸

Since the passage of the law, Communitisation has been introduced in three government sectors, viz., elementary education, grass-root health services and power utilities. Communitisation consists of a unique partnership between the government and the community involving transfer of ownership of public resources and assets, control over service delivery, empowerment, decentralization, delegation and building capacity—all with the aim of improving the delivery of public utility systems. Communitisation therefore involves:

- Transfer of ownership of government assets to the community;
- Empowerment of community through delegation of governmental powers of management and supervision in the day-to-day functioning of employees to village committees;

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• Ensuring accountability of government employees posted in the villages at service delivery level to local communities through resource devolution to village committees for payment of salaries to the employees; and

• Control of government assets by village committees including the responsibility for maintenance, amelioration and augmentation of assets.9

Now let us briefly discuss the contradictions between the special provisions under Article 371A and other regulation or act in the state of Nagaland. The following discussion clearly shows the dichotomy and anomaly inherent in the application of constitutional laws and acts in the context of the state of Nagaland. The provisions of the Constitution of India under article 371A came along with a State of Nagaland Act, 1962 inserted by the Constitution (13th Amendment) Act, 1962 with effect from 1st December 1963.10 Under Article 371A of the Constitution, no Acts of Parliament in respect of the religious or social practices of the Nagas Customary Law and Procedures, administration of Civil and Criminal Justice involving decision according to customary law, ownership and transfer of land and its resources shall apply to the State of Nagaland unless Legislative Assembly of Nagaland by a resolution so decides.11 What this special provision amounts to is one where:

1. The customary laws of the Nagas will have precedence over the Indian Penal Code (IPC);
2. Land and its resources will belong to the Nagas and not to the Government of India; and
3. Naga customary laws will have full control over Naga affairs.12

Recognition of Naga customary laws has much wider implications too. It means that all that is dear to the Naga’s heart is protected under this provision i.e., private

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9 Ibid., pp. xi-xii
11 Ibid., p. 1042.
12 Kaka D. Iralu, Nagaland and India, The Blood and The Tears: A Historical Account of the 52 Years Indo-Naga War and the Story of those Who were never allowed to tell it, Private Publications, First Published in September 2000, pp. 451-452
ownership of land, redress of grievances through Village Council, Range Council, Tribal Council etc. If the provisions are really means what they say and implement properly, then indeed a very special or even an extraordinary special provision has been granted to Nagaland. No other Indian states enjoy this kind of special status. But the problem is in the same year that Article 371A was granted to Nagaland other regulation called the Nagaland Security Regulation 1962 having 21 pages document was promulgated by the President of India for the maintenance of law and order in the state of Nagaland.  

Section 5 A (1) of the Nagaland Security Regulation Act, 1962 under the title, “Access to certain places and areas and shifting from inhabited areas” says “If the Governor considers it necessary or expedient so to do in the public interest or in the interest of the safety and security of Nagaland, he may, by order direct, in respect of any inhabited area to be specified in that order, that subject to any exemption made by him by general or special order:

(a) all residents or any class of residents shall remove themselves or be moved from the said area to any other specified area by the Governor and remain in that other area for such period as may be specified by him;

(c) any animals or property or any specified class of animals or property shall be removed from the said area to any other area specified by the Governor; and may do any other act involving interference with private rights of property which is necessary for any of the aforesaid.”

Section 5 A (3) says if any person contravenes any order made under sub-section (1), he shall be punishable with imprisonment for a term of which may be extend to five years, or fine or with both. This regulation also gives sweeping powers to the Governor to requisition private property, (section 28 (1) search any person out of suspicion, (section 33 (1) impose curfew and arrest any one on suspicion without warrant etc. These powers finally ends with the usual immunity from legal prosecution against any of the police officers, paramilitary or army personnel who carries out these orders on behalf of

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13 Kaka D. Iralu, 2000, Ibid., p. 452
the Governor under various sections (section 36 clause (1) and clause (2). This Act takes away all the special provision that the Parliament under Article 371 A gives to Nagaland.

Article 371 A (1) (b) reads, “The Governor of Nagaland shall have special responsibility with respect to law and order in the state of Nagaland for so long as in his opinion internal disturbances...continue...and further goes on to say in the same section...Provided that if any question arises whether any matter is or is not a matter as respects with the Governor is under this sub clause required to act in the exercise of his individual judgement, the decision of the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgement.” According to Iralu, this is absolute power given to the Governor of Nagaland by the Constitution of India to do whatever he likes with the people of Nagaland.14 The above discussion points to the fact that militaristic or statist’s security consideration has been given much more weightage than human rights, human security, dignity, liberty etc. Although, Village Councils, Village Development Boards, Tribal Councils, Communitisation are all working for the betterment and upliftment of the people in Nagaland state, it is heartening to see Armed Forces (Special Powers) Act, 1958, and other Acts such as Nagaland Security Regulation Act, 1962, etc. are yet to be removed despite the democratic protests by the civil societies for their repeal.

Besides, the Naga People’s Movement for Human Rights (NPMHR) opinion survey “Seeking the Truth”15 showed bizarre conditions of the state of affairs in Nagaland state. Following are the excerpts:

“93.48 % of the Nagas state that the “State government” has not been able to provide the basic human needs in spite of the fact that ‘it’ has been boasting of a ‘new Nagaland’... Over 80.43 % of the people say that the State is directly responsible for degenerating the Naga society. The ‘State government’ policies do not reflect any sustainable process of development and progress. Rather, 69.57 % of the people feel that the ‘State’ is directly responsible for degenerating the Naga society. The ‘State Government’ has in no manner

14 Kaka D. Iralu, 2000, Ibid., p. 455
15 “Seeking the Truth” was an Opinion Survey conducted by the NPMHR in January 2000
taken any positive step for respect and promotion of human rights.... 89.13 % think that the ‘State Government’ has failed to promote adequate health care. It is also failing to take any constructive measures to treat drug addiction, alcoholism and AIDS, so opine 71.14 % of the people. Where the popularity of the ‘State Government’ is concerned, 89.13 % of the people responded in negative way. The functioning of the ‘State Government’ does not reflect a democratic system of governance based on equality, fairness, respect, transparency and accountability, the survey indicates with a percentage of 95.65.

Out of the total polled, 97.83% think that the ‘Government’ has not taken any positive steps to effectively check corruption and abuse of power within ‘its’ machinery. At other end, 91.3% of the people assert that the education system and policies followed are total failure. 84.72% of the total polled sat that the ‘State Government’ is not justified in lavishly wasting a large sum of money to celebrate 35 years of ‘its’ existence and 86.69% call the ‘State’ politicians corrupted, bad and self-centred. 97.83% are not happy with the road conditions or the transport system, water supply and electricity. Finally, 86.69 % of the total polled asserts that the ‘State’ is not the final representation of the Naga people’s will and aspiration. The scale of this survey was more than 1000 persons.

Implications of the Constitutional provisions and the state apparatuses of Manipur on the inhabitants

Manipur came under British rule as a princely state in 1891. The Manipur Constitution Act, 1947, established a democratic form of government with the Maharaja as the executive head and a legislature constituted by election based on adult franchise. The Legislative Assembly so constituted was dissolved on the merger of the state with India on October 15, 1949. It became as a Part ‘C’ state under the Indian Constitution with effect from January 26, 1950. Subsequently, the Part ‘C’ States (Laws) Act was

replaced by the Union Territories Act in 1956 and Manipur became a Union territory. Manipur achieved full statehood on January 21, 1972.

The total area of Manipur is 22,327 sq. kms. The hills cover an area of 20,126 sq. kms, and the valley area is 2,201 sq. kms. Out of 20,126 sq. kms of the hill areas, 15,519 sq. kms. is inhabited by the Nagas in four districts- Chandel, Senapati, Tamenglong and Ukhrul. The hills are inhabited by the peoples broadly divided into Nagas consisting of 18 communities in four districts- Chandel, Senapati, Tamenglong and Ukhrul and the Kuki-Chins-Mizos are concentrated in Churachandpur and sparsely settle in other hill districts. There are four valley districts- Imphal East and West inhabited by the Meiteis, the Muslims and other Indian immigrant communities and some other tribes.\textsuperscript{17} The hill tribes, according to the order of the President of India, are 29 scheduled tribes of which some tribes like Angami, Sema and Sahte are not domiciled tribes.

With the grant of statehood in 1972, the hill districts were granted the autonomous district council unlike Sixth Schedule. There are six district councils for five districts:

1. Manipur North Autonomous District Council, Karong;
2. Sadar East Autonomous District Council, Kangpokpi;
3. Manipur East Autonomous District Council, Ukhrul;
4. Manipur South Autonomous District Council, Churachandpu;
5. Tengnoupal Autonomous District Council, Chandel; and
6. Manipur West Autonomous District Council, Tamenglong.\textsuperscript{18}

The Manipur Hill People’s Regulation, 1947

At the time of independence in 1947, the Maharaja of Manipur through the Manipur State Council promulgated the Manipur Hill People’s Regulation, 1947. The Regulation provided for the administration of the hill areas of the state under the overall

\textsuperscript{17} Gangmumei Kamei, Problem of Development of Tribal Areas of Manipur, in Prof. M. Horam, The Rising Manipur: Including Other North Eastern States, Manas Publications, New Delhi, 2000, p. 61

\textsuperscript{18} Ibid., p. 67
in charge of the Minister of Hill Affairs.\textsuperscript{19} It also provided the mechanism the judicial administration of the villages through the Village Authorities, Circle Courts, Subdivisional Courts, the Hill Bench and Chief Court of Manipur. The Village Authorities were constituted in the villages having 20 houses each and above. The Village Authority was empowered with judicial administration, maintenance of law and order without police power, collection of hill house tax and adjudication of criminal cases by applying the State Criminal Laws and Tribal Customary Laws.

The Regulation of 1947 was a composite piece of legislation for hill administration. It was partly withdrawn/repealed by the Village Authorities Act, 1956.\textsuperscript{20} However, there are some inadequacies such as, Village Court was not made fully functional though it was meant to look after the judicial function of the customary laws which were not uniform nor coordinated; the administrative functions of the Village Authorities were confined to the collection of hill house tax and rendering of assistance to the SDOs. For Gangmumei Kamei, it was merely a continuation of the colonial system; and this experiment in the village administration under this Act came to an end with the merger of Manipur with India. No formal repeal of the Regulation was made except in case of Village Courts in the Village Authorities, Act, 1956.

\textbf{Village Authorities in Manipur}

The Manipur (Hill Areas) Village Authorities Act, 1956, provided the local-level government in the form of village authorities to those villages that had at least 20 tax-paying households. The office of the Khullakpa or the headman and the chief has been institutionalized in the statute. The deputy Commissioner, the SDO/SDC and district level departments, the district councils and the village authorities look after the administration of the hill areas. The Act provided for the constitution of a Village Court with proper power, jurisdiction and authority. At the state level, it was the Hill

\textsuperscript{19} Gangmumei Kamei, Ethnicity and Social Change: An Anthology of Essays, Published by Smt. Pouganglu Gangmei, Chingkham, Lilong, Manipur, 2002,
\textsuperscript{20} Ibid., p. 185
Commissioner (Hill Administration) in addition to the other departments' network of the government.21

**Acquisition of the Chief's Rights Act**

The territorial Assembly of Manipur passed the Acquisition of Chief's Rights Act, in 1967. But it has not been implemented due to opposition from the hill peoples. This Act provided for:

1. The abolition of Chiefship in Kuki-Chin villages;
2. Payment of compensation to the Chiefs whose rights are being acquired by the state; and

This is a revolutionary legislation but according to Kamei the framers of the law did not fully understand the dangerous fallouts of the introduction of the MLR & LR Act of 1960 and its adverse effects of village land ownership and land revenue system in the hill areas of Manipur without providing safeguards for tribal land rights. The need of the hour is to have an appropriate system which will protect the aspirations and rights of the hill peoples.

Under Article 371C of the Indian Constitution, Manipur, which has become a State under the North-Eastern Areas (Re-organisation) Act, 1971, shall have a Committee in its Legislative Assembly to look after the interests of the Hill Areas.23 The Panchayati Raj Institutions were functioning only in the valley districts and Jiribam subdivision. Hill areas are not under the purview of Part IX of the constitution. However, traditional forms of Panchayats had been existing both in the valley and the hill areas from time immemorial. In conformity with the 73rd Constitution Amendment Act of 1992, the Manipur Panchayati Raj Act, 1994 was passed on 23rd April 1994 by repealing the Act of 1975. The new Act has provided for the constitution of a two-tier Panchayat in the valley areas, the Gram Sabha at the village level and Zilla Parishad at the district

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21 Ibid., p. 187
22 Ibid., p. 188
23 Ibid., p. 1045.
level. The Act of 1994 was amended substantially in 1996 to accommodate gram sabha at the village level having population of not less than 3000 and not more than 6000.\textsuperscript{24}

**Disordered Manipur State mars the aspirations of the Minority communities**

One aspect of the seeming ‘disorder’ in Manipur people noticed till July 2007 was the ease with which different social organisations constantly challenge the authority of the state to order people’s lives. While many organisations are fighting for independence from the Indian state which has created a conflictual situation, the state government of Manipur has miserably failed to look after the aspirations of the minority nationalities. There are many reasons for this failure on the part of the state. The precariousness of the state in Manipur is stark. From the following discussion, we will come to know the real problems confronting the peoples in Manipur. The problem starts when state-making leaders sought to capture state power by politicising the ethnicity of the dominant community. The state has sought to make up for its weaknesses by creating a ‘legitimising core’ in the Meitei identity. This has excluded and in turn alienated the minority nationalities. Conflicts between different communities, where the state frequently acts as a partisan actor, have worsened in the 1990s, perhaps due to rising socio-economic challenges.

Some of the important questions need to be addressed. What has been the overall impact of state-society dynamics on contemporary politics in Manipur particular or North East in general? How has politicisation of identity in the state had an impact on the state’s ability to govern and to respond to community demands? How has it affected its capacity to manage community conflicts? These questions could be grasped by exploring whether, and to what extent, the state in Manipur is accessible to its minority nationalities. As tests for accessibility we take access to public office, the state’s allocation and transfer of resources and its readiness to share power with minority communities. We may then explore how minority nationalities have responded to their poor accessibility to the state (or otherwise) and the impact this has had on politics in the state.

Manipur’s ‘limited’ state

As has already been described in the foregoing pages, Manipur that is made up of dominant Meitei community who are in the valley and the Nagas, Kukis, Paites, Hmars, Simtes etc. who are in the hill areas, there is a growing unrest among the peoples for the simple reason that state government is unable to govern the system. Meitei mobilisation by the state’s dominant state-making leaders has had consequences for the large non-Meitei population. They have complained about state institutions being partisan. Various organisations belonging to the minority nationalities believe they have been excluded and that the state government has not been fair in distribution of resources to their areas. The poor condition of educational and health services, adverse economic conditions and poor infrastructure in these areas have often been the source of minority nationalities’ complaints and their consequent mobilisation against the biased state. Often these complaints have resonated with findings of the government itself.  

Hill communities in Manipur have often complained of their poor representation in state government jobs and of the paucity of personnel and poor functioning of public offices in the hills. While it is mandatory to have at least 31 per cent tribal employees in all government departments, few departments have been able to meet this target, sometimes due to a shortage of adequately qualified candidates, but mostly on account of a lack of political and bureaucratic commitment. The systematic abuse and usurpation of all employment avenues and benefits rightfully belonging to the hill peoples and the pathetic marginalization cause thereof by the dominant community in all sectors of state employment facilities. Out of the total employment generated by the state of Manipur

26 This is against the all-India reservation of 7.5%, based on proportionate composition of ‘tribal’ communities at the national level. According to the 1971 census, tribal communities make up 31% of Manipur’s population. See Manipur SA # G-FA/12/54, R/18-5, 352 on this debate in the Parliament, in Ibid., p. 23
27 In a Public Interest Litigation filed in Guwahati High Court by H. Nengsong, on behalf of Manipur Tribal Employees Association (MTEA), it was claimed there were only 20.3% Scheduled Tribes (STs) in the Medical department, 8.5% in Education, 21.8% in Police and 16% in the Manipur Secretariat, Ibid., pp. 23-24
(80,000 approximately), the hill tribes are officially suppose to be accorded 26,000 (33% approximately). However, only 12,000 persons has been given employment to them till date and the remaining 14,000 employees have been filled up by the general category which is a strong evidence of structural violence and discrimination. There is also a very skewed manning of government offices between the hills and the valley districts. Tribal groups have often complained of abundance of staff in Imphal and other valley districts, while government establishments in hill districts are perpetually short of them.

Aggravating the situation is the perception among minority nationalities of poor investment in hill areas, poor implementation of development programmes and absence of basic infrastructure. The Hills make up some 9/10th of the total area of the state. Minority nationalities, who exclusively inhabit them, constitute 37 per cent of the state’s total population. A survey of budget allocations for hill districts in fiscal 2004-05 throws up some interesting figures: only 26 per cent of the total budget of the Education Department was allocated for the five hill districts. It wasn’t any better in other departments: 25 per cent of the Health department’s budget and 22 per cent of the budget of the Public Works Department’s (PWD), the agency responsible for roads and other works. In the other key departments of social welfare and agriculture, the allocation was 14 per cent and 12 per cent respectively. A similar imbalance characterizes credit to the Hills as a proportion of total credit to the state: 21.4 per cent in 2003 and only 7.8 per cent in 2002. The outcome of low levels of investment in the Hills has been along predictable lines. Four out of five hill districts figure at the bottom of the heap on the human development index.

28 Press Statement of ANSAM Dated July 9, 2006, Senapati, Manipur
29 Memorandum submitted by Movement for Tribal People’s Rights, Manipur (MTPRM) to state Chief Minister, Imphal, March 1, 2003, Ibid., p. 24
30 Finance Department, Government of Manipur, 2004, Ibid., p. 24
31 Minutes of the State Level Bankers’ Coordination Committee Meetings, Union Bank of India, Manipur Regional Office, Imphal: Various issues, Ibid., p. 24
These hill districts also have a larger proportion of the poor than their valley counterparts. Various organisations in the hills see most of these problems arising out of the state government's concentrating political powers in Meitei hands and their reluctance to share power with other communities. Although administrative powers have been devolved to local bodies in valley districts, complaints have been voiced about how there has been a gradual disempowerment of elected local bodies in the hills. Elections to local bodies in valley districts have been conducted regularly, while their charter of administrative authority and their resource base has been expanded. There has been little of that in the hills.

Elections to ADCs set up in 1973, under the Manipur (Hill Areas) District Council Act 1971, have not been held since 1990. The state government has since directly controlled them. Village Authorities, set up under provisions of Manipur Village Authorities (in the Hill Areas) Act 1956, have similarly remained a damp squib. Set up on the lines of traditional village councils, they have little powers to implement development projects and are generally sidelined by the bureaucratic machinery. Elections to them have been irregular and they have mostly been captured by powerful local elites. Governance in the hills has in effect, seen a movement towards greater disempowerment. It has reverted to direct administration under state bureaucracy. Line departments, which so far have worked through their district offices, are increasingly becoming centralised with almost all development schemes being formulated and implemented from the state capital. Inadequate access to jobs, poor functioning of state institutions in the hills and reluctance of the state to share power with local communities in hill districts have fed into mounting tribal alienation.

33 19.33 % in Imphal, 26.24 % in Bishnupur and 24.39 % in Thoubal, all valley districts. For the hills: 40 % in Churachandpur, 44.4 % in Ukhurl, 42 % in Chandel, 51.3 % in Senapati and 54.5 % in Tamenglong (Estimates of the Proportion of Poor in Manipur: NSS 55th Round, 1999-2000), Ibid., p. 24
35 ADCs in Manipur were established under the 5th Schedule of the constitution, unlike those in Mizoram (and other Northeast states) under the 6th Schedule. While the latter have extensive legislative, executive and judicial powers and secure sources of finance, 5th Schedule ADCs have little autonomy. Manipur's tribal leaders have been demanding conversion of their ADCs to 6th Schedule status and have, since 1990, been boycotting ADC elections to press their demands.
Moved by their apparent neglect, leaders and organisations in the hill areas have frequently resorted to protests and strikes. The state government’s response to these grievances has been less than robust. It has mostly dithered, tried to buy time and sought short-term compromises. Much of this inertia could be the result of pressures on the state from Meitei civil society groups. Meitei associations have been vocal in opposing minority nationalities demands. Citing existing legislation that benefits hill communities, these associations question the need for additional safeguards. Meitei groups have been resentful of reservations for hill communities in jobs within the central public sector, claiming that opportunities for educated Meitei youth are limited. They have also demanded that existing land laws in the state under the MLR&LR Act 1960 be extended to Hills areas, to relieve some of the pressure on land in the Valley. Meitei groups have also opposed tribal demands for conversion of ADCs to 6th Schedule status, citing dangers to Manipur’s ‘territorial integrity’ due to possible creation of ‘states within state’.

Mainstream political leaders have tended to go along with these interpretations, reaffirming Meiteis’ fears.

The state’s perceived inaction on hill people’s grievances and Meitei civil society’s opposition to their demands has led to minority nationalities alienation. Of late, organisations in the hill areas have increasingly begun raising demands for division of the state and separate administrative units for themselves. With rising socio-economic challenges, the cycle of conflicts has become unending. A telling consequence of the playing-out of contests has been the highly conflictual nature of politics in Manipur. Politics in the state have moved to the streets. Strikes, bandhs (public closures), road blockades and protests by citizen’s groups are common. There were 34 bandhs in 2001 and 38 in 2002, leading to an average of two months of working days lost each year on account of them.

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36 Sangai Express, Imphal, October 31, 2002.
37 The Imphal Free Press, November, 2, 2002
38 According to the state Finance Department, losses due to bandhs in a single year amount to about Rs 32.18 billion in a year, more than double the annual Plan resource that Manipur receives from the Centre. While bandhs do not much affect the salaried class, labourers, daily wage earners and those engaged in the farming sector are hit hard, Sangai Express, Imphal, September 29, 2005
The state’s poor autonomy and freedom means it is constantly hemmed in by social and political forces pursuing their genuine vision and politics. Frustration with the state’s inability to govern is so pronounced that a local paper noting “There is no indication of any rule of law in the state” and that “nobody respects the law”, was forced to ask, “Who exactly is running the state?” Paralysis of the state, its weakness and poor authority, have undermined the state’s role as the framework for resolving inter-community conflicts. With little direction from the state, public organisations have had become impatience and restless with the state of affairs in Manipur. These have spawned sustained and multiplying conflicts. In recent times we see strange inter-community relationship in this tiny state. The enduring picture is one of a weak state, with little autonomy and freedom, hemmed in by powerful social forces. The state’s actions feed into patterns of mobilisation and counter-mobilisation in the political arena. With the state controlling most resources, contestations for a share of these continue incessantly, leading to frequent breakdown.

Some Recent Events in Manipur

Some of the recent events and crisis would easily show how biased and chaotic is the system of Manipur state. This nature of turmoil in the state is not only because of the failure of the state system in Manipur but also because of the lack of proper attention and political will to solve the impending political issues by the Government of India. The Kuki-Naga clash in 1992 was one example of state’s bias dealing with the situation. It was widely reported in the Indian media that the Kuki armed forces were supported by the Manipuri state and the centre to justify continued deployment of hundreds of thousands of security personnel in the North East region. The representation of these clashes by the Indian media does not cover the complexities and obvious implication of Kuki-Naga tussle in determining the political viability of Naga resistance against Indian state. The Kukis have been living in Naga areas since the early 19th century. Interestingly, the Kukis were settled down in Naga areas by the British in order to utilize the ‘Ethnic imbalance’ for political purpose. The clashes have created an atmosphere of

40 Naga Resistance and the Peace Process: A Dossier, Published by Other Media Communications Pvt. Ltd., p. 6
tension in the region, and "it is simply an attempt to distract the actual agenda of Naga nationalism."\textsuperscript{41}

Meitei-Kuki clash occurred in June 2007. In the clash 11 people were gun down. This ethnic conflict between the Meiteis and the Kukis is not a recent phenomenon. Ethnic clash between Meitei and the Kukis has started after the Kuki-Naga clash in 1992. In the aftermath of Kuki-Naga clashes, the valley based resistance group, United National Liberation front (UNLF) extended help to the Kukis in their rehabilitation through money, food and building materials. In exchange for their help the Kuki chiefs sold hundreds of acres of land to the UNLF and that is how the valley based resistance groups got a foothold in the hill districts.\textsuperscript{42}

It was in 1990s that the UNLF moved into the sparsely inhabited vast tracts of hills and jungles of Churachandpur to Senvon, Tipaimukh, in the south, the Thangiing hills to the east, and the Tipaimukh-Jiribam road to the west and the NH-53 to the north. The result of this move into Churachandpur was that the Indian security forces started combing operations around March-April 2004 and in order to protect themselves from the security forces the UNLF planted landmines in the area. The first victim of the landmine planting was 48-year old Doukholal Lhanghal from Zengvakot Polen village under Hanglep sub-division on November 25, 2004, who strayed on to the landmine while looking for firewood on his way back from Churachandpur with a friend. In December 2005 three children playing at Ngariyan village were injured in an explosion. And till date more than 30 villagers have lost their lives and many more have been injured. However, neither the state government nor the Government of India took any action to implement the MoU signed between Manipur government and the Zomi Students Federation on August 25, 2005.

The North East Sun commented: "The continuing explosions and deaths, in themselves, constituted a searing indictment of the Union and State Government, both of

\textsuperscript{41} Ibid., p. 6
\textsuperscript{42} Manipur's Fractured Politics: A Report on the State Violation on Kuki Students in Delhi, Private Publications, New Delhi, March 2007
which prefers to turn a blind eye to the suffering of the citizens there. Union Defence Minister Pranab Mukherjee is now becoming well known for his remarks, ‘I don’t want to risk the lives of my boys (read army) there. It’s the job of the State police.’\textsuperscript{43} The tension was heightened when 21 Hmar girls and women were raped at Lungthulien and Parbung on January 16, 2006 by valley based resistance groups. Different Hmar organisations alleged that the UNLF and Kangleipak Communist Party (KCP) were responsible for the crime. The unfortunate incident in 2007 was the abduction of over 400 Kuki villagers by the valley based resistance groups with the help of the Myanmar military junta in the early morning from the Laijang Grouping Centre on March 13, 2007. Before this the undergrounds torched 10 houses of Kukis in Chandel’s Aisi village.

According to L. S. Kipgen, General Secretary of the Kuki Students’ democratic Front of Myanmar the “military junta is still using the UNLF to oppress and drive out the Kukis from Myanmar. The recent burning down of Tahan (a Kuki village in Myanmar) by the UNLF cadres and Myanmar army is an indisputable instance. He further stated that the Burmese military is conducting covert operations inside India with UNLF involving trade and trafficking of narcotics, as well as terrorizing Kukis who have been exposing them.”\textsuperscript{44} The protest of the Kuki community and various other fraternal organisations organized by the Kuki Students’ Organisation against the landmines planting and the abduction of over 400 Kukis on March 21, 2007 was received with brutal attack and lathi-charged from the Delhi police and Rapid Action Force which caused serious injuries to the students. The students were hospitalized and more than 120 students were detained at Tihal Jail. This incident shows that the struggling peoples of the North East are not safe from the human rights violations even in Delhi the capital of India.

The Manipur government has become majority-oriented in dealing with the various problems in the state. Chief Minister Okram Ibobi Singh is faced with a situation no head of government would envy. In what may be described as an extremely wrongly

\textsuperscript{43} North East Sun, January 31, 2006
\textsuperscript{44} Sahara Times, March 25-31, 2007
timed decision, he declared June 18, the day 18 people died in Imphal in protest against the extension of the Indo-Naga ceasefire without territorial limits on the day in 2001, a state holiday calling it “Integrity Day”.45

The decision precipitated matters. In protest and in renewed call for Naga Unification, the Naga civil society body, the United Naga Council (UNC) organized a rally on June 16 in four Naga hill districts of Manipur. On June 21, it called a bandh. Immediately, thereafter, the All Naga Students’ Association, Manipur (ANSAM) imposed an economic blockade of the state on NH-39 and NH-53. Taking strong exception to the decision, the Lok Sabha MP from Outer Manipur has urged the prime Minister of India to intervene by making immediate and necessary alternative arrangement for the Naga areas in Manipur. He says, “It has become practically impossible (for the Nagas) to live under the Government of Manipur, which has turned communal.”46 The memorandum submitted to the Prime Minister on July 11 at the PM’s Office, New Delhi says, “The situation taking place after June 21 has become very serious and uncontrollable.” Describing Chief Minister Okram Ibobi’s decision to declare June 18 as general holiday as a ‘desperate attempt to obliterate the legitimate movement of the Nagas to live together’, the MP says, the declaration was protested not only by the Nagas but also by the communities other than the Meiteis.”47

As part of the Non-cooperation movement against the present state of Manipur launched on November 4, 2005 by the Naga People’s Convention (NPC) at Taphou village in Senapati and demand for unification/integration of all Naga homeland, All Naga Students’ Association (ANSAM) has sought affiliation of 164 private schools and colleges in Chandel, Senapati, Tamenglong and Ukhrul of Naga areas of Manipur to the Nagaland Board of Secondary Education (NBSE) since 2005.48 The ANSAM was backed by the powerful Naga Students’ Federation (NSF). In this regard ANSAM has

45 North East Sun, July 15, 2005
46 North East Sun, July 31, 2005
47 Ibid., p. 16
48 Press Statement of UNC on July 8, 2006, New Delhi; Eastern Mirror, Dimapur, July 21, 2006; The Sangai Express, Imphal, July 24, August 3, August 6 and August 9, 2006; Memorandum Dated July 21, 2006 submitted by Mani Charenamei, MP, Outer Manipur to Shri Arjun Singh, Union Minister for Human Resource Development, Government of India.
decisively surrendered the prescribe textbooks of Board of Secondary Education, Manipur (BSEM) beginning from classes VIII-X in the first place. The Nagaland State Cabinet took a decision on June 12, 2006 to refer the affiliation matter to the Ministry of Resources Development for according necessary approval/clearance. In complete disregard of the sentiments and rights of the minority nationalities, the Manipur government has been propagating discriminatory policies against these minorities, especially the Nagas. One example is imposition of Meitei mayek/script.

The syllabus of BSEM is driven by a policy to assimilate the minority communities into the culture of the majority community at the cost of their distinct identity, culture and language. The imposition of Meitei mayek upon the tribal students in the education system by an ordinance of the Manipur State Assembly is very much against the interest of the tribal people in Manipur. The Naga students of Manipur, though separated by the imposed boundaries has found the syllabus of NBSE very friendly as the textbooks covers relevant topics pertaining to the history, social and cultural life of the Nagas. In violent reaction to the ANSAM move the Manipur government took a decision for derecognising of all educational institutions if these institutes get themselves affiliated to educational boards other than BSEM and Council of higher Secondary education, Manipur. In spite of this violent threat by the Manipur state, the 164 private schools and colleges have started introducing NBSE since the academic session of 2006 and the Naga students of Manipur have taken their exams in 2007. The Nagas under the administration of Manipur state continued to maintain their unique culture and history and have withstood the cultural assault of the dominant Meiteis for the past century who through the fictitious means and through the might of state machinery tried to forcibly assimilate the Nagas through imposition of their languages and culture against the unwilling Nagas including other hill people.

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49 The Sangai Express, Imphal, July 24, 2006.
51 The Sangai Express, Imphal, August 6, 2006.
52 Press Statement of ANSAM on July 9, 2005
A Fact Finding Report titled, “First Generation Naga Migrants” of the Naga People’s Movement for Human Rights (NPMHR) is heartening to learn that so many Naga from Manipur are compelled to seek jobs in different parts of India. The report says, “NPMHR Delhi Unit is deeply concerned about how more and more Nagas are being pushed out of their villages and towns who are discriminated and poor in Manipur.” They live as migrants without protection from any organisation, in precarious conditions and without hope for a better future. The report continued, at one point of time in 2002, 105 Nagas were traveling together in Dadar Express from Guwahati to Mumbai. Out of the 105 Nagas, 75 of them were traveling to Mumbai for the first time in search of jobs. But nobody is concerned about where they are so far and how their living conditions are.

Likewise, Nagas in particular and the North East people in general in Delhi is the main target of frequent harassment and exploitation in every field, which has alarmed them to a great extent. More than a hundred Nagas are living in Goa. The huge number of Nagas living in Goa came to our notice when four Nagas who were working in Matrix Bar and Pub were beaten up brutally by the owner. There has been a lot of sexual harassment against the Naga women in particular and the rest women in general in different cities. For example, an autorickshaw driver attempted to abduct a Naga girl and took her to a Red Light area who has to go to Yogeshwari for an interview from Santa Crux in Mumbai Even if these young men and women wanted to go home they are not allowed by the poor system in Manipur. They are forced to live like that even if they missed their own people, their own culture, and their own tradition and value system based on Naga society. They tried to keep their own spirit, culture and tradition alive by clinking on to these memories they have at home and villages.

The above discussion showed a clear lack of fairness and justice which are due to the hill peoples in Manipur inspite of consistent demands for the same. It is high time the people’s aspirations are respected by the Government in the state as well as by the

53 NPMHR, Quarterly Publication, January 2006
54 Ibid., p. 11
Government of India. It is important to note that such problems could be resolved through the application of political mechanism where fairness, identity, justice, human rights and dignities, values, cultures, history all communities are respected and upheld.

**Traditional Institutions of the Nagas in Arunachal Pradesh**

The important landmark of Sixth Scheduled (Provisions for Autonomous District Councils) has been enshrined in the Indian constitution for preservation of traditional customs, institutions and its customary laws of the ethnic groups of North-East states except Arunachal Pradesh, Manipur and Nagaland. Introduced as protective measures, the Sixth Scheduled has been superimposed on their tradition. It recognizes community ownership and does not allow non-tribals to acquire lands in these areas. In Arunachal Pradesh, the Assam frontier (Administration of Justice) Regulation 1945 and the NEFA (Arunachal Pradesh) Panchayat Raj Regulation 1967, substituted the 6th Schedule in Arunachal Pradesh. By this regulation, the traditional village councils were retained as village judiciary as every tribe has its own indigenous mechanisms and procedure of adjudication and Panchayat institutions were multi-tribal and intra-tribal institutions by unifying diverse ethnic groups. At present election to the modern Panchayat Raj are contested on party basis.

In Arunachal Pradesh five Naga tribes- Nocte, Wancho, Tangsa, Tutsa and Singpho inhabited the Depang valley, Lohit, Tirap and Changlang districts. The Chieftainship system of village council represented a kind of autocratic in nature in which village chief remains the head of the village council. He exercises maximum power and enjoys great amount of status and respect among the people in the village. The election or selection of Chieftainship is based on hereditary system mostly people belongs to the royal clan occupy the position of village chief. Originally, the right to rule was with those who had the power and ability to command sufficient number of subjects to be able to rebel any attack by other chiefs. Thus, the chieftainship originated in the physical and intellectual power of any person or any person who had the ability
to organize a force could become a chief. The women are debarred from holding the post of chiefship. For example, the Ngothun (council) of Noctes tribe, the Wansa (council) of Wangchos tribe and Tangsas are having chieftainship type of village council. Let us briefly discuss the functioning of the Village councils of the Noctes and the Wangchos.

Ngothun System of Noctes

The Noctes community concentrates in the Tirap district of Arunachal Pradesh. The village council of the Noctes is called Ngothun (council of elders) headed and presided over by the Chief of each clan/separate section of tribe. The entire political lives of the people are maintained by the chief and elders. In order to centralize the authority for the maintenance of law and order, the institution of the village chief is hereditary. This has also led to the division of society, into two classes, the chief and his descendants called the Lowang Jat and the others called Sangat. The Sangat class is debarred from holding the post of chieftainship by virtue of their low position in the society. The Chief of the Ngothun is called Lowang who gives final say in the council. His decisions on any matters are final and binding. He consults the elder members of the councils before delivering any decisions. The chief is the supreme authority of the village community. The chief is chairman of the council by virtue of the power and privileges in the village. The territorial jurisdiction of a council is confined to the village itself. But under one main chief (Lowang), there can be so many subordinate chief in villages which falls under his jurisdiction. The chief can intervene in the councils of his subordinate villages' chief and decisions of the council can review by him but he may not seek suggestions from his subordinate chief.

The functions of the village councils are to maintain law and orders, settles the village disputes and also performs developmental functions. In case of any inter-village disputes, they have to consult the main chief. The village council has the power to make by-laws on various issues which may be necessary for the development of the village.

57 Sanjay, Dubey, Op. cit., p.2.15
or inter-tribes dispute under the territorial jurisdiction of chief. He first sends his representatives inviting the warring village or tribe’s chief for negotiations and settlement. Usually, Rambas (Priest) are the representative. Both parties fix the date and time for settlements of disputes amicably. Besides one member from each household, Gaon Buras of the village becomes automatically the members of the council. The Chief can marry more than one woman. The first wife should be from a Lowang (Chief) family of the other village. The woman has no roles in the council. Principally, the first wife’s first son is immediate successor of father’s chieftainship.

**Village Council of Wanchos**

The Wanchos tribe is concentrated in Tirap district of Arunachal Pradesh, scattered on the Patkai range of Indo-Burma border and in the foot hills lying close to the plains of Assam. The Wanchos chief is called Wangham, and the chieftainship is hereditary. The Wanchos have also the kind of great chief as of the Noctes, each controlling a number of villages. The Wancho village council is headed by a Chief and consists of the elderly persons of the village; the council’s name is called Wancha. But some scholars claimed, the Ngajowa is the name of the traditional village council of the Wangcho. The Chief is called Wangham, who is assisted by a number of members with different functions. The chief presides over the meeting of council of elders. Like Nocte society, Priests, ministers, councilors, courtier, chowkidar, etc., official are generally found. The chief can marry more than one woman. The first wife must be from a Wangham’s (chief) family of the other village. Being clan exogamy’s tribe, Wancho does not marry within the clan. Like Noctes, the first son of the first wife is become he immediate successor of father’s post. If no son from first wife then the son of the immediate next wife inherits the Chieftainship post.

In the olden days, the main function of the council was to decide and plan about warfare, and to settle cases and disputes within the village. But nowadays, besides settling the disputes arising within the village as well a inter village disputes.

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The council maintains the political life through the help of the village council of elders under the leadership of chief who enjoys vast power and authority.\footnote{D.N.Pandey, \textit{Local Government in Arunachal Pradesh}, Himalayan Publishers, Delhi, P.39.}

**Constituent Assembly's Sub-committee Recommendations vis-à-vis the Nagas**

The following discussion will bring us to light why the Naga National Council rejected Sixth Schedule under article 244(2) and 275(1) provided for District Councils in the tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram, and creation of Nagaland State and other schemes under the Indian Constitution. In a nutshell, it can be said that the NNC rejected the Sixth Schedule because they felt it sought to replace the traditional Naga Council.\footnote{Udayan Misra, \textit{The Periphery Strikes Back}, 2000, op. cit., p.34.} The NNC also reject the Nagaland state because that was not what they were fighting for. This is the reason as to why to this very day Nagas refused to adopt the Autonomous District Council and reject the Nagaland state as alternative to their struggle for complete independence from India and Burma.

In January 1947, Governor Andrew Clow met the NCC leaders at Mokokchung and explained to them the importance of the changing circumstances: The British Raj was coming to an end and the future government was a matter for the people of the land to decide. The Constituent Assembly had begun its work. The Naga leaders, although they had no representation in the Constitution making body would be allowed a talk with the Advisory Sub-Committee on the North-East Frontier Tribal Areas in near future. Therefore, they should formulate proposals and demands. It was not practicable for them to think of a separate State or even a separate province. Their country was poor and could hardly become self-sustaining. It would be for them to claim authority in matters of local concern, custom, culture and their land.\footnote{Y.D. Gundevia, ibid, pp.53-4; Hokishe Sema, ibid, pp.83-4.}

The NCC leaders listened to the Governor, but were not impressed by his exhortations. The Governor borrowed Hutton's language, but his intentions appeared dubious. If the future government were a matter for the people of the land to decide,
they would take decisions for themselves. In February 1947, the NNC addressed another memorandum to Mounbatten, reiterating that Nagaland belonged inalienably to its people. The memorandum said: “A constitution drawn up by people who have no knowledge of the Naga Hills and the Naga people, will be quite unsuitable and unacceptable to the people.” Further, it said: “Thrown among 40 crores of Indian, the Nagas with their unique system of life will be wiped out of existence.”

Mountbatten did not even acknowledge the memorandum submitted to the Simon Commission in 1929. But the Sub-committee on the North-East Frontier Tribal Areas and Assam Excluded and Partially Excluded Areas, under Gopi Nath Bardoloi’s chairmanship, was to visit Kohima on 29 May 1947. The Committee represented the Constituent Assembly and Bardoloi himself was a senior Assamese leader trusted by both Gandhi and Nehru. Laying the ground for the discussions with the Committee, the Naga National Council (NNC) sent another memorandum on 19 May 1947. It asked for an “Interim Government” for a period of ten years, with full powers in respect of legislation, Executive and Judiciary, at the end of which the Naga people would decide their future through a referendum. Meanwhile, India as the guardian power would remain responsible for Defence and would aid civil power of an emergency.

The NNC’s discussions with the Sub-Committee, supervised by the then Deputy Commissioner Pawsey and other Assam officials, got bogged down over the issues of autonomy, interim government, the scope of its relationship with the guardian power and the right to self-determination at the end of the ten-year period.

Gopi Nath Bardoloi remained inflexible on most of the issues. The Sub-Committee had co-opted three Naga representatives in its work: Mr. Kezehol of the Naga National Council from Kohima, Mr. Khelhoshe and Mr. Aliba Imti. Kezehol and Aliba Imti dissented with the majority report. For some time, however, the three

65 Murkot Ramunny, The World of Nagas, Northern Book Centre, New Delhi, 1993 edition, p. 21
associates of the Committee must have been very useful to the leaders of the Naga National Council by keeping them abreast of the Committee’s work.67

About the recommendations of the Constituent Assembly’s Sub-Committee on Assam’s Tribal and Excluded Areas on the Nagas’ demands, Nehru had already signed Mounbatten’s Plan that specified the modalities for the partition of India and the consequent termination of the British Rule. India was to become an independent country on 15 August 1947 with no role, thereafter, for the British in its administration and politics. The NNC leaders were eagerly waiting for the Constituent Assembly’s endorsement of their “Nine-Point Understanding” with the Governor Hydari; or at least from its Sub-Committee on Assam’s Tribal and Excluded Areas, which had unsuccessfully tried to negotiate with them an accord in the last days of May 1947. The NNC’s co-opted member in the Committee, Kezehol, had already resigned his position in disagreement over its basic approach to the Naga problem. But the Hydari agreement was an official one and, the NNC hoped, could not be ignored by a body created to recommend constitutional provisions for their relationship with the new India.

On 28 July 1947, the Sub-Committee under Gopi Nath Bardoloi’s chairmanship submitted its report to Vallabhbhai Patel, Chairman of the Advisory Committee on Fundamental Rights, minorities and Tribal Areas. The report mentioned the Sub-Committee’s meetings with the NNC in disparaging terms and blamed “certain officials” “for influencing what the Committee called the extreme elements.” The report claimed to “correspond fully to the spirit of the resolution of the Naga National Council passed at Wokha in June 1946” and expressed the hope that “the majority of people in the Naga Hills district will find that the proposals go a long way towards meeting even their present point of view.” The report did not even mention the “Nine-Point Understanding.” However, it claimed that “events connected with the visit of

H.E. the Governor to the Naga Hills on the 26th of June 1946 show that the Nagas have dropped their extreme demands.\textsuperscript{68}

The report delivered a devastating blow to the NNC’s sense of political purpose, their self-esteem and their confidence in the trustworthiness of India’s new leadership. It also impelled the Naga leaders on a separatist course which, over the next decades, was to become increasingly fierce and intransigent.

To understand the full implication of the recommendations of the Bardoloi sub-committee, which became the basis for the Sixth Schedule under Articles 244(2) and 275(1) of the Indian constitution, examining and comparing with the main provisions of the NNC-Hydari agreement is essential.

At the very outset, the Sub-Committee’s introductory remarks on the political views of the Hill people assailed the spirit and concrete concerns that had guided the NNC’s negotiations with Sir Hydari, scoffing at the idea of an “Interim Government”:

“through the Constituent Assembly Secretariat and we ourselves, issued a leaflet to provide information and concrete interest in the political future of India, the Constituent Assembly’s functions and the objects of our tour, the hill people, even those of the Excluded Areas, were not found lacking in political consciousness. Perhaps not without instigation by certain elements, this consciousness has been instilled the ideas of an independent status under which the external relations would be governed by treaty of or agreement only...In the Naga Hills, although the original resolution as passed by the Naga National Council at Wokha contemplated the administration of the area more or less like other parts of Assam, a demand was subsequently put forward for “an interim government of the Naga people” under the protection of a benevolent “guardian power” who would provide funds for development and Defence for a period of ten years after which the Naga people would decide what they would do with themselves. Here again it seems clear to us that the views of a small agreement and not by majority—gained

\textsuperscript{68} Report of the North-East Frontier (Assam) Tribal council and Excluded Areas Sub-Committee, \textit{The Framing of Indian Constitution: Select documents}, pp. 685, 721

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the acceptance of the National Council, for little more purpose than that of presenting a common front. 69

In the judicial sphere, the NNC-Hydari Agreement had categorically stated that the Naga Courts would dispose of all civil or criminal cases between the Nagas according to their customary laws. It had granted a right of appeal to the Governor only in sentences of transportation for life or death.

The Bardoloi Sub-Committee opined that offences punishable with imprisonment of five years or more and cases involving non-tribals or those arising out of special laws of contract, company law or government of Assam might confer the necessary powers on Regional and District Councils and the courts constituted by them. The government of Assam might also withdraw or modify such powers. It should also employ Circuit Magistrates or Judges to expeditiously dispose of cases involving non-tribal people. 70

Under the Hydari Agreement, the Naga Council held total executive powers in areas of Agriculture, Public Works, Education and Forest. All subdivisions were to be administered by Executive Presidents accountable to both the Naga National Council and the District Officer. As a general principle, the Naga Council was to control what it would pay for. Setting the tenor for a drastic revision of terms, the Bordoloi sub-committee said that even though the chiefs or elders dealt with many matters "pertaining to the life of the village", they lacked "experience of modern self-governing institutions." 71

It is observed that the Hydari Agreement did not specify the constitution of the "Naga Council, which the NNC continued to refer to as the "Naga National Council."

Bardaloi sub-committee eliminated the ambiguity in the Hydari Agreement by specifying that every autonomous district, divided into autonomous regions, would

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69 Ibid., pp. 690-1
have its own District Council, which would have no less than twenty and no more than forty members, of whom no less than three-fourths should be elected by universal adult franchise. The constituencies for their elections should be so constituted, if practicable, that "different tribal or non-tribal, if any, inhabiting the area" may be able to elect their representatives. The sub-committee went on to discuss the powers and functions of the Councils at some length. Agriculture and land were subjects completely under the control of the Naga Council under the Hydari Agreement. The sub-committee suggested that the local councils should not require payment for the occupation of vacant land by the Provisional Government for public purposes or prevent the acquisition of private land under private use, also required for public purpose, on payment of compensation.

About reserved forests, the committee recommended that "the legislative powers of the Local Councils should not cover" them. Their management should be centralized, and the Provincial government should take into account the "susceptibilities and the legitimate desires and needs of the hill people" "in questions of their management, appointment of forest staff and the granting of contracts and leases." Although the "evils of jhum cultivation" are obvious, and "must be discouraged and stopped whenever possible", the tribes should have "the right of deciding for themselves whenever to permit it or not". The local councils should control it, "guided by expert advice."

The "tribes are highly interested in education." But the Hill people may be unable to look after secondary school education which in any case, should not be left without some integration with the general system of the province. The government of Assam should make the necessary arrangements by executive instructions. The Local Councils may have powers over matters "usually administered by local boards". But in

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72 Ibid., Appendix A—A(2), B(1)& (2)p. 709
73 Ibid., Vol. III. P. 695, Appendix A, C(1), p. 710
74 Ibid., p. 695
all matters, the Local Councils and their staffs should work under the executive guidance of the corresponding Provincial Department.75

"The development of the hill districts" should be "as much the concern of the Central government as of the Provincial Government." Deficit in the ordinary administration of the districts, "on the basis of the average deficit during the past three years", and the cost of developments should be borne by the Central Exchequer. There is no survey of the financial position of the new Councils and their requirements in the light of the responsibilities imposed on them "but we recognize their claim for assistance from general, provincial revenues to the extent that they are unable to raise the necessary revenue from the sources allotted to them for the discharge of their statutory liabilities."76

The autonomous councils for the district had been given far in excess of the powers enjoyed by local boards. "What if the Council or the executive controlled by it should misuse the powers or prove incapable of reasonably efficient management? Some of the hill districts are on the borders of India. What if their acts prove prejudicial to the safety of the country? Experience all over the country should have the power to act in an emergency and to declare an act resolution of the Council illegal or void, if the safety of the country is prejudiced, and to take such other as may be necessary. We also consider that if gross mismanagement is reported by a Commission, the Governor should have the powers to dissolve the Council and to take over its administration subject to the approval of the Legislature before which the Council, if it so desires, can put its case."77 In the Frontier Tracts, the government of Assam should take over the administration, by the issue of a notification, on the satisfaction of the central government that they have been consolidated for the purpose. "Steps should be taken to appoint separate officers for the Lohit Valley, the Siangh Valley and the Naga Tribal areas" to accelerate the pace of their administration."78

75 Ibid., p. 697
76 Ibid., pp.700-1
77 Ibid., p. 703
78 Ibid., p. 703
Considering the strategic importance of the hills, there should be provision for the appointment of a Commission, under the responsibility and power of the Governor, “to examine the state of affairs periodically and report” to enable the government “to watch the progress of the development plan”, to examine the admission of the district or Regional Councils, the laws or rules and by them, and to take other necessary administrative or legislative action. Its report and the recommendations of the Governor should be placed before the Provisional Legislature by the Minister concerned with an explanatory memorandum regarding the action taken or proposed to be taken. On the recommendation of the Commission, the Governor of Assam might order the dissolution of a Regional or District Council and direct fresh election or, with the approval of the Legislature of the Province, place the administration of the area directly under himself or other body considered suitable by him for a period not exceeding twelve months.79

In the legislative sphere, the NNC-Hydari agreement clearly said that no law passed by the Provincial or Central Legislature that materially affects the terms of the agreement or the Naga religious practices would have any legal force. With regard to disputed legislation, the Governor was subject to the Naga Council’s opening pending decision by the central government. The Bardoloi Sub-committee did not acknowledge the NNC-Hydari Agreement and made no provision for its protection. About the NNC, the “report said that it was a “very recent” “essay and had “no statutory sanction”80

The sub-committee referred to the scheme of legislation for the excluded and partially excluded areas under the government of India Act, 1935. Under the Act, the Governor had the powers to “filter” the legislation passed by the Provincial Legislature and to decide whether to apply or ignore it, or to make alterations. Legislation passed by the Province had effect in the excluded and partially excluded areas until the Governor so

79 Ibid., pp. 707-8, Appendix A, O. (1)&(2), R. p. 712
80 Ibid., p. 692
notified. The Governor also had the powers to make special regulations for the areas.\footnote{Ibid., p. 693} For future purposes, the sub-committee referred to the argument that no provincial legislation would be applicable unless the hill council gave its approval; but it could also without it and rule that, this is a proposition which cannot be acceded to without reservations.

- The provincial Legislature, so the sub-committee argued, was concerned with many matters that had nothing to do with special customs in the hills and there was no reason to automatically bar all legislation. To do so would not only frustrate the application of a uniform policy for the whole province, it would also subject everything to the limited vision of a local council. A bar, therefore, should be limited to only those subjects in which the hill councils had legislative powers or which could affect social customs and laws. The sub-committee recommended that the provincial legislature should not interfere in the tribal custom of drinking rice beer and only the hill councils should have the power to permit or prohibit it through legislation. The hill councils could also keep the powers of legislation over land, village, forests, social customs, administration of local law, and over village and town committees with corresponding financial command.

However, it would have no power of legislation on land “classed as reserved forest under the Assam Forest Regulation, 1891 or other law on the subject applicable to the district. “It would have the power of legislation on the use of canal or water courses for the purposes of agriculture, controlling, prohibiting or permitting the practice of Jhum, and other matters relating to village or town management, sanitation, watch and ward.\footnote{Ibid., pp. 702-3, Appendix A, C (1), p. 710} The Sub-committee further argued that there was no justification for excluding the Naga, Lushai and North Cachar hill people from the Provincial Legislature. With some indirect weightage, the Naga Hills district’s population of 189,641 should obtain two representatives in the Provincial Assembly, in keeping with the rule of “one for every lakh” provided for in the draft Provincial Constitution. The
total of 858,566 people in all hill districts would receive one seat in the Federal Legislature.

The Hydari agreement said that the present administrative divisions should be modified to bring all Nagas “under one unified administrative unit “and to “bring back into the Naga Hills district all the forest transferred to the Sibsagar and Nowgong districts in the past”. The Bardoloi Sub-Committee acknowledged that: “A feeling common to all the Hill districts is that people of the same tribes should be brought together under a common administration. This has led to a demand for rectification of boundaries. The Lushai want the Kukis of Manipur and other areas in their boundaries, the Nagas want the Zeme areas of the North Chachar Hills included in their district and so on.” While sympathizing with this desire, the Sub-committee expressed inability to make any recommendation on the ground of examination which would make it impossible for us to submit our report to the Advisory Committee in time.” The Sub-committee further said: “The present boundaries have, we find, been in existence for many years and we feel that there is time for a separate commission set up by the Provincial government to work on the problems involved.”

Although the Drafting Committee of the Constituent Assembly accepted these recommendations and incorporated them in Article 255 of the Draft Constitution of February 1948, eventually becoming Article 244, and in the Sixth Schedule, they came under severe criticism during the debates in the Assembly which took place in the first week of September 1949. Kuladhar Chaliha from Assam insinuated that the Nagas were a primitive people who had a way of rendering summary justice whenever they had a grievance. He said the provisions of the Sixth Schedule totally negated justice, and institutionalized anarchy. Ambedkar moved an important amendment that became paragraph 2(3) of the Sixth Schedule, the State government was to specify the extend of the High Court’s appellate powers.

83 Ibid, pp. 687, 694, 708
84 The Scheduled and the Tribal Areas, Framing of the Constitution, Vol. V, p. 586
85 Ibid., p. 588; C.A. Deb., Vol. IX, p. 1033
Rohini Kumar Chaudhury, also from Assam, talked about the need to assimilate the tribal people into India's mainstream society and suggested that the autonomous districts would thwart that purpose: If the object was to educate the tribal people in the art of governance, they should instead of autonomous districts receive municipalities and district boards.\(^6\) Ambedkar pointed out that in the executive and legislative spheres, the authority of the Assam government extended to the autonomous tribal district.

The Act of Parliament and of the State Legislative would be generally applied to these areas unless the Governor thought differently. People from the tribal districts would receive representation in Parliament and the State Legislature, and would be playing their part in making laws for the whole of India. These "cycles of participation" and association, Ambedkar said, would draw them closer to the Indian mainstream.\(^7\) Ambedkar also moved important amendments to the provisions in the draft constitution, which under Bardoloi Sub-Committee's recommendations, had allowed the Governor to annul or suspend Acts and Resolutions of the District and Regional Councils, prejudicial to the safety of India or proper administration, and to make alternative arrangements for their administration after dissolving them. Under Ambedkar's amendments, adopted by the Assembly as paragraphs 15 and 16 of the Sixth Schedule, these powers of the Governor became exercisable on the advice of the Council of Ministers.\(^8\)

During the final debates on the Sixth Schedule, Ambedkar moved further amendments to ensure, under paragraph 3(3) and 10(3) of the Sixth Schedule that all laws and regulations made by the district councils would be submitted to the State government, and would have no effect until the Governor gave his assent. He told the Assembly that within his scheme, the Assam Ministry should retain some power to advise the Governor whether to accept or reject any law and regulations made by the

\(^6\) The Scheduled and the Tribal Areas...n. no. 24, pp. 586-7
\(^7\) Constituent Assembly Debates, Vol. IX, pp. 1024-6
\(^8\) Ibid., pp 1051 & 1055-1056
District Councils, including those for the control of money-lending and trading.\(^89\) Finally, another amendment moved by Ambedkar, 12(b) of the Sixth Schedule, removed the necessity to obtain the consent of the district or regional councils before laws which had been passed by the provincial legislature and Parliament, and which encroached on the legislative competence of the autonomous councils, could take effect. Thus, the State government became completely free from the “trammels” of legislation, which the so-called autonomous district and regional councils could still have created.\(^90\) Paragraph 13 of the sixth Schedule accommodated the recommendation by empowering the Governor to include, exclude, increase, and unite areas of autonomous districts and even to form new districts after considering the report of the Commission to be appointed under paragraph 14(1) of the Schedule.

The Constituent Assembly adopted the draft constitution on 26 November. In November and December 1949, the NNC held several protracted meetings to discuss the situation. All were united on the point that the Government of India had betrayed them on the Nine-point agreement. Phizo was asked to lead a delegation to New Delhi and to discuss with the Governor-General ways and means of forming an independent Naga State. On 26 January 1950, India became a Republic with its own Constitution. In June 1950, R.V. Subramaniam, Secretary to the government of Assam for Excluded and Tribal Areas, came to Kohima to discuss steps for the creation of District and Regional Councils according to the provisions of the Sixth Schedule. The NNC refused to even discuss the matter. The Governor Jai Ramada Doulatram cancelled a meeting with the NNC after Phizo, elected President of the NNC in December 1950, and announced the NNC’s resolve to stay out of the framework of the Indian Constitution.

In a meeting at Kohima held on December 11, 1950, the NNC resolved to hold a Plebiscite to determine the Naga political opinion on the issue of whether to remain in the Indian Union or to get out and form a sovereign independent country. A letter addressed to the government of India requested it to send its representatives to observe

\(^89\) The Scheduled and the Tribal Areas, n.no. 59, p 588; C.A. Deb., Vol. IX, pp 1029-32, 1031, 1040-1
\(^90\) Ibid., pp. 588-9; p. 1043
the plebiscite, which was to be held on May 16, 1951. In a signed circular addressed to the Presidents of Tribal Councils, dated 30 April 1951, Phizo said: “We are to see that the Plebiscite is conducted in a normal way. There should be no agitation, not demonstration. Every person must feel perfectly free to say and record what he or she likes. We are fighting for independence, for a fuller freedom, for a separate sovereign State of Nagaland. But those people, if there are any, who wish to say that Nagaland must be within the Indian Union, must have the full freedom to express their views without fear…”

The Naga plebiscite for independent sovereign Naga state was supported by 99.9% of those who cast their votes. The outcome of the plebiscite was a great morale booster for a political organisation.

In line and spirit with the outcome of the plebiscite the NNC, the NNC vowed to fight for the independent sovereign Naga state. The NNC was determined to uphold the political and historical rights of the Naga people. It was with this vision and determination that NNC out rightly rejected the creation of Nagaland state through the 16-Point Agreement of 1960 and termed this Agreement as another divide and rule policy of the Indian state. The 1964 peace talks failed because the Indian Government was insisting only on a solution within the framework of Indian Constitution, which again goes against the interest and vision of the Nagas. Another constitutional mechanism in the guise of Shillong Accord was again rejected by the Nagas as impracticable and inconsistent with the Naga National struggle for independence. It can be rightly say that no constitutional arrangement has so far solved the problem and that it may not likely so even in the future if a solution is sought strictly within the Indian constitutional assimilation and management.

**Success stories of Constitutional Provisions in the North East**

Some of the success stories of the constitutional provisions vis-à-vis the resistance movements in the North East may be highlighted for the purpose of comparative analysis and understanding. The first of such kind happened with the Mizo National Front (MNF), which was fighting for complete independence for greater

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91 Murkot Ramunny, n.no. 38, p.1
Mizoram against the Government of India, signed the Memorandum of Settlement or Mizo Peace Accord on June 30, 1986, through Insider-Partial Mediator.\textsuperscript{92} The Memorandum of Settlement incorporated some important issues in its provisions. The MNF agreed to end underground activities, surrender all arms and weapons to the appropriate authority, come back to civil life and eschew violence within a stipulated time frame. It further agreed to delete its objective of "independence of Mizoram from the Union of India" from its constitution to confirm its faith in the Indian Constitution. The Government of India, on its part, agreed to rehabilitate underground MNF cadres with adequate compensation. It also agreed to upgrade the status of Mizoram from the existing Union Territory to a full-fledged State of the Indian Union. Further, the Government of India committed to establish a High Court and a University for the State. The Government of India duly recognized the socio-cultural autonomy of the Mizo people.\textsuperscript{93}

Another success story of constitutional provision is with the Bodo Liberation Tiger. Ten years after the first Bodo Accord was signed in 1993, a new Memorandum of Settlement (MoS), signed between the centre, Assam Government and the Bodo Liberation Tiger (BLT) on February 10, 2003 at Home Minister's office in the North Block. The Memorandum of Settlement has cleared the decks for the creation of the Bodoland Territorial Council (BTC) under the provisions of the amended Sixth Schedule of the Constitution of India.\textsuperscript{94} Special Secretary (North East) in the Ministry of Home Affairs, RCA Jain, BLT Chairman Hagrama Basumatary and Assam Chief Secretary, P.K. Dutta were the signatories to the MoS for the three sides. The Then Union Home Minister Lal Krishna Advani, Chief Minister Tarun Gogoi and Minister of State for Home, I.D. Swami were present during the signing-in ceremony in New Delhi.

Right after the MoS, the State Government has to immediately dissolve the then existing Bodoland Autonomous Council (BAC) by repealing the BAC Act, for an interim

\textsuperscript{92} R.K Satapathy, 'Mediating Peace: The Role of Insider-Partials in Conflict Resolution in Mizoram' in Faultlines, Vol.15, February 2004, pp. 57-73  
\textsuperscript{93} Ibid., p. 7.  
\textsuperscript{94} North East Sun, February 15-28, 2003, pp. 9-11
Executive Council for the Bodoland Territorial Council to take its place. The Bodoland Territorial Council will have a chief and a deputy chief selected from among 12 executive members. While the chief and deputy chief would have the status equivalent to that of a Cabinet Minister, the executive members would enjoy the position of a Minister of State for protocol purposes in the BTC area. As per the agreement, the autonomous self-governing body, to be called the Bodoland Territorial Council will fulfill the economic, educational and linguistic aspiration, protect the socio-cultural and ethnic identity of the Bodos and would also speed up infrastructure development in the BTC area. It was also agreed that there will be 46 seats in the BTC, of which 30 will be reserved for the tribals, five for the non-tribals and five would be open for all. The Governor of Assam will nominate six persons from among the communities not represented in the BTC, including two lady members. The BTC districts are Udalguri, Baska, Chingranguri and Kokrajhar.

The area of the proposed BTC will comprise of 3082 "identified" villages and areas, which will be divided into four contiguous districts after the reorganization of the existing districts of Assam. This will have to be done within a period of six months from the date of signing of the agreement, subject to the Delimitation Commission. Some of the important agreement among others includes such as, the BTC is set to receive an attractive package of Rs. 500 crore for projects of socio-economic development in the backward areas under the BTC. The package would be divided into Rs. 100 crore each for the next five years over and above the normal plan funds. The size of the corpus will be reviewed after five years. The agreement also assures of setting up of a centrally-funded Central Institute of Technology (CIT) to impart technological/vocational disciplines such as Information Technology, Bio-Technology, Food Processing Rural Industries, Business Management, etc, The Institute will be subsequently upgraded to a centrally-funded State University with technical and non-technical disciplines to be run by the BTC.

Recognition of the Bodo language in the Devnagri script in the Eight Schedule of the Indian Constitution will also be considered favourably. Although Bodo shall be the
official language of the BTC, Assamese and English shall also be continued for official purpose, the agreement said. The BLT has agreed to surrender all its arms soon after the Interim Council is formed. These are some of the main points of agreement between the Government of India, Assam Government and the Bodo Liberation Tiger. However, the problem has not been totally solved as the National Democratic Front of Bodoland was not part of the agreement. The NDFD has been fighting for the right to self determination of the Bodos since 1960s. There are numerous organisations in the North East fighting against the Indian state for various reasons. Some are fighting for autonomy while others are fighting for independence from India. The problem in Assam is yet to resolve as the peace talks could not be held due to controversy of the core issue of negotiation. ULFA has been insisting that sovereignty should be the core area of talk while the Government of India took the position that sovereignty could not be discussed because Assam is an integral part of India. Due to this reason or others the peace talks could not be initiated until today. Problems of resistance movements are yet to get resolved with many organisations in Manipur, Meghalaya, and Tripura etc.

From the above discussion we have understood that several movements are still asserting their various rights in the North East including the Naga National Movement for freedom. Many organisations and communities have accepted the constitutional provisions of Sixth Schedule like the aforementioned groups such as Mizo National Front and Bodo Liberation Tiger etc. while many organisations are not acceptable for the same mechanism to resolve the conflict. In particular, The Naga leaders have been saying time and again that a solution within the framework of the Indian Constitution is not acceptable. However, The Indian Government is yet to clearly spell out its position until today.

In the foregoing pages we have discussed the constitutional provisions and their implications for the Nagas in the states of Nagaland, Manipur, Arunachal Pradesh and Assam. It is learnt that almost all the constitutional provisions to the Nagas have been failed to transform the Indo-Naga conflict. There are many factors as has been pointed out earlier also. The important point to be noted is that most of the mechanisms to
transform the conflict has always been state-centric and ad hoc in nature. The basic
lacunae is that the agreements or Accords etc. were reached only for the purpose of
reaching agreements with the negotiators without taking into account whether such
agreements were acceptable to the people at large or not. The point to bring home is that
any sort of agreement or settlement or transformation of the conflict should be acceptable
to the people and not only to the leaders on the negotiating table.

And a solution which is narrow and exclusive in nature will not bring any lasting
peace. It is suggested that a kind of solution sought to be more comprehensive and
inclusive in nature. This future solution shall not further divide the cohesiveness and
bonding of the community in question. Space has to be created for reunion or
reunification of the divided family in the true sense of the term. Aspiration for oneness
needs to be respected because it concerns the identity of the people. It means security for
their identity has to be maintained and provided. Culture, language, traditions, customs,
arts and esthetic and democratic ethos has to be preserved and uphold. Human rights,
liberty, equality, justice, fairness etc. shall be form basis for dignified existence and
living. Power shall flow from the people and peace shall reign over the earth eternally.

**Workable Alternative**

As the constitutional provisions could not satiate the aspiration of the Naga people who have been fighting for political independence, it is imperative on the Government of India and the Nagas to take a new step in finding a workable alternative. The constitutional provisions mismatched the aspiration of the Naga people. The parties need to find a mechanism which will match the interests of both India and the Nagas. New ideas and new way of thinking that will help in finding an alternative is the call of the hour. The Workable-transformative-roadmap or WTR that the thesis has suggested is informed by the principle of new ideas and new way of thinking. The WTR has suggested that there is a need for changing the over all political, economical and territorial structures. A new relationship needs to be established.
The new relationship calls for territorial restructuring in which the hitherto scattered the contiguity of the Naga areas in the North east be restored amicably. The opposing states should be politically persuaded and the Government of India need to redress their grievances by adequate compensation offer to them. All the opposing states should be persuaded in such a way that reaching an agreement with the Nagas is crucial to peace and economic development in the North eastern region. The integration of all Naga areas can possibly be done if the government of India has the will to do. The Government of India has enough resources to do such a positive political act. Democratisation of the peace process requires that the Government initiate dialogue with those opposing states for better understanding and cooperation. For the opposing states the stakes are high as the Naga areas have to be redrawn to merge with the rest of Naga areas. So, in order to peacefully solve their concerns and apprehensions, an interactive dialogue must be initiated between the Government of India and the opposing states so that several important tasks are accomplished. The WTR had mentioned that without territorial integration of all Naga areas in the North east, any sort of solution will have no political meaning and content.

The important point to drive home is that the integration of all Naga areas will have far reaching positive political implications towards bringing a lasting and durable peace between the Indian Government and the Naga people. Integration of all Naga areas will naturally herald the change of political system of the Nagas. The Nagas themselves will govern this political system. In this system, the unique Naga identity will be preserved and protected. All the Naga communities will have the same identity as Nagas, and there will be no dominants and minority within the Naga family. Every one is equal before the law and in the eyes of men. The threat to their identity will be considerably reduced. Those communities within the newly created political system will have their own cultural identity, and their religion will be safeguarded. Economic disparity among the people will be taken care of by the new system. All sections of society will have proportionate representation in the electoral system. The judicial system will be based on the Naga customary laws and traditions. Participation of all sections of society in running
the governing system should be institutionalised. In the sense, equality, liberty, justice, freedom, human rights will be promoted and upheld.

The relationship between the Government of India and the Naga political system will be different from the present centre-state federal relations. The relationship will be based on mutual understanding and cooperation. A conducive environment will be created so that the relations between the Nagas and the neighbouring North east states maintain the highest possible friendliness and good neighbourly. All the parties will work together to achieve peace, stability and security not only in the North east but also in the world.