In the pre-independence period, the state of administration of justice in the North-Eastern Frontier Agency was in a very happy and justice-oriented condition. Remote areas were almost untouched and practically unknown to the administrative authorities and such areas were almost inaccessible and hence beyond the interaction from outsiders. The Imperial government had little interest in this region having no specific project for development of the indigenous people and their welfare. But soon after India attained independence in August 1947, several developmental programmes for the upliftment of the simpleton populace were geared up. But inaccessibility and remoteness due to lack or difficult communication and intractable geographical terrain, restricted the pace and progress of the developmental projects.

Within the framework of the privileged position guaranteed by the carving out of the Arunachal Pradesh (then NEFA) the government of India committed to translate its vows into reality as enshrined in the Constitution itself and started implementing the developmental programmes in phased
manner in the declared Five Year Plans with the help of the local government represented by the people of their own. However, the pace of programme implementation and development remained woefully slow till 1962, the year in which the Chinese neighbours turned hostile and invaded India and occupied large areas in Arunachal Pradesh along with areas in Ladakh and in Jammu and Kashmir. The integrity and security of Sovereign India was threatened for the first time. The Chinese aggression roused the sentiment of Indian's and the government was bound to formulate new strategies to recoup the damage. Accordingly, Governmental machineries were put into action for speedy development of Arunachal Pradesh and different programmes were chalked out on war-footing. Significant changes like transport, communication, general administration, urbanisation took place thenceforth and a direct link was established between the hills and the plains touching every nook and corner of this administrative Cinderella of the Union of India.

The Five Year Plan for economic development was drawn up by the various specialized agencies and patterned conventional lines by establishing of roads and air communications, the setting up of administrative centres, each with a school and health unit and the introduction of improved techniques in agriculture and small scale industries. But all the plans for the social amelioration of the tribes followed the conventional pattern and measures were adopted to ensure that their implementation on the field should not cause them any shock or
emotional hurt.

In course of time, mere operation of the Constitution of India and various developmental programmes had failed to satisfy the tribal people, particularly in the North-East region. And as a result moves were afoot to raise the status of the Union Territory into a full-fledged State. The post-Constitutional development culminated in the creation of the Arunachal Pradesh along with the creation of Manipur, Tripura, Nagaland, Meghalaya and Mizoram. After passing the Constitution 99th Amendment Bill in December, 1995, some new problems cropped up and the people of Arunachal Pradesh raised some demands. Taking into consideration all these demands the following major points to which all demands revolve round were gazetted:

(i) deleting the special powers given to Governor by Article 371H

1. Article 371H reads as:- Notwithstanding anything in this constitution-

(a) the Governor of Arunachal Pradesh shall have special responsibility with respect to law and order in the State of Arunachal Pradesh and in the discharge of his functions in relation thereto; the Governor shall, after consulting the council of Ministers, exercise his individual judgment as to the action to be taken.

Provided that if any question arises whether any matter is or is not a matter as respect which the Governor is under this clause required to act in the exercise of his individual judgement, the decision of the Governor in his discretion shall be final, and the validity of anything done by 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 judgment:-

Provided further that if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility, with respect to law and order in the State of Arunachal Pradesh he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order;

(b) The legislative assembly of the State of Arunachal Pradesh shall consist of not less than thirty members.
(ii) granting of special status to Arunachal Pradesh like Nagaland and Mizoram to provide constitutional safeguards to the protection of tribal customary and traditional heritage;

(iii) inclusion of names of all tribes of Arunachal and exclusion of names of non-resident scheduled caste communities and scheduled tribes too.

The Government of India justifies the insertion of the new Article 371H thereby conferring special powers to the Governor keeping in view the existing border dispute with China. The Government has however, proposed to withdraw such special powers, as early as the situation along the border is normalised. It is considered to be reasonable in view of the standard of national awareness of a traditional society face to face with a powerful dominant neighbour who had recorded their intrusiveness and hostility in 1962.

The other unanimous demands was to give special status to Arunachal Pradesh as given to Jammu and Kashmir, Nagaland and Mizoram. Article 371 A of the Constitution deals with the special provision with respect to the State of Nagaland. It provides: (i) special status that no Act of the Parliament shall apply to the State of Nagaland in respect of the religious and social practices of the Nagas, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary laws relating

to the ownership and transfer of land and its resources unless
the Nagaland Legislative Assembly by a resolution so decide.
(Art. 371 A(I)(a); and (ii) special responsibility of discre-
tionary power of "individual judgement" over law and order
situation in the State of Nagaland. These benefits are extended
to tribal areas of Assam, Manipur, Andhra Pradesh and Sikkim
also through subsequent Sub-Article 371.

The act of elevation of administrative status from Union
Territory to Statehood does not confer only rights to assert
more positively, effectively and expressively but also increases
the onus of higher responsibilities. As elevation to higher
status demands readiness to shoulder higher responsibilities
not only to maintain the present rate of developments but also
accelerate it.

Whatever may be the position, the State of Arunachal
Pradesh can not be singled out for any sort of discrimination
dep rivin g them from getting the benefit of all round develop-
ment as in the case of other states of the union. Parity is
to be maintained at any cost in the Socio-economic and political
front. Within the bounds of socially accepted norms and with
the limitations imposed by the Constitution and other laws,
Arunachal Pradesh has attained its statehood by paving its
path of all round development in the days to come.
(i) Legacy of Customary Justice in Adi Society.

The administration of justice in Arunachal Pradesh is a fusion of two different legal systems, the modern and the traditional. The modern system has been amplified in the Code of Civil Procedure (1908), Code of Criminal Procedure (1973), the Evidence Act (1972), the Indian Penal Code (1860) and numerous primary enactments made by parliament and the State legislatures taking care of local amendments. On the other hand, the traditional system comprises of a tribal heritage of customary laws and practices also has been given constitutional recognition. The administration of justice is carried on in terms of these customs and practices, sometimes even to the exclusion of various Codes and parliamentary enactments.

The adherence to administration of justice through customary practices is based on the concept that such system of administration of justices shall protect and promote the religion, culture and social belief of the tribes. The administration of justice according to the customary laws are basically based on the religion and spiritual belief of the tribes. The tribal people are anxious to their own way of legendary practices then to the modern system of law. They prefer and demand that they should be allowed to live in their own way in seclusion and with this object and to give them safeguards from being swamped off their social moorings by the majority of non-tribals. Certain constitutional provisions have been guaranteed to the Arunachalis including the Adis. The legacy of customary practices among the
Adis like the other tribes of Arunachal Pradesh are coming down from the time immemorial through generations to this present context. From the extant practices even to-day, the Customary laws have been proved as time tested and most scientific and democratic even to mitigate the problems of the day. It is obvious, as we have stated earlier, that the Customary laws are primitive in nature and suffer from many defects and shortcomings. Therefore, the Government, both State and the Union, are coming forward to bridge the gap between the customary laws and present provisions by making statutory laws from time to time. But all the central laws have some limited application in the State of Arunachal Pradesh. The provisions of all statute enacted by the Parliament are overshadowed by the Assam Frontier (Administration of Justice) Regulations 1945. It provides that criminal justice shall be administered by the Deputy Commissioner, Assistant Commissioner and the village authorities, all of whom are recognised as competent administrators of the law.4 Again as per Section-52 of the Regulations, the Court of the Deputy Commissioner, Assistant Commissioner should be guided in spirit and not by the literal provisions of the Civil Procedure Code, 1908, in disputes between persons who are not indigenous to Arunachal Pradesh.5 Though the Regulation listed some specific crimes to be administered by the kabasa, yet in practice they can decide all kinds of crime. As per customary justice the most common way of settling disputes or punishing crime has always been by multiple restitution. If anyone stole a mithun and was discovered, he was


compelled to restore the original nithun or its equivalent value and give another nithun as compensation. He also had to assist in providing food and beer for the members of the council who tried his case, and he often had to provide animals for sacrifice. This applied to almost every kind of offense and in some cases the amount of restitution was worked out in considerable detail. In many cases the compensation demanded are so heavy that the offender was economically ruined and his fellow-clansmen had to help him out.

According to the logic of the Adi payment of compensation for every type of offense is to identify a real deterrent against the commission or attempting the commission of the crime. Because the advantage of a system of compensation or restitution is that it does not involve sending anyone to jail and inflicts a serious material and psychological penalty on the offender and justice is speedier, cheaper and easier.

The Regulations of 1945 recognised the principle of application of customary justice administered by the village authorities in every wide terms, for it is recognised that they will function and inflict punishment or order compensation according to their customary law. According to custom and tradition, even serious crimes like murder, kidnapping and rape can be satisfied by payment of compensation. It is possible to bring almost every kind of offence within their jurisdiction except those committed against the State.

With the advancement of time, political as well as social set up have changed in Arunachal Pradesh and it reflects upon the life style of the people of the State including the Adis. Exchange of culture and modern education have more influence particularly upon the younger generation. The institutions are there, the customary laws are in operation, religious rites and rituals are performed; from the outside all were as they used to be in the past. But old spirit has been lost. Appointment of political Assistant, Political interpreter by the administration has infringed the right and status of kebang Abus. Also the Regulations of 1945 has limited the jurisdiction of the kebang. The people knew that they had superior courts of appeal which could overrule the decision of the kebang. So to save time, the people directly approach the civil or criminal Courts for justice. In Hikom Loya, the villagers of Kabu village of the West Siang District had directly made a writ petition before the Hon'ble Gauhati High Court against the order No.WS/ J.8971/2/355 dt. 8.3'.88, of the Deputy Commissioner, Along. The Villagers were objected to for tapping of water to the Along township from the stream in the jungle adjacent to Kabu Village.

The other traditional institutions like Moghungs, Basheng were degenerating into club houses with no communal work to do. With the change of socio-economic set-up the people have become more individualistic. Along with politicization, there has been a very sudden exposure of the Adis inhabited in remote areas to a complex and modern administration. In social life also

shifting cultivation (jhumming) is replaced by the permanent cultivation, and as a result the "land system" is also changed. As per the study conducted by the Law Research Institute, Guwahati High Court, the area of permanent cultivation in the two districts viz, East Siang and West Siang is 52.37% of the total cultivated area of these two districts. The table given below shows the area in percentage basis of permanent and jhum cultivation districtwise.

1.5

<table>
<thead>
<tr>
<th>Year</th>
<th>Name of the districts</th>
<th>Area of permanent cultivation in hectares</th>
<th>P.C.of district total</th>
<th>Area of jhum cultivation in hectares</th>
<th>P.C.of district total</th>
<th>Total cultivated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980-81</td>
<td>West Siang</td>
<td>5,875</td>
<td>32.63%</td>
<td>12,129</td>
<td>67.36%</td>
<td>18004 h</td>
</tr>
<tr>
<td>1980-81</td>
<td>East Siang</td>
<td>15,933</td>
<td>67.40%</td>
<td>7,703</td>
<td>32.59%</td>
<td>23636 h</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>21,808</td>
<td>52.37%</td>
<td>19,832</td>
<td>47.63%</td>
<td>41,640</td>
</tr>
</tbody>
</table>

The different classes of land, are yet to survey and mapped. Their "record of rights" are not prepared. The whole "land system" is settled by the villagers itself. "Inner-line" restrictions and communal nature of land ownership have prevented the problem of land alienation in Arunachal Pradesh. Though the provision has restricted the alienation of land, on the other hand put some hurdle in the developmental programme also. Due to this provision and lack of proper "record of rights" the inhabitant of Siang districts can not avail any loan from the Nationalised Bank or any 8. Bengal Eastern Frontier Regulations, 1873 (Regulation 5 of 1873).
other financial institution. Because, as per customary practices transfer of landed properties to the outsider is restricted. Transfer of agricultural land is confined to the same tribe and to the resident of the same village. On the other hand, house-sites are not transferable in any case. If a person abandons his house site, he loses all rights over it and any needy person of the same clan may occupy it. Such restrictions have protected the Adi society from the greed of land grabbers. But this extremely liberal ideas regarding the rights of the tribals as a whole and preservation of their cultural heritage creates a psychological gap between the tribal and the non-tribal. On the other hand pressure for a speedier assimilation of the tribal with the national mainstream may also be reacted otherwise. As Hari Rustonji bemoans,

"That the people, however primitive, resent the imposition of an alien culture and that nothing gives rise to so much anger and hostility as the threat of culture aggression."^9

With the growth of industry and different welfare project there can be no doubt that the tribal zones lends urgency to the extension of protective measures to all tribals whose rights and way of life have been placed in jeopardy. As Haimendorf rightly pointed out that -

"The architects of the Indian Constitution were determined that, while the age-old isolation of the Scheduled Tribes would have to be ended, they

should be saved from exploitation and from the erosion of their rights to their ancestral land. It was clear that this aim could be achieved only by special legislation, but unfortunately for the tribals the original idealism of politicians and legislators is wearing thin, and while the laws for protecting tribals are still in existence, their implementation leaves much to be desired.¹⁰

(ii) Effects of modern legislation.

The laws which govern people in Arunachal Pradesh are diversified and are designed to cater to the specific societal issues of clan cleavages having different religions or social practices and customary laws and procedures; these are duly protected by the provisions of the Constitution. The makers of the Constitution thus drew a clear line of distinction between the tribes of North-East region and other tribes in Southern India in respect of whose administration the Governor acted on the advice of the elected ministers. From the survey made at the time of the forming of the Constitution it was found that the tribals of the other parts of India, other than the tribal of North-East, had undertaken the way of living like the other non-tribal majority groups and they have more or less assimilated with the national mainstream. On the other hand the tribals in the North-East including those of the Arunachal Pradesh were quite distinctive from the other tribals of the country having distinct culture, religion, customs and practices, and are living in seclusion according to their own way of life without brooking any interference from outside agencies. Such characteristics are almost uniform among the different tribes but divergent inter se. Because of this peculiar status even the British Rulers did not interfere with those people, their culture, religion, custom and practices; rather deemed it necessary to make laws in order to exclude those areas from the operational purview of routine statute laws. As Nari Rustamji, quoted from the tribal world of
Verrier Elwin, in his Enchanted Frontiers states -

"In most of tribal India the problems were comparatively simple. The people needed protection, development and social justice. But in a few places the problems were more complex. In the Saora hills and among the Murias, for example, there was still a strong, vigorous and very happy tribal life, and when I came to NEFA I found that here and in other parts of the frontier the tribes had retained their ancient culture and were developing their arts in a way that was rare elsewhere in India. Tribal life was still vigorous. It still meant something. It was not a question of reviving anything; it was more a problem of introducing change without being destructive of the best values of the old life." 12

So far as the question of operation of laws is concerned in the Arunachal Pradesh, including the Adi-inhabited Siang Districts, the history could be traced back in the Schedule District Act, 1974. By this enactment the then British Government wanted to determine the application of laws in the British India. The necessity for this Act had been felt to remove the uncertainty which had existed regarding the actual operation of number of laws in various parts of British India. This uncertainty had been related to the local enforceability of the enactments and even as regards their being operative or not. The term "Schedule District" was understood to mean those remote or backward tracts

or provinces which had never been brought within or had from time to time been removed from the operation of the general Acts and Regulations and jurisdiction of ordinary Courts or in which that operation was not complete and the Officers were supposed to be guided by the spirit of indispensable laws, or were actually guided by such laws as had somehow or other been considered to be in force. 13

The next significant change in the operation of laws in the Frontier Tracts (Now Arunachal Pradesh) came into force in the year 1880 by the Assam Frontier Tracts Regulation 1880. By that Regulation provisions were made to remove any part of that area from the operation of enactments in force therein. The basis of that Regulation was the State of backwardness of this tract which demanded separate treatment for them. The operation of this Regulation was extended to the hills inhabited or frequented by Abors, Miris, Mishmis, Singhpos, Khamptis, Nagas, Bhutias etc. The Montagu-Chelmsford Report, 1919 contended with remarks that there were certain backward areas to which the reforms could not apply and that the tract should be administered by the Governor. It was also stated that political reform could not be effected in those areas whose people were primitive and there was no material on which to found political institution. In view of the Montagu-Chelmsford Report inter alia, the Government of India Act 1919 was enacted by which the Section

52A in the Government of India Act 1915, was inserted. By the section 52A(2) of the said Act provisions were made that the Governor-General-in-Council may declare any territory in British India to be a backward tract, and on such a declaration being made, further direct that any Act of Indian Legislature shall not apply to the territories in question or shall apply subject to such exceptions or modifications as it thought fit. By a notification issued under Section 52A(2) of this Act the Governor-General-in-Council declared, amongst others, the following territories as backward tracts 14 -

I The Sadiya Frontier Tract.
II The Balipara Frontier Tract.
III The Lakhimpur Frontier Tract.

The said Section further provided that no Central or Provincial legislature shall have power to make laws in respect of those territories; the proposal for expenditure in the tract need not be submitted to the vote of accounts of the legislature and no question was allowed to be asked about the tract in the Assembly.

With a view to examine and review the legal systems prevailing in those Tract a commission was constituted which was known as Indian Statutory Commission, 1930 (Simon Commission). The significant recommendations of the said Commission was that there should be centralisation of administration as there was no

14. These backward Tracks were subsequently designated as the Tribal Areas in the Sixth Schedule of the Constitution of India.
possibility of any provincial legislature to possess either the will or the means to devote special attention to the specific requirements of those areas under them. It was found not feasible to benefit those areas by the expenditure and the elective representatives. On the other hand the task of administration was Himalayan to be left at the hands of missionary societies or of individual officials. So the Commission felt the need of appointment of the Governor. Accordingly, the Government of India Act, 1935 was enacted and the Governor was appointed in the Excluded Areas for proper administration of those areas. The actual administration of the Frontier Tract was carried out since 1937 by the Governor of Assam acting in his discretion independently of his cabinet. He was assisted by a Secretary designated as the Secretary to the Government of Assam. And the Secretariat for that purpose was called the Governor's Secretariat which was established in the year 1937. The expenditure for the development of this areas were born by the Government of Assam aided and assisted by the Government of India.

For the first time the Government felt that some developmental programme should be introduced in those areas. In 1943, it was felt that those tract should be brought under normal administration and developed through the policy of gradual permeation of the administrative machinery. To effectuate such idea, it was considered essential to appoint an advisor to the Governor of Assam above the Governor's Secretary. And Government of India accordingly created a post in 1943. After 1947 by the provisions of the Indian Independence Act, 1947 the administrative
jurisdiction of North-East Frontier Tract was passed on to the Government of Assam and the Governor was divested with his discretionary powers and that provision continued upto the January 25, 1950. But during this transitional period the Governor acted on the advise of the Prime Minister of Assam (erstwhile designation) and the power vested with the Government of Assam. By the coming of the Constitution of India with effect from January 26, 1950 substantial changes were brought about in the administrative set-up in the Excluded Areas of North-East Frontier Tracts. The Government of Assam were relieved of the responsibility of administration of NEFA and the discretionary powers were reinvested with Governor of Assam as the agent of the President of India. Under the Constitution of India some special status and privileges have been granted to the North-East Frontier Agency including the provision of the Sixth Schedule. Such separate provisions for the administration of NEFA were warranted because in the entire history of tribal administration in India it has been recognised and accepted view that the tribal communities need simple codes and laws which are familiar to them. In case of formulation of codes and laws the local customs and usages need to be given due importance. Any code or law which is derogatory or repugnant to the local customs must be discarded so that the sentiment of the tribal has in no way been hurt or injured. In view of this situation a special provision known as the Assam Frontier (Administration of Justice) Regulations, 1945 was introduced with the express object of ensuring that a vast majority of

15. Ibid.
disputes and cases both civil and criminal may be adjudicated and decided in accordance with the prevailing traditional codes of the tribal communities. The Indian Penal Code, 1860, was however introduced in the year 1916 for the purpose of holding trials by a regular Courts of Law in case of absolute necessity, particularly in case of heinous offences like murder and the offences against the state the provisions of the Indian Penal Code, 1860, the Criminal Procedure Codes 1973, the Indian Evidence Act, 1872 shall apply. In all other cases the officials are excepted to be guided not by the letter but by the spirit of the Cr. P.C. and Civil Procedure Code, 1908. In dealing with crimes or offences pertaining to the international border where the security and sovereignty of the Union of India is related the Governor shall have the power to dissolve the Council responsible for such offences or mismanagement. In case of other offences relating to the border the provisions of I.P.C., the Cr.P.C. and the I.E.A. are applicable, not the authority of the village Council.

All Central Laws during the Post-Constitution period are being extended to the territory. Besides that a number of pre-Constitution Central laws and Regulations came to be extended to this territory during the post-Constitution period, by virtue of substitution of the entire extant clauses of the laws by a parliamentary legislation or by a law to extend the laws.

After attaining an independent political status in 1972, when it was upgraded as a Union Territory, it ceased to be a tribal area within the State of Assam. The Governor of Assam, who until then had administered the area as an agent of the President, also ceased to function as such. The Agency Council, which had been at the apex of the Panchayati Raj System in the territory was replaced by a Pradesh Council in 1972, which in turn was converted into a provisional Legislative Assembly in 1975. The provisional Legislative Assembly of Arunachal Pradesh started functioning from August 15, 1975 and the first Legislative Assembly was constituted with effect from March 9, 1978. After constitution of the Legislative Assembly, a number of Acts were adapted without interfering with the Customary Laws and practices. Only the Arunachal Pradesh Freedom of Religion Act, 1978 stipulates prohibition of conversion from one religious faith to any other religious faith by use of force or inducement or by fraudulent means and for matters connected therewith.

The Assam Frontier (Administration of Justice) Regulations 1945 are applicable to all cases in addition to Customary Laws in consonance with the constitutional provisions and other enacted laws made from time to time. The Regulations provides rules relating to Civil and Criminal practices and could be termed as a guiding principle regarding the application of law both procedural and substantive. It also categorically state as to the application of the Cr.P.C., the I.P.C. and I.E.A. that if it is not a matter coming within the Customary Laws, so far the criminal cases are concerned. The application of the provisions
of C.P.C. in cases of civil matters also are in the same street. In addition to the said provisions, over and above all, in all cases, the current practice is that the procedure of the aforesaid enacted Criminal Laws and also the C.P.C. are not followed in letter but in spirit.¹⁷

For administration of criminal justice the Regulation has drawn clear-cut line of jurisdiction of the criminal court and traditional Village Council. The Village Council has limited power. The Section-19 of the Regulation gives a list of the offences which could be tried by the village authorities falling within their jurisdiction. The Section-20 of the said Regulation provides the punishment which could be inflicted or imposed in the form of compensation by a village authority in connection with the offences provided under the Section-19 of the said Regulation. The list of the offences outlined under the Section-19 and the punishment provided under the Section-20, of the Regulation appear to be only indicative not as exhaustive. It appears from the provisions of the I.P.C. and the Cr.P.C. that there are innumerable offences which are not so heinous, could be clubbed together under the aforesaid clauses of the Regulation. Moreover, there are other offences analogous to the offences as outlined under Section-19 of the Regulations. Therefore, it can not be said that the principle of ejusdem generis shall not apply to the list of offences as enumerated, so far the question of interpretation is concerned; if there is any doubt raised whether a particular offence shall come under the provision of Section-19 or not.

¹⁷. Ibid.
The application and acceptance of the doctrine of separation of power in India is not as water-tight as under the U.S. Constitution. However, in India, under certain circumstances, the function of a particular organ of Government tends to overlap each other and in many cases there are interference. The executive powers have been decentralised according to the different heads of departments which are varied in nature. Similarly, the structure of the judiciary has also been categorised in different stages according to the need of powers both in the Civil and Criminal side. But a marked departure from the the uniform administrative and judicial structure could be traced in Arunachal Pradesh. Here, the executive and the judiciary have been unified and concentrated in the hands of a single body. Such a body is empowered to discharge its function both as executive as well as judiciary and also as an administrator as a whole. So far the civil and criminal matters are concerned, the Deputy Commissioner is the highest court and it is the highest authority to implement plans and programme and maintenance of law and order. At the lowest level, the village authorities are also empowered to try both civil and criminal cases and couched with some police powers and also power for maintenance of law and order within their jurisdiction. From that point of view instead of calling them a judicial or executive body, they may be called as administrators. Other than the judicial functions such authorities are entrusted with a multi-purpose and multi-layered functions to act as local heads for all the subjects having their jurisdictions which include all development works, maintenance of law and order, revenue, community
development programme, socio-cultural affair, maintenance, and installation of departments like schools, hospitals, roads, agriculture and so on. These functions enable the administrative functionaries to maintain and overall integrated outlook in their jurisdiction in their various spheres. It also suits the convenience of the people in that they can appeal to a single authority on any subject. And the matter could be shorted out quickly and easily as the authority is the same. This system of administration is known as the single line administration. This single line administration has been in operation since the time of British Government (1912-13) till to-day by the passage of constitutional provision. It enables the single folk to entertain their complaints and difficulties upto the highest authorities in their domain in an attitude of frank and inner-certitude that they would hear and given remedy.

From the administration point of view the overall head provides a single authority to help resolved inter departmental differences, to co-ordinate inter-departmental plans for the area and generally to develop an overall integrated approach in each administrative jurisdiction. 18

The origin of this single line administration could be traced back in the Report of the Indian Statutory Commission, 1930 (Simon Commission). Its main recommendation was that there

should be a centralisation of the administration in view of the fact that no provincial legislature was likely to possess
either the will or the means to devote special attention to
the particular requirements of those areas under them, because
expenditure in the Tract does not benefit the areas from
which elected representatives were returned.¹⁹

As we have seen, apart from the customary laws and
practices, there are numbers of enacted laws now in operation
in Arunachal Pradesh. But one most distinctive functions of
those laws are that these new enactments have almost left the
customary laws and practices untouched and the law relating the
family culture, religion and property are maintained to remain
unchanged. The only changed perhaps, if there is any, could be
traced in the judicial decisions and the observations held by
the higher courts of judicature. There is a trend to respect
the customs and religion but at the same time due considerations
are also equally given to justice, equity and good conscience
and also the constitutional rights, which is definitely a
march towards modernism.

¹⁹. Hansaria, B.L.- Sixth Schedule to the Constitution of  
India - A Study (1983), p-6.
(iii) **Social Justice in Operation**

Immediately after the coming of the Constitution in India inherent to the independence, the problem of balanced socio-economic and political administration raised its ugly head. There were some remote area totally out of the sight and control for augmentation of uniform development. One such area was the Arunachal Pradesh with its peculiar geographical and political situation in the North-East warranting speedy development in parity with the national mainstream. It became inevitable to make some plan to explore its resources available to achieve maximum effect and to remove regional imbalances. This object before the Government led to the formulation of five year plans.

"The Indian Constitution lays down no articulate economic philosophy, but its main thrust, as is evidenced by some of the Directive Principles, is towards economic democracy and a welfare State without which political democracy does not have much meaning for large segments of people in the country. The Directive Principles obligate the Central and State Governments to play a creative role to promote Socio-economic welfare of the people." 20

**Planning Commission**

With the aim of imperative need of Socio-economic development, the Government of India, in 1950 set up the Planning Commission with the Prime Minister as Chairman and a few Central

Ministers with few non-official experts as its members. The function of the Commission is advisory in nature. In the meeting of the Commission some other Ministers also invited or allowed to participate when his Department is concerned with the planning and Non-Official experts are also allowed to take part in the cabinet discussion if their presence is so necessitated.

The Planning Commission has been assigned with the following functions:

(a) to make an assessment of the material, capital and human resources of the country and investigate the possibilities of augmenting such of these resources as are found to be deficient in relation to the nation's requirements;

(b) to formulate a plan for the most effective and balanced utilisation of the country's resources;

(c) on a determination of priorities, to define the stages in which the plan should be carried out and propose the allocation of resources for the due completion of each stage;

(d) to indicate the factors which are tending to retard economic development and determine the conditions which in view of the current social and political situation, should be established for the successful execution of the plan;

(e) to determine the nature of the machinery which will be necessary for securing the successful implementation of each stage of the plan in all its aspects;

(f) to appraise from time to time the progress achieved in the execution of each stage of the plan and recommend the adjustments of policy and measures that such appraisal might show to be necessary; and

(g) to make interim and ancillary recommendations as might on a consideration of the prevailing economic conditions, current policies, measures and development programmes, on an examination of such specific problems as may be referred to it for advice by the Central or State Governments.

**National Development Council**

In order to bridge the structural gap on the functioning of the Planning Commission at the instance of the Central Government, the National Development Council was constituted in 1992 consisting of the Prime Minister, the State Chief Ministers, Representatives of the Union Territories, and Members of the Planning Commission. The functions of the Council are "to strengthen and mobilize the efforts and resources of the nation in support of the plans; to promote common economic policies in all vital spheres and the ensure the balanced and rapid development of all parts of the country." The other function of the N.D.C. is to review the working of the Five-Year Plan activities from time to time, to consider important questions of social and economic policies affecting national
development, and to recommend measures for the achievement of aims and targets set out in the national plan. It is a watch dog so far the mal-functioning or non-functioning is concerned. Apart from each other function like Co-ordinator, Co-operator and Conciliator between the Union and the States to maintain uniformity and to ensure pace of smooth united development.

The strategy for development of scheduled tribes is based on a two-pronged approach: one, protective measures for elimination of exploitation; and two, rapid socio-economic development. The Planning Commission has approved an outlay of Rs.7,560 million as special Central assistance for tribal welfare during the Plan period. The Eighth Finance Commission has also allocated Rs.887 million to 13 tribal Sub-Plan States for raising the level of administration in tribal areas. 22

The success of the Planning Commission greatly rest with the allocation of funds by the Finance Commission in its Annual and Five Year Plans.

The Finance Commission, a constitutional body, has been practically made sub-servient to the Planning Commission, primarily a political body, attaining itself the whims and fancies of the party in power. So, the election priorities and political exigencies have watered down the role of the Finance Commission in assessing the proper development priorities in under developed States like that of Arunachal Pradesh. This trend need immediate reversal in the interest of simple tribal people.

In spite of these Constitutional as well as extra-constitutional provisions bodies for the balance and speedy economic development, yet there are certain regions which are still lagging behind to keep pace with the development of national mainstream. Arunachal Pradesh is one of the such backward area which justifies special attention of the National Government and the bodies entrusted with socio-economic development.

"A question may naturally be asked why north-east India should be singled out for a full employment scheme when the right to work already a national good. The north-east is still sparsely populated. It is in reach economic difficulties thanks to continues of neglect and, more importantly, it is strategically vital for national security; Arunachal Pradesh is contiguous to China,......." 23

According to some political observer, administrators who had been intimately connected with the land and people of Arunachal Pradesh for years together observed that -

"The population of North-East Frontier Agency may be termed as one of those tribal minorities which the anthropologists have variously characterised as a primitive people with few material possessions,  

backward in their economy and lacking in spatial dimension in their social organisation. There can be no doubt that the people in this vital premonitory of our country should be given the benefits of modern science and knowledge and that there should be an all round progress in their culture, economic and social spheres; that the walls of isolation should be pulled down in the interest of democratic progress of the country as a whole. This progressive policy became imperative particularly after the Chinese invasion in 1962."  

The programme implementation of socio-economic development greatly depends upon the suitability of such development in a particular State or region. The first and foremost thing to be developed is to bring the population as a whole educationally forward having been concerned with the development of science and technology. And the next important factor is to reused the common sentiment and consenusness of the people to accept automatically the new ideas of development and economic independence and regional co-ordination and inter-dependence. What we say about the general consensusness of the people is a psychological phenomenon and is a time consuming factor. It is still a big job to induce the people to feel that they are an integral part of a big nation like India which is devoted to high minded democratic socialist pattern of society which

has given freedom, equity of opportunity and a wide range of human tolerance and intercourse. But by tradition and also by the constitutional provisions it is now has become an accepted norm that any progress or development or implementation of any welfare programmes should be shocked out in such a way that any such approach shall not offend or debilitate the very foundations of their existence, values and social patterns. These pre-conditions put on the way of development is no doubt an obstacle towards the speedy development. The concept of development and the people's participation to such development could be viewed from two stand points:-

1. The Constitutional policy, and
2. The administrative policy.

As has been discussed earlier, the people of Arunachal Pradesh including the Siang district(s) has been admitted to the privileges through the instrumentality of the Constitution to maintain their age-old custom, culture, religion and given them the scope to live in isolation by not allowing any outsiders to occupy their land as no land could be transferred or occupied by anybody from outside the territorial limits of Arunachal Pradesh. All the constituencies of the Legislative Assembly are represented by tribal people except for a single constituency, which is kept unreserved. The above conditions are considered not conducive to accommodate all sorts of speedy and scientific development.

So far the concept of administration are concerned the following three main objectives are to be achieved strictly and
serpuleusly by the administrator and the executives -

(a) unity and integrity
(b) progress and prosperity; and
(c) peace and security.

The administrative authorities in Arunachal Pradesh are also the agencies responsible for socio-economic development including the administration of justice. It would be rather unusual and uncommon as in the case of other administration to follow above three pre-conditions in usual course of running an administration. The people of Adi Society like any other societies in other districts of Arunachal Pradesh are in isolation due to the constitutional provisions and also their customary practices in the pattern of society. Therefore, the promotion of inter and intra tribal (also clans) and also national integrity is a difficult task until and unless the people are so educated and motivated to overcome those problems and to accept a liberal view and marched with the advanced brethren of the other part of the nation. In view of this the statutory provisions to keep the tribal in isolation needs to be reviewed, so that the tribals could be accommodated in the all round development of the nation without any hindrance.

So far the progress and prosperity in the economic front are concerned it is meant to have exploration of natural resources locally by the locals, industrialisation, development of science and technology, enlargement of scope of employment of human resources, raising of per capita income, self-sufficiency
in agricultural output by use of scientific method, easy and quicker transport and communication, reduction in regional deficit and imbalances. But, there is hardly any significant achievement in any sphere as stated above in the State of Arunachal Pradesh. Up-to 1962 the entire area was inaccessible even by road due to lack of any mode of communication. The road communication has been slightly developed only after 1962. Uptill now there is no permanent way (rail) of communication and air-communication is also scarce.

Arunachal Pradesh including the Siang district(s) is rich in minerals deposits and other forest products. But there is hardly any industry based on minerals and forest products have come up to harness the said indigenous products. The main source of income is agriculture and the land are also abandoned for cultivation. But the entire state being a hilly one terrace cultivation (Jhum/shifting cultivation) has been adopted which is not economically viable. Because the jhum cultivation leads to demise of other forest products due to clearing and cutting of trees etc. at a large scale. However, new changes are coming up gradually to replace such type of agriculture by permanent cultivation and horticulture by growing tea, coffee, banana, citrus, fruits and different kinds of spices. Steps are also being taken to develop allied agricultural activities like goatery, piggery, dairy, pisce-culture etc.

That with the growth of financial institution like Co-operative Societies, Bank, Insurance Company etc. and other
Government Agencies for extension of economic help for development of agriculture, industries in large as well as in small scales (including the cottage industries and artisans etc.) and all other employment orientated schemes, steps are being taken gradually for the economic growth and well being of the people. But unfortunately the economic growth and prosperity has yet to take its significant shape indicating any remarkable changes in any front.

The economic review and the programme implementation heavily lean towards the government with a demand for quicker and large scale exploration of the natural resources of the newly established State of Arunachal Pradesh. New burden is with the State Government to successfully implement programme of industrialisation and develop agriculture, so that the State can become independent in certain front and with the surplus and the deficit the bone of inter-dependence and Co-operation of this is developed with the rest of the nation and outside.

The other duty of the administration is to give security to its territory and the people. It is an important part of administration; but it is more important in a state having sensitive international border.

"The administrative aim of security is a vital one against the backdrop of Chinese threat from across the northern frontier of the Agencies."25

The administration, however, further could be broadly divided into administration of the State and administration of the centre, particularly in the field of defence and the border security. Normally, the administration is with the local government and the administration of justice far and more as per established principle of customary justice except the international border. As we know along the border the application of customary law has been substituted by the enacted law of the Nation. But so far the State of emergency and other contingencies and exigencies are concerned the Central Government can take over the administration by keeping all other laws in abeyance or in suspension.26 Neither in the Constitution nor the Regulation of 1949 has any provision to contradict this extra-ordinary constitutional provision. By this provision, the territorial unity and the sovereignty of India has been tried to establish.

The frontier inhabitation of Arunachal Pradesh including Siang district(s) show a district geographical, ethnic and cultural affinity with those across the international boarder. Such social conditions definitely shall have some inclination and tendencies to have frequent international exchanges violating the boarder rules and to thrive intercourse of easiness of their existence. Soon after the conferment of the status of statehood to Arunachal Pradesh, China raised an objection saying that

26. Article 352 of the Constitution of India,
India was trying to establish her power in an area which the Chinese leaders had been claiming to be part of their own country. This has obviously disturbed the minds of the elite persons of this youngest State of the country. So, to remove the cloud of doubt the Centre should come forward with necessary infrastructure in order to accelerate the pace of development both in economic as well as cultural front. Such programme for development must be adjusted to the community's capacity to absorb it without detriment to essential values.