CHAPTER - III
Emergence of States in North East India

1. Background
This chapter highlights and analyses the emergence of states in northeast after India become independent. Before independent and during the British rule, north east India has the North East Frontier Agency (the present day Arunachal Pradesh), princely states and other ethnic communities rule by their own customary laws. After Independent northeast was divided into eight states with the setting up of state reorganisation commission in 1972. Various instrument and constitution provisions for the ethnic communities and states of northeast are discuss in this chapter. The chapter concluded by analysing the various provisions for the north eastern states and ethnic communities after independent and try to link it to the larger theoretical framework of federalism and asymmetrical federalism.

After India became independent from the British Empire in 1947, the constituent units of India were classified under the following distinct categories:

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<td>Part A states</td>
<td>Former British provinces</td>
<td>An elected governor and state legislature</td>
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<td>Part B states</td>
<td>Former princely states or groups of Covenanting states</td>
<td>Rajpramukh (former princes)</td>
<td>8 states: Hyderabad, Saurashtra, Mysore, Travancore-Cochin, Madhya Bharat, Vindhya Pradesh, Patiala and East Punjab States Union (PEPSU), Rajasthan</td>
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<td>Union Territory</td>
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(Source: Government of India’s "Report of the States Reorganisation Commission, 1955")

The Dar Commission and the JVP (Jawaharlal Nehu, Vallabhbhai Patel and Pattabhi Sitaramayya Commission that preceded the State Reorganisation Commission of 1953; opined that no new provinces should be formed as India was burdened with problems more urgent than
the problem of redistribution of provinces. There was also an apprehension that creation of further provinces may retard the process of consolidation of nation’s gains. However, the JVP Commission added that ‘if public sentiment was insistent and overwhelming, the practicability of satisfying public demands with its implications and consequences must be examined’. A political compromise that helped in creating demands for more states and movements for newer states even today. This led to the setting up of the State Reorganisation Commission (SRC) in 1954 which submitted its report in 1955. The Commission recommended that India should consist of states to be created on linguistic and cultural basis and union territories. And the following year, the boundaries of the States in India were redrawn (Talukdarm, 1996).

The State Reorganisation Commission, accordingly, unanimously adopted the principle of linguistic homogeneity to recommend the reorganisation of states. The Commission, however, did not apply the linguistic criterion in case of Bombay and Punjab. After the submission of Commission’s report, the central rulers saw the depth of the public sentiment on the issue and, therefore, reshaped the political boundaries of most of the states primarily on the basis of language in 1965. Later on, bilingual Bombay and Punjab were also bifurcated to form unilingual Maharastra and Gujarat, and Punjab and Haryana in 1960 and 1966 respectively. It seems that in the whole process of reorganisation of states, there was desire for the reconciliation of diversities in the main national theme. The spirit underlying the reorganisation of states was the search for political identity within larger framework of federal unity. The reorganisation resulted in rationalising the political map of India without seriously weakening its unity. If anything, its result was functional in as much as it removed a major source of discord, and created homogenous political units which could be administered through a medium that the vast majority of the population understood. During the 1970s, several studies of various aspects of India’s language problems were published, arriving at aspects of India’s language problems were published, arriving at a consensus that the major linguistic issues were resolved in a manner that preserved the cultural integrity of the major linguistic groups in India and the unity of India (Narang, 1995). Basu (1992) points out that limited demand for language, be it in the form of statehood, reconstruction of boundaries, or constitutional recognition, did not pose any serious threat to the authorities and the state unless they responded with excessive alarm for security and
integrity which provide to be uncalled for. The examples of the movements for Andhra state, formulation of Maharashtra and agitation against imposition of Hindu would confirm this. After a recluse from violence and combats, when the issue has been put in the negotiation process, all the official measures and reactions were found to be mere excesses. The reconstituted units and the related emotions have been set in the process of democratic functioning.

Every states of North East India have got their own history and they together made the history of the North-East India. The Tibeto-Burmans a sub-family includes the Bodos, Karbis etc. in Assam, the Nagas and the Kuki-Chin groups of tribes in Nagalande and Manipur. There are also several other tribes like the Mizos of Mizoram and the Monpas, Daflas, Apatanis, the Adis, etc of Arunachal Pradesh. There have been ethnic mixtures between the Tibeto-Burman and the Tias (Siamese) whenever they live together either in upper Bramaputra valley or Manipur Valley. The Indo-Aryans who migrated from the West to the North-East India established political supremacy over the Bramaputra valley and Hinduised the tribals whenever possible and ultimately forced the tribes to continue themselves in the interior region of the Bramaputra valley and the surrounding hills. The process of migration and settlement was also a part of the struggle for economic and social survival and political domination. There were contacts between various ethnic groups leading into integration and assimilation of their respective culture traits. Every ethnic group of the region have their own language, customs, traditions and way of living which formed the occupational structure of the society. The tribal villages were under the control of a King or Chief. However, the petty tribal chiefdoms were conquered by the new hordes of invading and migrating Ahoms from upper Burma. The Indo-Aryans who migrated from the west also established political supremacy over the tribals and hinduised them whenever possible. However, a new phase in tribal history of the region started with the penetration of the British rule into tribal areas, which were not earlier organised into proper principalities or states, though they had village level polity formation (Juseto, 2004).

Sarkaria Commission points out that the primary lesson of India’s history is that, in the vast country, only that polity or system can endure and protect its unity, integrity and sovereignty against external aggression and internal disruption, which ensures a strong centre with
paramount powers, accommodating, at the same time, its traditional diversities. Inspite of these observations and warnings, the ruling elite in the national capital refuses to learn the lesson and continue to opt for further centralisation and hegemonic system of government. The placement of persons, who have till recently been, or continue to be, involved too much in party politics in the gubernatorial positions, their behaviour particular in opposition ruled states and misuse of Article 356 in imposing President’s rule for party purposes continue unabated in the 1990s. As a result the states, even the Congress-I ruled states feel deprived and completely dependent. Ethnic groups feel that they have lost control on even the most basic decision which concerned their very existence. As a reaction, regionalism and sub-nationalism have become an irresistible force. Some regions, such as Tamil Nadu, Jammu and Kashmir, North-eastern region embracing Nagaland and Mizoram, Punjab, Assam and some other states had thrown up strong regional movements which have become vigorous enough to challenge the process of centralisation and assert the right to autonomy (Narang, 1995). Ganguly (1990) points out that if a thorough analysis of the movement by different ethnos in India is made, it may perhaps be safely concluded that proper understanding of the psychological of the ethnos and correct handling of the situation could have changed the picture, if not absolutely, at least to a great extent.

Narang (1995) argued that the regional, sub-regional movements based on language, religions, ethnicity, culture have not been as secessionist, parochial or communal as projected by the ruling elite at the Centre. Some have secular, democratising trends in enrolling the groups, otherwise marginal or non-participants, into the democratic process. The agitations in Assam and Punjab and their handling by the Union and subsequent accords and successful democratic reconciliations are recent examples of the observation that in India unity is a federal concept. It is the unity born out of the inter-dependence of diverse socio-cultural entities that pass through stages of competition, conflict and reconciliation, and realise that in mutual confrontation they might themselves destroy each other while in reciprocal cooperation they can thrive jointly and severely. Therefore, it is inescapable that the effort to centralise is deemed to failure in the long run. It is, to a great extent, because of this process of centralisation and related homogenisation that India today is at a very delicate point in her political evolution.
Ali (1996) has argued that the Government of India has followed a policy of expediency frequently changing its perceptions and prescription on the problems, initially, it had a negative approach. It condemned ethnic politics as parochial, against national interest and sought to curb it by military means. Failure of coercive means in Naga movement, geo-political compulsion, wars with China, Pakistan, erosion of strength of central leadership after death of Nehru, Shastri, threat of political instability since 1967, Mrs Gandhi’s bid to consolidate position in various groups and regions and finally absence of strong regional political leadership in Assam, were some of the important factors which shaped Centre’s commitment to universal welfare. It also renews interest in issues like class character of state, its distance from the actual problems of the people and its ability to intervene for public good. Unfortunately, while class character of the state, partisan nature of the government and parochial outlook of the Assamese leadership have dominated the academic analysis of problems of North-East, very little has come to light explaining the processes of change in the new units. In fact, such negligence might have been caused by lack of adequate empirical data, value biases of more pragmatic local considerations. Condemnation of ‘ethnicity’ is as bad as its worship. Both tend to blow up its functions and dysfunctions out of proportions. Hence, an empirical view is more scientific than the imagined abstract properties. In this sense, the genesis and growth of ethnic formations in North-East impose certain constraints on its world-view.

After 1956 several new states and union territories have been created out of existing states since 1956. Nagaland was made a state on 1 December 1963. Statehood was conferred upon Himachal Pradesh on 25th January 1971, Manipur, Meghalaya and Tripura on 21st January 1972 the Kingdom of Sikkim joined the Indian Union as a state on 26th Schedule April 1975. In 1987, Arunachal Pradesh and Mizoram became states on 20th February, followed by Goa on 30th May, while Goa's northern exclaves of Daman and Diu became a separate union territory. Bombay State was split into the linguistic states of Gujarat and Maharashtra on 1st May 1960 by the Bombay Reorganisation Act. The Punjab Reorganisation Act of 1966 divided the Punjab along linguistic lines, creating a new Hindi-speaking state of Haryana on 1st November, transferring the northern districts of Punjab to Himachal Pradesh, and designating Chandigarh, the shared capital of Punjab and Haryana, a union territory. In 2000 three new states
were created; Chhattisgarh (1st November 2000) was created out of eastern Madhya Pradesh, Uttarakhand (9th November 2000), which was renamed Uttarakhand in 2007, was created out of the Hilly regions of northwest Uttar Pradesh, Jharkhand (15th November 2000) was created out of the southern districts of Bihar and Telangana (2nd June, 2014).

Ali (1996) argued that it would be wrong to blame ‘re-organisation’ and creation of new units in response to ethnic demands for all these development. In fact, re-organisation has once again upheld the principles of composite culture, unity in diversity leading to further homogenization of our federal system. The causes of recurrent failure of functionalist therapies, certainly, lie somewhere else. Functionalists, in their defence may cite problems like illiteracy, backwardness, lack of vernacular press, absence of checks such as strong opposition parties, pressure groups, subject political culture, etc. but then in America, too, they know the government is of the elites, by the elites and for the elites. Nehru’s late realisation of the role of Panchayati Raj Institutions as popular brakes against whims and caprices of the corrupt politico-bureaucratic machine has not come up to the exceptions, as these too have fallen victim to the party politics and politically instigated motives of the leaders.

2. Reorganisation of North East States

The Northeast region comprising of the eight states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim (the last to be included in the region) and Tripura, constitutes a land surface of 262,230 square kilometres where a population of 38.9 million belonging to different ethnic and cultural groups inhabits. The region is a home to numerous diverse ethnic groups and located strategically with borders with Bhutan, China, Myanmar and Bangladesh. It has seen much violence and bloodshed over the past few decades. These include insurgencies in Nagaland, Assam, Manipur, Tripura and Mizoram and growth of militant groups in Manipur. In addition there are conflicts and confrontations over land use and control as well as issues of language, identity formation, demographic change and minority and majoritarian relations. Alienation, mis-governance and corruption as well as underdevelopment are common frustrations in the region which is one of the richest regions in terms of natural and mineral
resources in India. However the region is gifted with rich natural and mineral resources, and is one of the richest bio-diversities in India.

Prior to the British colonial rule, the multitudinous tribal communities of the north-east India were brought within the archaic state process basically through domination, conquest and occupation by more power-centres represented by the Ahoms, the Manipuris, the Burmese, the Ahoms had never incorporated the hill regions into their territory. The region also never succumbed to the pressures of the outside power-centre and the concept of nation state did not develop then, because the pre-condition of it in the form of capitalist mode of production was non-existent in the sub-continent. Before the capitalist mode of production could evolve, the colonial rule was imposed and the history could not take its natural course. The characteristic British colonial policy of exclusion, partial exclusion and non-interference in dealing with the tribals served their very purpose of minimum administrative expense, tribal insulation from people of plains and at the same time their effective control over hill people. The imposed policy of isolation and deliberate intention to encourage continuation of tradition helped maintaining separate entity through existing ethno-lingual diversities within varied environmental conditions through the hill sections were incorporated in the province of Assam. At the same time, the whimsical administrative divisions compartmentalised different major ethnic sub-groups which strengthened their sense of independence (Behera, 1996).

The economic interest of the British sought its fulfilment through introduction of plantation industries in Assam which resulted into migration of tribal population from the north-east part of Chota Nagpur, Bengal and Orissa (in 1840s) as indentured labour and in development of transport and communication. Inspite of isolation, the hill people of the periphery were exposed to development taking place in the zone of intensive political and economic activities. Recognition of tribal institution by the British and colonial administrative measures brought them nearer to the new system in the valleys. Their hopes and aspirations assumed new dimension and different interest groups emerged there from. Divergent interests were exposed in different ways in their demands for special status. This development of pre-independence period gathered momentum after independence seeking justification in the ethno-lingual diversities and
separate British relations with them. Such attitude sustained on the post-independence liberal attitude towards them especially the Sixth Schedule of the Constitution (Behera, 1996).

The different parts of North-East Region remained under different stages of administrative control, without the prospect of any common binding thread so as to bring them within a unified political entity. However, the Assamese speaking people, who were comparatively more developed and comprised the major population in the Brahmaputra Valley, occupied the centre stage in the whole region. But for a long time, the Bengali-speaking population who were in majority in the District of Sylhet and Cachar, and formed a good chunk of the population in the Districts of Goalpara, Nowgong and parts of Kamrup and Darrang had exercised a dominating influence over the Assamese people till as late as 1930, which gave ground to the emergence of the Assamese national consciousness and the gradual rise of the theory of assimilation and the eventual formation of a greater Assam, including the tribal areas, which were actually undergoing the process of gradual assimilation with the Assamese people in the upper and the central parts of Assam. But the process halts when education spread among the tribal people, rousing in them, the sense of separate tribal identity. The passing of the Assam State Language Act in 1960, with a view to developing a composite Assam, further drove away the tribal and other non-Assamese linguistic groups in the opposite direction. Thus the process of gradual natural assimilation was halted and instead of facilitating integration. It unleashed the forces of disintegration (Biswas, 1996).

The question on North East India appeared very significantly in the Constituent Assembly Debates leading to the formation of a sub-committee under the chairmanship of Gopinath Bordoloi on 27th February 1947. On its recommendation the Sixth Schedule was incorporated into the Constitution of India which provided mainly administrative autonomy to the hill people of the region to preserve their unique culture or to maintain the multi-colour culture of the nation as a whole. Most probably it was the best politico-administrative strategy to be adopted by the country working towards ‘unity in diversity’ without destroying the multi-colour culture of the nation. Interestingly enough within sixty years on independence of India different social groups have started searching for ‘Diversity in Unity’ (Hazarika, 2011).
Closely connected to the ethnic pluralism is the Sixth Schedule to the Constitution of India. It has become a source of tension in the State of Assam today. In the Constituent Assembly the members who wanted to uplift the nation on modern foundation of law, individual’s merit, secular education etc could not ignore the question of socio-cultural pluralism in North East India. Even the British rulers had to give special attention to this question. As one of the architects of the Constitution, Dr. B.R. Ambedkar said, “As far as the ultimate goal is concerned, I think none of us need have any apprehension. None of us need have any doubt. Our difficulty is not with regards to the ultimate, our difficulty is how to make heterogeneous mass that we have today to take the decisions in common and march on the way which leads us to unity.” Any effort toward analysis of the situation in North East cannot be divorced from this explicit expression of Dr. Ambedkar (Shiva, 1967).

The members of the sub-committee visited all the district headquarters of the hills and interacted with the officials, village headmen, influential personalities, organizations etc to understand the situation in the hills of the region. They found that the concept of autonomy was expressed by different people differently living in different hills or in the same hill by different group. For example the District Conference of Lushai hills (Now Mizoram) meant full autonomy leaving the issue of defence to the Government of India. The Naga National Council suggested that they would remain under the guardianship of the Government of India for a period of ten years and after that they would decide their own faith. The Khasi and Garo communities wanted to stay with Assam for the administration of those subjects for which they did not have competence and for the rest they demanded financial and administrative autonomy (Hazarika, 2011).

The sub-committee placed its report before the Constituent Assembly and on the floor of the House a threadbare discussion took place on the Sixth Schedule which was recommended by the sub-committee. The hill leaders were given an opportunity to participate in the discussion both from within and outside the Constituent Assembly. Everybody felt the need of making India a comfortable home for each and every social group for which each would contribute to their capacity for the progress of the country. Thus, the autonomy, integration and development may
be considered as the basic philosophy behind the creation of Sixth Schedule to the Constitution of India (Shiva, 1967).

The concept of decentralization, autonomy and responsibility require a fresh look in the contemporary situation. With the emergence of administrative State, the question of decentralization in administration has become a very significant issue especially in India. Though the principle of democratic decentralization was insisted upon at the initial stage of India’s administration immediately after independence based on Gandhi’s idea of “Village Swaraj” it was the most neglected sector till Rajiv Gandhi, then Prime Minister of India made and effort on this line. He realised the importance of it. The centre should make an effort to gain the grass root level democracy, while giving emphasis on the centralization in administration. The Bhuria Committee (1995) also stated that there has to be substantial and meaningful decentralization. On account of absence of effective democratic decentralization to even the district levels, demands and agitations for separate States in the country have taken root in Jharkhand, Bodoland, Uttarakhand etc. Iniquitous policies and actions and actions and economics imbalances have led to resentment among the deprived regions (Reports on Committee of MPs and Experts 1995).

In order to prevent the recurrence of conflict and sometimes to serious disturbances between British subjects in Assam and tribes living across the frontier, power was given to the local authorities by the Inner Line Regulation of 1873 to prohibit British subjects generally or those of specified classes from going beyond a certain line, laid down for the purpose without a pass or licence, issued by the Deputy Commissioner and containing such conditions as might seem necessary. As it was not always convenient to define the actual boundary of the British possessions, this line does not necessarily indicate the territorial frontier but limits of the administered area; it is known as the “Inner Line” and, being prescribed merely for the above purpose, it does not in any way decide the sovereignty of the territory beyond (Gait, 1906).

The North-East with its large number of tribal groups and newly emerging educated elites has a peculiar political history. Most of these communities had self-governing village councils and
tribal chiefdoms even during late British period. Nation and state formation was absent and even in the most advanced area of the region, then Assam, the economy was run by the British. But the effort should be to give all States the opportunities provided by the 73rd and 74th Constitutional Amendments. This should be done by safeguarding their traditions, without tampering with their essential rights and giving each state the chance to use its own nomenclature for such systems of governance, with local acceptance (Chaudhury, 2005).

British rule represented a new era in the history of North-East Frontier. It was during the British rule that the process of gradual penetration into the hills had started. It was the British who made the people realise that they belonged to India and it was during the British period that the political jurisdiction of India was extended on the McMahon line principle. It was also during British rule that the tribal approach was diverted towards India to seek a solution to their difficulties in every-day life. All these are positive achievements of British rule. They constitute the initial spadework and the clearing of obstacles, on which further programmes of work of socio-economic development, more intensive administration of the people, and their integration with the rest of India, was to be built by the National Government of India which took over the reins of power in 1947 (Luthra, 1971).

The State Reorganisation Commission founded in 1955 ruled out reorganisation of Assam on linguistic or ethnic basis. It did not hold Assam to be a unilingual state on the ground that the Assamese speaking people did not comprise more than 70% of the population. According to it, if there were a 30% linguistic minority people in a state, it should be considered bi-lingual (Biswa 1996). In 1931 Census, the Assamese-speaking people were 1,61,000 and the Bengali speaking people were 4,76,000. In the Census of 1951, the number of the Assamese went up to 6,87,000 and the Bengali came down to 1,93,000 (because of the separation of Sylhet and many Bengali immigrant Muslims entering Assamese as their mother tongue). This trend continued in the subsequent census, yet the Assamese population did not form 70% and Assam could not be considered a unilingual state. However, this position could not be entertained as a fact of life by the Assamese people, especially by the middle class youths and they thought that the presence of sizeable number of non-Assamese people and the influx of the ‘outsiders’, stood as a stumbling
block on the way of forming a unified and composite Assam on the basis of Assamese language and the question of assimilation came on the agenda as the only solution. But this was found by experience, to be counterproductive. Besides, the Bengali, the tribal people (who claimed to be the original sons of the soil) began to move in the reverse way and the movement for separate Hills State and ‘Udayachal’ and later on ‘Bodo State’ began to gather momentum (ibid).

Talukdar (1996) points out that although it was a foregone conclusion by the time India achieved freedom that independent India should be a federal state and although the Constitution of India provided for a federal structure, without of course using the word federation, the question of re-organisation of state remained a controversial issue till today. The Indian National Congress in its manifesto of 1945-46, assured the people that the provinces would be constituted on a linguistic and cultural basis. The fusion of British India and the princely states into the states of Indian Union under the new reorganisation of the federating units of the country was on a rational basis.

To sum up, the region prior to independence was divided into Assam consisting of Garo, Khasi and Jaintia Hills, North Cachar and Mikir Hills, The Naga Hills, the Lushai Hills; the North-Eastern Frontier Tracts and the territories of Manipur and Tripura. But after independence, with the North-Eastern Areas (Reorganisation) Act, 1971, the region has undergone many changes and created seven states, namely, Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Tripura and Nagaland which granted Statehood under the State of Nagaland Act, 1962. In 2002, Sikkim became a part of the North Eastern Council (NEC), becoming the eighth member of the NEC under the Department of Development of North-Eastern Region (DoNER).

Cultural pluralism is one of the basic features of North-East India. While enjoying the colourful social life the people of this region are also experiencing the adverse effects of it due to appearance of ethnic-oriented discords in the fields of politics and administration. The ethnic autonomy question remains unanswered even today. The policies of the government are merely changing the colour of the problems and shifting them from one place to the other. The whole issue of ethnic autonomy centres around three concepts – autonomy, integration and
development. These concepts do not have similar dimensions, but they have very close relationship with the administration of a democratic state. The definitions forward by the scholars towards autonomy reveal that it is not self-contained concept. Autonomy cannot be divorced from responsibility, just as rights cannot be separated from duties. One has to earn Autonomy as it is not a gift to be received from any higher authority. The significant point is that it is not confined to a particular community; its relevance to the world across the boundary of a community cannot be denied. The word ‘Integration’ invites an environment in which there should be mutual respect for each other, peaceful co-existence of the people professing different religions, having different cultures and speaking different languages. It is the basic requirement of a plural society like ours to walk together on the path of progress. The word ‘Development’ is close to both the process and the end as it calls for change-oriented, action-oriented and result-oriented administration. It is a dynamic process. Development, Autonomy and Democracy must go together, because all the three are interlinked and indispensable in the modern way of social life. No doubt it is a difficult task to integrate them but it is not impossible. Here one has to remember that no one mechanism can be adopted for development of a plural society like ours, no exact boundary can be demarcated while defining and granting autonomy to each and every ethnic group and no democracy whether social, political or economic can survive without the development of human qualities (Hazarika, 2007).

3. Various Instruments and Constitutional Provisions for Tribals in North East

Today the tribal people, whether living in the forest areas or not, are classified under the Fifth and the Sixth Schedules of the Constitution of India. They are distributed over different parts of the country in different states and in a variety of geographical regions, extending over a contiguous area from North-East through Chotanagpur plateau and Central India to Western India. These regions range between deep forests to agriculture regions and waste land. The state policy towards tribal forest dwellers in India is aimed at bringing them within the dominant mainstream social order. When the idea of progress and the process of modernisation were transplanted during the British rule on to the Indian situation, forest dwellers were treated as outsiders. They came to be known as 'tribal' and were confined to 'excluded' and 'partially excluded areas'. This also gave rise to efforts to bring them within the mainstream social order which was part of the liberal political tradition of governance. The 'tribal policy' in post-
independent India was designed accordingly. The Constituent Assembly discussed tribal policy as a part of the effort to negotiate the transition from political 'struggle' to social 'reconstruction'. Self rule was the principle which inspired the struggle and for negotiating this transition.

The historical antecedents of these Schedules are determined by the relation between tribal forest dwellers' protests, the British policy towards them and the discussions in the Constituent Assembly. Their impact on their social and cultural life over sixty years of independence should facilitate an assessment of the importance of these Schedules for ensuring the well-being of the people. Finally, the Panchayat (Extension to the Schedule Areas) Act 1996 view in the light of the New Economic Policy and some selected provisions of the Constitution define the social context of self-rule. The following section will discuss some of the instruments sanctioned by the Constitution on India.

The Constituent Assembly debates, neither questioned the validity of 'excluded' and 'partially excluded areas', or the view that tribal were backward, nor did it draw upon the traditions of tribal and peasant movements to find out their mode of participation in the making of Independent India. They sought to deal with problems of social justice that arises from a situation where cultural pluralism and politico-economic inequality are co-present and co-exist, without re-examining the secularist policy of non-interference on questions of social and cultural differences was appropriate for the purpose (Savyasaachi, 1999).

The Fifth and Sixth Schedules were designed to diffuse and dissipate the creative energies generated in the course of protests and the legacy of ideas and categories evolved by the British were accepted by the Members of the Constituent Assembly to define 'development' and 'welfare' and safeguard the interest of the minority and marginalised communities. It was anticipated that the safeguards would ensure the well being of the tribal people and protect them from non-tribal exploitation and create appropriate conditions for them to develop and give them an opportunity to participate in the mainstream development.
The underlying social, cultural, political and economic processes that have determined the tribal forest dwellers’ life circumstances have been determined by the Schedules. The Schedules have little meaning in the context of the larger processes of social and cultural production and reproduction of material any symbolic goods. They define the social and cultural relation between the tribal forest dwellers and the non-tribals who live in the agriculture plains and in the city from the standpoint of the linear theory of historical change, progress and development. The process of integration which unfolded in the fifty years of independence has three aspects: the economic, the political and the cultural. To begin with, legal measures and development programmes sought to prepare the ground to bring tribal forest dwellers within the fold of the agrarian society. Not only because agriculture was considered a first step towards ‘civilising’ them, but also, and more importantly, because the forest was to be freed for commercial use and the deposit that were buried under forest cover were needed for industrial development (ibid).

a) The Sixth Schedule
In pursuance of paragraph 20 of the Cabinet Mission’s Statement of May 1Sixth Schedule, 1946, the arrangement of the Sixth Schedule was a product of the recommendations of two sub-committees constituted namely, the North-East Frontier (Assam) Tribal and Excluded Areas Sub-Committees, was chaired by Sri G. N. Bordoloi and the other sub-committee, namely the Excluded and Partially Excluded Areas (other than Assam) Sub-Committee, was chaired by Sri A.V. Thakkar (Gassah, 1997). The mainstay of their almost unanimous recommendations was their suggestions for Autonomous District Councils and Regional Councils for the former schedule areas of Assam.

The Autonomous District Council under the provision of Six Schedule is the outcome of historical and social circumstances of the hill tribes of the region. Historically the tribes in question remained isolated from the plains for long period without any meaningful interactions with the latter socially, economically and politically which made them vulnerable to exploitation by the people of the plain. In the new political system they might be marginalised and deprived of their traditional rights to self-management and lose control over the sources of livelihood, this situation might alienate the tribes from nation building process in the post-independence period.
Thus, ADC is the blend of tradition and modernity designed to protect the interests as well to fulfil the rising aspirations of the hill dwelling tribe in the new political, economic and cultural system of the country (Bhuyan, 1992).

Chaudhury (2005) has analysed in regard to rampant political conflict and its diversity which lead to tension among the different communities in the north eastern region that in order to tackle the problems of this unique area north east and safeguard the democratic traditions and cultural diversity of its people, the framers of the Constitution conceived of the instrument of tribal self-rule. This stands embodied in the Sixth Schedule of the Indian Constitution. This Schedule was drafted by a Sub-Committee on North-East Frontier (Assam Tribal and Excluded Areas) of the Constituent Assembly headed by Gopinath Bardoloi, the then Premier of Assam. The effort was to accommodate the collective aspirations of tribal communities within the broader framework of a democratic political system characterised by centralised powers, in a situation characterized by a mix of apprehension, confusion and hope in the days immediately preceding the adoption of the Indian Constitution. A large part of the North-East India is governed by the Fifth and Sixth Schedules of the Indian Constitution. The Panchayats (Extension to the schedule areas) Act, 1996 extends the 73rd Amendment: to the Fifth Schedule areas. Three states viz. Mizoram, Nagaland and Meghalaya are exempted from the purview of the 73rd Amendment. The non-Sixth Schedule States in the North-East where 73rd and 74th amendments (Panchayati Raj Institutions) have been implemented are Assam, Manipur, Tripura, Arunachal Pradesh and Sikkim.

The Autonomous District Councils (ADC) under the Sixth Schedule to the Indian Constitution were set up way back in 1952 in certain hill districts of the then composite State of Assam and later many other District Council were added. After India’s Independence the Sixth Schedule of the Constitution provided the legal framework for protection of the interest of the tribal peoples of the hills of north-east India, including their interest in land and forest resources, and allowed them autonomy in social and political development. The Sixth Schedule provisions are regarded as a mini-Constitution within the main Constitution. In 1951, the Constituent of India containing provisions for creation of Autonomous District Councils and Autonomous Regional Councils for the tribal of hill areas of Assam, the Constituent Assembly adopted the Sixth Schedule.
Accordingly, Autonomous District Council was created. However, in the case of the Naga Hill District Council, the Nagas rejected the concept of ADC and instead they demanded independent state of Nagaland. Therefore, ADC could not be established in Nagaland. In the present context according to Articles 244(2) and 275(1) - Sixth Schedule - Provisions for administration of Tribal Areas, set up ten autonomous district councils in North East:

**Assam:** The North Cachar Hills District Council, Karbi Anglong District Council and Bodo Territorial Council

**Meghalaya:** Khasi Hills District Council, Jaintia Hills District Council and Garo Hills District Council.

**Tripura:** Tripura Tribal Areas Autonomous District Council.

**Mizoram:** The Chakma District Council, Mara District Council and Lai District Council.

(Source: Ministry of DONER; http://mdoner.gov.in/node/742)

The District Councils comprise of 30 members for a term of five years. The Governor of the state is empowered to nominate not more than four members to the Council while the others are elected on the basis of adult suffrage. The Chief Executive Member (CEM), the Chairman and the deputy Chairman of the Council (equivalent of Speaker and Deputy Speaker) are elected from the members and the CEM selects the other executive members. There are different internal rules for different Autonomous District Councils. In some councils like Mara in Mizoram, the electorate are eligible adults (anyone above 18 years) but in others like Karbi Anglong right of access to traditional lands and length of stay in the region are regarded as as a qualifying criteria for being included in the voters list for the ADCs (Chaudhury, 2005).

Agnihotri (1995) noted that it is not considered necessary to have separate Chairman of the District Council and an Executive Committee headed by a Chief Executive Member. The Executive Committee exercise all powers of the District Council; the Chairman summons and prorogues the House and presides over its meetings. The functions of the Chairman may also be performed by the Chief Executive Member, as is the case in Municipality, University Executive bodies and the Panchayati Raj institutions. It is also to be noted in this context that the Sixth Schedule itself has nothing specific to say in this matter, one way or the other these offices and
their functions were prescribed in the Constitution of District Council Rules. Some of the political problems the District Council faced may be resolved by merging these two offices. This would easily be done if the basic structure of the Council is made clear in the Sixth Schedule itself. This would also result in economy in the administration.

The Sixth Schedule empower the Autonomous District Councils to make laws and regulations on all matters relating to the customs, traditions and practices of the tribal people, land tenure system, water courses, forest and forest management, marriage, divorce, inheritance, appointments and succession of the chiefs and headmen. It also provided a mechanism for prevention of economic exploitation by non-tribals. The district councils have the power to regulate money-lending and trading by the non-tribals. The Councils are also empowered to make laws relating to the establishment of town committees and village committees for local administration including the village or town police. All such laws are however, subject to the approval of the State’s Governor. The Sixth Schedule thus provides a compact mechanism for self-government, safeguarding the traditional customs, rights and practices of the tribal people and preserving their distinct culture and identity. It gave them an instrument to bring about a limited change within a static framework (Ray, 1997).

The District Council or the Regional Council may after its first Constitution make rules of the approval of the Governor inter-alia with regard to matters regulating: (a) the formation of subordinate local councils or Boards and their procedure and the conduct of their business; and (b) generally all matters relating to the transaction of business pertaining to the administration of the district or region, as the case may be (Burman, 1997).

As noted by Gassah (1997), when the Indian Constitution was adopted, it envisages strong democratic institutions at the grass-root level as well as concerning the affairs of the tribal communities. The Constitution makers also recognised the necessity of a separate political and administrative structure for the Hill Tribal Areas of the Sixth Schedule to the Constitution of India. In doing so, they were broadly guided by three major considerations:
(i) The necessity to maintain the distinct customs, socio-economic and political culture of the tribal people of the region and to ensure autonomy of the tribal people to prevent their identities;

(ii) The necessity to prevent their economic and social exploitation by the more advanced neighbouring people of the plains;

(iii) To allow the tribal people to develop and administer themselves according to their own genius (ibid).

The Autonomous District Councils (ADCs) in certain Hill Districts (Except Naga Hills) of the then composite State of Assam were first introduced in 1952, and in 1953 Regional Councils (now District Councils) were introduced in the then Lushai Hills District (now Mizoram) as per the provisions of the Sixth Schedule. These Autonomous District Councils have functioned in their respective autonomous districts for more than forty years. Many of these Autonomous District Councils have passed from time to time a number of laws, rules, regulations, Acts, etc., dealing with and affecting the people of their respective areas in diverse ways-relating to such pertinent issues like land, forest, primary school education, planning processes, markets, trade, developmental activities, etc., to mention a few of them. Some such acts have direct effects on the traditional institutions like the chiefs, tribal councils etc. The relevance of the Autonomous District Councils today has been questioned from time to time especially after the creation of full-fledged State where District Councils are in existence. On the part of the District Council, they have been demanding more autonomy and direct funding from the Central Government itself to strengthen their power and functions (ibid 1997).

The Autonomous District Councils’ role with respect to the preservation of tradition has been largely vanished in the quicksand of politics. In addition to that there has been a growing mismatch between its developmental role and its resource base. While democratic decentralisation is being progressively achieved in Panchayati Raj bodies, Autonomous District Councils have been put under greater financial and administrative constraints by respective state governments. While the question of cultural distinctiveness is important, it really calls for some serious attempt at institutional innovation other than what is the order of things now. However
many of the features of 1992 Act, such as the increased resource base of the Panchayats and higher level of functions, greater security of tenure etc. may be incorporated in the Sixth Schedule. That would make the Autonomous District Councils more meaningful units of democratic decentralisation. A complete switch-over to Panchayati Raj is not desirable, not for any greater autonomy significance background of a climate of mutual suspicion and insularity which may take some time to be wiped out (De, 1997).

The Sixth Schedule under the constitution of India was also called as mini-constitution. From the above discussion it was clear that the framework of the Sixth Schedule was to protect the minority ethnic community in the northeaster state of India where Kymlicka (1998, p.110) has termed ‘national minorities’ where a smaller ethnic group in a nation occupying a given territory or homeland, sharing a distinct language and culture. It is the concept to ‘hold together’ the various ethnic communities who were demanding for special power in order to protect their land, customary laws, religion and traditionally governance system. The kind of unequal power that is been sanctioned to these communities is different from the rest of the country as there is no such greater power sanctioned by the constitution of India to other state or community. The north-eastern region is comprise of ethnocultural diversity and the framer of the constitution think that these ethnic minority group should be protected and cannot be accommodated within the existing state framework and where they may contemplate to secession. In this regard the Indian federal system has design to accommodate self-governing ethnocultural groups with the framework of sixth schedule under Article 244(2) and Article 275(1) of the constitution of India.

b) Inner Line Permit

The Inner Line Regulation was the first law promulgated in Assam which gives to the executive government of India a power of summary legislation for backward tracts. The state Prevailing doubt and uncertainty arising from this state of affair was removed by the enactment, in 1886, of the Assam Land and Revenue Regulations which has been brought into force in all the plain districts of the province and contains all the necessary provisions of the revenue law of Bengal, which it repeals so far as Assam is concerned. It has not yet been generally introduced into the
hill districts, where the requirements of the primitive inhabitants are amply provided for by a few simple executive instructions (Gait, 1906).

The inevitable dispute arising from large-scale presence of profiteers and investors beyond the settled areas led the Secretary of State for India in Council to pass an enabling legislation, Act V of 1873 (Inner Line Regulation, 1873), effective from 1st November 1873. This enabling Act allowed the provincial government to prescribe an “Inner Line” from time to time for the specified districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, the Garo Hills, Cachar and Chitagong Hills, beyond which all British subjects were prohibited from entering without a pass duly certified by the respective Deputy Commissioners. These ‘Inner Lines’ were never intended to indicate the external limits of British territory although in certain cases they did coincide. Entry of British subjects into the hills beyond the Inner Line without a pass under the hand and seal of the Deputy Commissioner of the concerned district had been prohibited. The Lakhimpur Inner Line was notified on 30th September 1875 was the first one to be defined. The Darrang Inner Line was notified on 8th March 1876. This Inner Line had undergone several modifications before portions of these two districts were incorporated in the North-East Frontier Tract following the Abor Expedition of 1911-12 (Bezbaruah, 2010).

Notwithstanding the temptations of lucrative trade, political expediency won the day. Commercial enthusiasm was kept in check for the sake of imperial interest. Thus, the Inner Line Regulation was passed to prevent any friction between the tribes and British commerce which was eager to expand tea cultivation within the hills. Political interest, generally overrode commercial consideration. Even in the sphere of administration, the policy of non-interference in the internal affairs of tribes was adopted so as to leave them to develop and change in their own way. The extension of British administration meant the opening of police check-posts in the interior, and the insistence that the tribal folk consider themselves part of British India. The British flag had to fly over the tribal territory without interference and rivalry. The British conceded that the tribal people were the owners of their land. They made efforts to enforce the principle that forest trees and other produce were tribal property. When punitive expeditions or
British administrators on tour in tribal territory, wanted land, trees, or any other items, they sought permission from the people and paid compensation for what they took (Luthra, 1971).

In summary legislation, the then Lt. Governor of Bengal was authorised to prescribe a line to be called Inner Line in each or any of the districts beyond which no British subjects of certain classes or foreign residents can pass without a license. Thus, came into existence the Inner Line Regulation of 1873 which laid down such lines ‘in the districts of Kamrup and Goalpara towards Bhutan; in Darrang towards the Bhutiyas, Akas and Daflas; in Lakhimpur towards the Daflas, Miris, Abors, Mishmis, Khamtis, Singphos and Nagas; in Sibsagar towards the Nagas’. The ostensible purpose of the Inner Line Regulation was to bring ‘under stringent control the commercial relations of the British subjects with the Frontier Tribes’ and to prevent encroachment ‘of tea gardens beyond the fiscal limits of settled areas and lay down rules for the possession of land and property beyong the line’ (Chowdhury, 1996).

The ‘inner line’ permit concept was introduced during the British rule in order to prohibited British subjects from entering without a pass duly certified by the respective Deputy Commissioners. Though this regulation was introduced by the British in 1987, the regulation is still implemented in the states of Arunachal Pradesh, Nagaland and Mizoram in northeast till now in order to prohibit outsider from entering these states to settle and do economic activities. This regulation is still employed in order to protect the unique culture, traditions and resources from outsiders. In the present time there have been a number of issues and debates as some of the states like Meghalaya and Manipur started to demand for inner line permit regulation in order to protect the local from non-local interference in economic and social activities. Nevertheless there are also many critics (Mukhin, 2012; Nonglait, nd; Lyngkin, nd; Phurailatpam, 2012) who have argued that the inner line permit regulation never really protect the local and that it is a concept that was formulated during the British rule in India and that it is not relevant and practical in the present context.
c) Special Constitutional Provisions for North Eastern States under Article 371

This section explains the wide variety of local self government arrangements in the NER as provided under specific Constitutional provisions applicable to NER, normal Part IX and Part IXA areas, State laws and local traditional systems. Special Constitutional provision for North Eastern states of Assam (Article 371-B), Arunachal Pradesh (Article 371-H), Mizoram (Article 371-G), Manipur (Article 371-C), Nagaland (Article 371-A) and Sikkim (Article 371-F) by the constitution of India under Article 371 can be analyzed in the following:

Assam:
Historically Assam had a mosaic of tribal and non-tribal institutions. It was principally the system prevailing under the Ahoms which provided the background to the evolution of Panchayati Raj Institutions in the state. During the British period the promulgation of the Assam Local Self-Government Act, 1915 brought about a change of approach. The act provided for the establishment of the Village Panchayat, for the first time on a formal and legal basis. In 1926 another act was passed as a Panchayat Act because of the failure of the Panchayat scheme under the 1915 Act. The functions of the Village authority under the act of 1926 were listed as water supply, medical relief and sanitation. However, Panchayat institutions under the British proved to be a failure, because these measures were more of gestures rather than efforts to genuinely empower the local bodies (Chaudhury, 2005). In the post-independence period, Assam was one of the pioneering states to introduce Panchayati Raj by enacting Assam Panchayati Raj Act, 1948. It provided for the division of rural Assam into Panchayat areas, with each area consisting of a number of villages and each village having a primary Panchayat. All adults were voters. The act provided that primary Panchayats would have executive bodies. The Assam Panchayati Raj Act only covered the plain districts of the state and the Hill Autonomous Districts and villages located in the tea garden areas were excluded from the purview of the Act. The act of 1959, amended in 1964, was repealed after the adoption of the Assam Panchayati Raj Act, 1972. Through this Act, the PR system in Assam was reverted back to the two-tier system, the Goan Panchayat (GP) at the village level with the population size ranging from 15,000-20,000 and Mahkum Parishad (MP) at the apex level (ibid).
Article 371B provide special provision to the State that the President may, by order provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the tribal areas specified in Part I of the table appended to paragraph 20 of the Sixth Schedule and such number of other members of that Assembly as may be specified in the order and for the modifications to be made in the rules of procedure of that Assembly for the constitution and proper functioning of such committee. There is three autonomous district created under this namely, The North Cachar Hills District Council (1970) and The Karbi Anglong District Council (1976) and the Bodo Territorial Council (2003). Also there are other District council under the state government- The Mishing Autonomous Council Act, 1995 provides that there shall be a village council for each block of villages or village having 50 per cent or more Mishing population. The other two Acts - Tiwa autonomous Council Act, 1995 and the Rabha Hasong Autonomous Council Act, 1995 also stipulated similar ethnic criterion in favour of respective ethnic group.

_Arunachal Pradesh:_

Arunachal Pradesh was created out of the frontier tribal areas of Assam. It was formerly known as North-East Frontier Agency (NEFA). It was made a union territory in 1972 and in 1987, it became a state. The administration of the then NEFA, now the State of Arunachal Pradesh, was a special responsibility of the Governor of Assam. The special provision for Arunachal Pradesh envisages special responsibility of the Governor in respect of law and order. Accordingly, the tribal state of Arunachal Pradesh is doubly ignored. It has no special provision for administration as envisaged for tribal areas in North East under the 6th Schedule even Schedule Areas in other States. Traditionally, the tribal people had been managing their affairs through Village Councils, certain tribes even developed into some sort of Anchal councils (for example in Bango Kebang and the Bogum Bokang Kebang of the Adis) operating above the Village level. Under the NEFA Panchayati Raj Regulation 1967, a three-tier structure was constituted on 2nd October 1968. It comprised Gram Panchayats at the Village level, Anchal Samities at the anchal level and Zilla Parishad at district level (Choudhury, 2005). Presently the Panchayati Raj Institutions is in placed in the state. The Arunachal Pradesh Assembly had passed a bill to create four
Autonomous District Councils in the state in 2003 but the Parliament is yet to approve it (Chaudhury, 2005).

**Sikkim:**

Later from 1940s, the Sikkim Government constituted some Panchayats in Sumbuk, Turuk, Rhenock and Pakyong. A literate village elder would be appointed as the Chairman with four or five members to assist him to discharge functions. Even here the responsibilities of the Panchayats were confined to settle petty cases of the villagers. In 1949, when J.S. Lall was appointed as the Dewan of Sikkim, he tried to introduce the Panchyat Raj in Sikkim. During Narbahadur Bhandari’s regime, the partyless Panchayat system was introduced. But all the elected Panchayats functioned as the village cadre of the Sikkim Sangram Parishad. These Panchayats were responsible to implement village development projects like construction of log bridges, village irrigation channels and water supply schemes (Chaudhury, 2005).

Article 371F of 1975 provides special provision for the state that-

1. Governor has special responsibility for peace and making in his discretions, equitable arrangement for ensuring the social and economic advancement for different sections of the population of Sikkim;
2. President can extend any enactment of any State with such restrictions or modifications to Sikkim as he may deem necessary as also remove other difficulties; and
3. Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim may make provision for the number of seats in the Legislative Assembly of the State of Sikkim, which may be filled by candidates belonging to such sections (Ministry of DoNER).

When Pawan Kumar Chamling’s SDF party formed the government in 1994, he introduced the Panchayat elections on party basis. Mr. Chamling reiterated that the Panchayati Raj is the stepping-stone to Vidhan Sabha and Parliamentary elections. Panchyati Raj is “the soul of democratic governance” (Chaudhury, 2005).
**Mizoram:**
Mizoram, in the local language, means the land of Mizos. ‘Mizo’ itself means highlander. Under the British administration, Mizoram was known as Lushai Hills District. In 1954 by an Act of Parliament the name was changed to Mizo Hills District. In 1972, when it was made a Union Territory, it was named Mizoram. Mizoram became 23rd state of Indian Union on 20.2.1987.

Article 371G provides special provision with respect to the State of Mizoram. The Article envisages that no Act of Parliament with regard to matters specified there in, including customary law and transfer of land, can apply to Mizoram unless the State Legislative Assembly by a resolution so decides (Ministry of DoNER).

**Nagaland:**
The Nagaland state comprises of the former Naga Hills district of Assam and the former Tuensang Frontier division of the North East Frontier Agency. These were made a Centrally Administered Area in 1957. In January 1961, it became the state of Nagaland. The state of Nagaland was officially inaugurated on 1st December 1963. The population of Nagaland is entirely tribal. There are as many as 16 major Naga tribes with their own distinctive languages and cultural feature. Article 371-A: This Article enacted after Naga Hills-Tuensang Area became a separate State has extensive special provisions. On particular it envisages that

1. no Act of the Parliament on subject specified therein will apply to the State without the approval of State Assembly;
2. the Governor shall have special responsibility about law and order in the State; and
3. a Regional Council shall be established for Tuensang with Deputy Commissioner in chair. It functions under guidance of the Governor. No Act of Nagaland Assembly shall apply to Tuensang unless authorized by the Governor on the recommendation of the Regional Council (Ministry of DoNER).

**Manipur:**
Manipur came under British rule as a princely state in 1891. The Manipur Constitution Act, 1947, established a democratic form of government with the ‘Maharajah’ (King) as the executive head and a legislature constituted by election based on adult franchise. The Legislative Assembly
so constituted was dissolved after the integration of the state with the Dominion of India in October 1949. It became as a part ‘C’ state under the Indian constitution with effect from 26-1-1950. Manipur achieved full statehood on January 21, 1972.

Article 371C provides special provision with respect to the State of Manipur provides the Governor of Manipur with Special power in regards to Hill Areas of Manipur. According to this Article the “Hill Areas” means such areas as the President may, by order, declare to be Hill areas.

The hill areas in the state of Manipur largely inhabited by tribal communities are not covered by the 6th Schedule. The special provision envisages the constitution of Hill Areas Committee of State legislature. The Governor is mandated to report to the President regarding the administration of 'hill areas'.

The Table below highlight the status of North Eastern States with regard to Self-Governing Institution under Part IX and Part IXA of the Constitution and Special Constitutional Provisions.

<table>
<thead>
<tr>
<th>State/Autonomous Councils</th>
<th>Areas Covered By</th>
<th>Areas Exempted</th>
<th>Special Constitutional Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Part IX of the Constitution</td>
<td>Part IXA of the Constitution</td>
<td>as 6th Schedule Areas</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Part IX, IX A</td>
</tr>
<tr>
<td>Arunachal Pradesh</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No ADC</td>
<td>✔️</td>
<td>✔️</td>
<td></td>
</tr>
<tr>
<td>Assam</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three ADCs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Areas</td>
<td>✔️</td>
<td>✔️</td>
<td></td>
</tr>
<tr>
<td>Manipur</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>Hill Areas</td>
<td>Valley Areas</td>
<td>Meghalaya</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
<td>--------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Meghalaya</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three ADCs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mizoram</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three ADCs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nagaland</td>
<td>Tuensang Regional Council under Article 371A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sikkim</td>
<td>No special area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tripura</td>
<td>One ADC</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Source: Ministry of DONER; http://mdoner.gov.in/node/742)

In the context of the theoretical framework pertaining to the states of north eastern region it shows varied structural design and institution that could be understood under the concept of asymmetrical federalism. For instance institutions that were arrived at as part of the process of negotiation between state and the ethnic minorities groups such as ADC and the Sixth Schedule together with other legal frame such as Part IX and IXA of the constitution. As also pointed out by Tillin (2006), the varieties of special status in the northeast are the closest India comes to *de
asymmetrical federalism. India’s central government has undoubtedly been the most open to asymmetrical innovations where diverse ethnic communities in the north east are concerned and many of the asymmetrical devise are design to protect tribal rights, land, culture, religion and their traditional governance system as highlighted in the above table.

As India is a multinational and ethnocultural pluralism country and especially in the contact of the north eastern region there are many small ethnic communities with their distinct culture, identity, religion and governance system. In order to celebrate India as ‘United in Diversity’ the framer of the policy realised the need to devise a system where these ‘national minority’ could be accommodated in order to protect their land, culture and traditional system. As debated on federalism it has been argued that federalism provides a viable alternative to secession, since it’s uniquely able to accommodate ethnocultural diversity. The Indian federalism is design in the framework of asymmetrical so as to respect the desire of ethno minorities groups to remain autonomous, and to retain cultural distinctiveness, while nonetheless acknowledging the fact that this ethnocultural diversity are not self-contained and isolated, but rather are increasingly and inextricable bound to each other in relations of economic and political interdependence.

To critique some of the issues prevalence in the district councils in North East, Mukhim (2007) analyses that for ethnic communities, land is a precious resource because it is linked to their culture practices and is their very sustenance. Hence the special protection clauses in the Land Transfer Act which debars and non-tribals from purchasing land in their territories. Although there are voices of dissent about such laws being arbitrary since the opposite is not applicable in the case of tribals, there is merit in what Constitutional framers have envisioned when they inserted special provisions relating to the transfer of land and resources. Most of the ethnic conflicts or assertions for greater political space within the present dispensations have their roots in the unjust structures that have kept some ethnic groups out of the power sharing arrangement. Although the states of Meghalaya, Mizoram and Assam have their district councils for the purpose of addressing the special needs of ethnic minority, the Councils have not been able to function effectively because of their dependence on the State Government for resources. Lack of funds or the non-timely transfers of funds by the Government to the Councils have forced them
to divert money meant for one head to another. Primary schools in Meghalaya used to be administered by the District councils. But mismanagement in the form of non-payment of teachers’ salaries and a poor service delivery mechanism resulted in prolonged agitation by primary school teachers who demanded that they be brought under the purview of the State Government. In this manner the Councils have lost much of their teeth.

The concept of ‘holding together’ in Indian federalism is also to design to accommodate self-governing ethnocultural groups that are likely to be plague by deadlock and instability. The fact that India being an multination and ethnocultural pluralist country, federalism is not sufficient for accommodating national minorities and indeed, and it is been debated that federalism can be, and has been used by the majority groups as a tool for disempowering national minorities, by rigging federal units so as to reduce the power of national minorities. So in this context the Indian federalism has design an asymmetrical federalism under the Constitution of India in order to accommodate the aspiration of these ‘nation minorities’ and ‘ethnocultural diversity’ in the north east region.

The table below highlights the present geo-political, demographic, and ethno-cultural population and Governance framework of North Eastern States:

<table>
<thead>
<tr>
<th>State</th>
<th>Area Km</th>
<th>Dist.</th>
<th>Population</th>
<th>Official Language</th>
<th>Ethnicity/Religion</th>
<th>Established</th>
<th>Etymology</th>
<th>Governance Frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assam</td>
<td>26,655,528</td>
<td>27</td>
<td>26,655,528</td>
<td>Assamese, Bodo, Bengali</td>
<td>115 ethnic groups</td>
<td>August 15, 1947</td>
<td>Mahabharata</td>
<td>3 District Councils under Sixth Schedule</td>
</tr>
<tr>
<td>Arunachal Pradesh</td>
<td>83,743</td>
<td>16</td>
<td>1,091,117</td>
<td>Assamese, Bengali, and Hindi</td>
<td>50 distinct languages and dialects</td>
<td>February 20, 1987</td>
<td>Sanskrit</td>
<td>PESA</td>
</tr>
<tr>
<td>Manipur</td>
<td>22,347</td>
<td>9</td>
<td>2,388,634</td>
<td>Manipuri (Meitei) and English</td>
<td>Meitei, Nagas, Kuki, Chin and Mizo groups</td>
<td>January 21, 1972</td>
<td>Sanskrit &amp; ethnicity</td>
<td>6 District Councils under Govt. of Manipur</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>22,720</td>
<td>7</td>
<td>2,306,069</td>
<td>Khasi, Garo, and Jaintia</td>
<td>Christianity 70% and Hindu 13%</td>
<td>January 21, 1972</td>
<td>Sanskrit Language</td>
<td>3 District Councils under Sixth</td>
</tr>
</tbody>
</table>
In this backdrop, it is clearly evident that the framework to ‘hold together’ the state with diverse ethnic groups, language, culture and traditional rights, like the North Eastern states, the constitution of India has provided with different power and autonomy to different states to keep the integrity of the state which is asymmetric in nature. It could not have managed and accommodated irredentist movements in its Northeast frontier had it not been for its innovative structures like the concept of sub-state structure under 244-A for Meghalaya in 1969, special status by guaranteeing autonomy under the Sixth Schedule of India's Constitution [Article 244 (2)], and incorporating special customary and traditional rights under Article 371. Of late these special structures are increasingly seen as institutional measures to deepen centralization, crafted as they are in the top-down autonomy model.

Mukhim (2007) stated that India’s North-east is Mosaic in the making. The region is inhabited by people who are radically distinct from those in the rest of the country. They trace their origin to Central and South-East Asia. The people of North-East India (the direction is North-East only when seen from the political epicentre, Delhi) consider it an accident of history that their fates should inextricably be linked with a country whose people share no commonalities of language, custom, race and world-view with them. Naturally, accepting the idea of being Indian has taken more time to absorb. The process is not smooth. There is a constant churning going on within the
region and even today new groups of people are still trying to curve out an identity for themselves. Within the region each ethnic community is keen to establish its own identity and there lies a persistent fear in every group that they might be submerged by the bigger or stronger ones. In this environment of constant fermentation, India is yet to develop a response mechanism which would take into account the special needs of its ethnic communities without actually fragmenting geographical boundaries.

The picture of India’s North-East is by no means simple can be looked at as being a complex one. On one hand, it is a bundle of contradictions and on the other hand there are ethnic groups who continue to believe that their demand for sovereignty is a just one based on sound historical arguments. On the other hand is the Indian state which sees all such demands as being secessionist in nature. The United Liberation Front of Assam (ULFA) demand also mimics the Naga fight for sovereignty. Then there is smaller ethnic communities or minorities living within the bigger states, such as the Karbis, Dimasas, Tiwas and Bodos who are part of the bigger state of Assam, the Kukis, Paiteis, Biates, and the various Naga tribes such as the Tangkhuls, Mao, Pumai, Zeliang etc. living in Manipur, the Hmars, Chakmas, Reangs, Lakhers of Mizoram and the Kokborok, darlongs etc. of Tripura. Each of these groups perceives a sense of neglect by the majority ruling elite within their own states. Interestingly even if the rulers themselves belong to a particular ethnic group they hardly accommodate the political articulations of the other smaller groups within the state. This is the dichotomy that needs to be resolved (ibid).

Oinam (2008) argued that the trend of creating autonomy to the extent of having exclusive territories under the political structure of statehood completely on the ethnic line faces some serious repercussions. While the trend carries the philosophy of empowering the marginalised, it has cut into the spirit of plurality and multicultural ethos of the country, raising serious questions on the type of democracy that can be foresees in the coming decades. The strength of plurality and diversity, upon which the country seems to stand, is slowly losing ground, at least in the Northeast.
The concept of Asymmetrical federalism is still debatable. It can be understood to mean federalism based on unequal powers and relations in political, administrative and fiscal arrangement. The ethnic communities of the north eastern states or the national minorities want to remain culturally distinct and politically self-governing societies which Kymlicka (1999) calls ‘national-based units’ and are likely to seek different and more extensive powers and it seem like that demands will arise for some form of asymmetrical federalism. The special status under the asymmetrical federalism gives special status for nation-based units and can be seen as promoting moral equality, since it ensures that the national identity of minorities receives the same concern and respect as that of the majority nation.

For national minorities federalism is, first and foremost, a federation of people as has been practice in their traditional system of kinship and collective decision making process, and decision regarding the powers of federal subunits should recognised and affirm the equal status of the founding peoples. Having diverse ethnic communities, the asymmetrical federalism has provided the North East with a starting point of self-government. However, whether the resulting federal system is satisfactory to national minorities will depend on how the powers are distributed between the federal and these ethnic communities self-governing framework in order to accommodate these divergent aspirations.