

## **The Constitution and Beyond: Negotiating Autonomy for the Plain Tribes of Assam**

**Joseph K Lalfakzuala and Bhupen Sarmah<sup>1</sup>**

### **Abstract**

*The route of the plain tribe's movement has been traced from the colonial period, particularly with the demand for recognition, from the Simon commission to the provincial government including fair proportional representation in the assembly. At the time of framing the Constitution of India the notion of 'autonomy' was arranged for the then Hill tribes of Assam excluding the larger tribal communities living in the plains. Being kept out of the constitutional protection under the Sixth Schedule, the plain tribe seek different means to ensure the protection of their cultural identities and land, negotiating with both the centre and the state. It was in this context that the paper tries to understand the narrative of the plain tribe movement for autonomy which seek for political recognition. In the post colonial context, the movement for autonomy which was consolidated at the initial stages had been distorted in the later stage. Each of the major tribal community aspires to gain autonomy. The paper analyses the process of autonomy movement by the Mising, which ultimately results in the formation of 'autonomous council' under the State acts, different from the Sixth Schedule.*

The instrument of autonomy designed as an integral part of the postcolonial Indian federal structure is inseparable from the logic of colonial interventions in the geographical space known in the colonial lexicon as the 'North East Frontier'. The Bordoloi Committee before the Constituent Assembly proposed the 'Autonomous District Council' with legislative, judicial and executive powers. Initially envisaging as a mechanism for protection of socio-cultural inimitabilities of the ethnic communities of the hill districts of Assam, it was accepted by the Constituent Assembly. However, the idea of Assam as a province of the postcolonial India retained the territorial boundaries of its colonial past, closing the eyes to the logic of linguistic division of the states, the process that started immediately after independence. The structure of autonomy appeared in the form of the Sixth Schedule to the constitution, avowedly with a concern for national security in the changed circumstances caused by the partition. Accordingly, district

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<sup>1</sup> Joseph K Lalfakzuala, (jzuala@yahoo.com) Assistant Professor, and Bhupen Sarmah, (bsarmah64@gmail.com) Professor and Former Director, OKD Institute of Social Change and Development, Guwahati

councils were constituted in 1952 in the United Khasi-Jaintia Hills District, the Garo Hills District, the Lushai (Mizo) Hills District, and the North Cachar and the Mikir Hills Districts uniting both into an 'administrative district', retaining the hills under the 'hegemonic' political control of the Assamese.

The structure of autonomy, however, has to be comprehended with the backdrop of the colonial construction of not only the Hill-Plain dichotomy, but also divide between the tribal and non-tribal. The laws promulgated by the Colonial Government viz., the Scheduled District Act 1874 and the Assam Frontier Tracts Regulation 1880 were instrumental for such divisions. While the former was applicable to the whole of the newly created province of Assam with a perceived notion of 'backwardness', the later was for administration of the frontier tracts or hill districts. Chaube (1971) stressed that the idea of extending the Scheduled District Acts was mainly for the tribal population, which also inhabited the vast areas of the plains. For Hansaria (2010), the necessity of the act lies in the 'removal of uncertainty' with the operation of various laws under the British occupation. Even if there is ambiguity in the working of the Act, the second regulation had clearly demarcated the hills from the administration of the plains. The division had been reinforced by the Government of India Act 1919, which, under section 52A, had put all the frontier areas and the hills of Assam as 'Backward Tracts' leaving out from the constitutional reform (Report on Indian Constitutional Reforms 1925).

Again, with the coming of the Simon Commission, the then 'Backward Tract' was tried to be categorised as 'wholly excluded' by the officials of both Centre and Assam. In fact, this idea of exclusion from the reformed constitution had been encapsulated from the very beginning as to 'safeguard' the hill identity from the plain. In garnering support, the Naga under the banner of Naga Club submitted memorandum to exclude them from the reform (Chasie, 2017). Another hill area, particularly the Khasi-Jaintia Hills had shown mixed reaction on the question of reform. When the Simon Commission (Indian Statutory Commission) arrived in Shillong on January 2, 1929, the cleavage between the traditional chiefs and what (Syiemleh, 1989) called 'middle class' was lime lighted. The apprehension was of losing their rights and 'exploitation' incurred in the form of inclusion in the reform constitution. They also noted that if their right was retained as well as included in the reformed constitution they were "pleased to have them both". The Jaintias also expressed the similar proposal (Syiemleh, 1989). But, JMM Nichols Roy, the then Minister of Local Self- Government of Assam, pushed forth for the Khasi and Jaintia Hills to be included in the reformed (Government of Assam, 1930). With such mixed reaction from the hills or the then backward tracts, the hill districts were divided into Excluded Areas and Partially Excluded areas under the Government of India Act 1935 (under the Constitutional Order of 1936). The former would have no elected representative in the Provincial Council and the

subjects related to it would not be under the provincial ministry. However, the later would have representative and would be under the provincial ministry but the Governor would have 'special responsibility' in the administration.

The colonial divide that appeared as Excluded Areas and Partially Excluded Areas did not decisively influence the envisaged mechanism of autonomy, because the Sixth Schedule included both. Nevertheless, the Sixth Schedule reinforced Hill-Valley dichotomy as it was initially designed for fulfilling the political aspirations of the highlanders alone. It is in this context that the present paper attempts to examine the process, which culminated in making different provisions of autonomous councils for different the plain tribes of Assam. While the Bodos are given autonomy under the Sixth Schedule to the Constitution, some other plain tribes are given autonomous councils through the state legislation.

### **Struggle for Recognition under the Colonial Administration**

The plain tribes of Assam clearly articulated their demand for political recognition as a distinct social category before the Indian Statutory Commission, popularly known as Simon Commission. The Kachari community and Bodo community in the name of Assam Kachari Jubok Sanmiloni submitted a memorandum to the Simon Commission demanding their political recognition as a separate identity (Pathak,2010)<sup>2</sup>. The chief demand made by the tribal delegates to the Simon Commission was for separate electorate and reservation of seats in the various elective bodies (Basumatari; 5 GoI, 2004). This moment, for Barpujari (1998) had shown the division between the Boros from the caste Hindu. Starting with that, the political consciousness among the plain tribes of Assam had gradually taken shape of an organized political movement in the 1930s.

Politically articulating their distinct socio-cultural identity, the plain tribes of Assam, under the aegis of an incipient middle class, inaugurated the era of their organised political movement in 1933 by forming the 'Assam Backward Plains Tribal League', later came to be known as the 'Tribal League'. While "backwardness" was politically articulated to assert cultural exclusivity, it also essentially contested the socio-cultural hierarchy that legitimized an inferior position to the plain tribes *vis-a-vis* the caste Hindu Assamese. Such articulation was crucial at the particular historical juncture when the colonial state was heading towards the enactment of the Government of India Act, 1935. Although the Tribal League, from its inception, remained under the political control of the Bodos, formation of this broad political platform was quite crucial in the given historical context, and it played an important political role for more than a decade to come.

<sup>2</sup>Also see, for plain tribe movement during colonial period, Bodo in particular. Bodolandwatch, "Simon Commission: Tribal League For Reservation In Assembly. Is Bodoland Demand A Saga Of Failed And False Promises?", July 17, 2015. Source: <https://bodolandwatch.wordpress.com/2015/07/17/simon-commission-tribal-league-for-reservation-in-assembly/>. Accessed on October 26, 2017.

Political assertion of the Tribal League resulted in reservation of four seats for the plains tribes of Assam in the Legislative Assembly as per the Government of India Act of 1935. Consequently, four leaders of the plain tribes of Assam were elected to the Legislative Assembly in the general election of 1937. Amidst political instability caused by coalition politics and repeated change of government, the Tribal League with its four elected members entered an agreement with the Congress in 1943 at Shillong, and later helped the Congress to form the government under the leadership of Gopinath Bordoloi (Barooah, 2010). Politically, the agreement was crucial as it not only articulated the political aspirations of the plain tribes, but also firmly placed some of the basic issues pertinent to the communities. The preconditions for supporting the Congress, that constituted the essence of the agreement, included assurance from the Congress to retain the system of separate electorate for the plain tribes, until making provisions for reservation of seats for them proportionate to their population. In addition, the agreement also assured to include the Tribal Communities who embraced Hinduism or Christianity in the Schedule of the tribal people, provided they identify themselves as tribals; and for making adequate provisions for spread of education among the tribal communities. Addressing the question of land, the agreement also sought assurance to make provisions for giving settlement of lands to the landless tribals, particularly to the Miri people (Datta,1993; Choudhury,2007)

The coalition government, however, had to resign in 1939 paving the way for Syed Mohammad Saadullah to form the Government despite not having majority in the house. Consequently, the Tribal League decided to extend its support to form the Muslim League government led by Saadullah in 1939, repeating the same agreement now between Saadullah and the Tribal League in 1940 (Datta, 1993). The renewed agreement, with more emphasis on the question of land alienation, sought commitment of the government to implement the "Line System" required for protection of tribal land. The commitment of the Saadullah ministry to continue with the Line System was crucial, as the Muslim League was critical of the Line System and even a resolution for its removal was initiated in the Assam Legislative Council of Assam in 1937. The resolution was, however, withdrawn after opposition made by the two members of Tribal League (Guha 2016; also cited in Pathak 2010). The main argument behind the introduction of the Line System in 1920 was to prevent the 'immigrants' to further enter beyond the 'line' and to settle them in the 'segregate areas' in order to protect the alienation of the indigenous population (Chakrabarty, 2004; Pathak, 2010; Kar,2013). The system, however, became a political question, as a section of the political leadership demanded its abolition, while wanted to continue with certain adjustment for settlement of the ever-growing immigrant population, but at the same time, reserving land for future expansion of the indigenous population (Rao,1979; Boruah,1980). It was also found that the Line System encouraged corruption and nexus between the 'landholders' and the revenue officials

responsible for drawing the line (Kar,1980; Das & Saikia ,2011). Efficacy of the System was not independent of the initiatives of the district officers, especially the Deputy Commissioner (Rao,1979), nevertheless, lack of political will and apathy resulted in failure of the system to protect the best interest of the indigenous population when it comes to land settlement (Boruah,1980; Misra,1999).

Absence of any sincere attempt to implement the Line System and the gradual opening of land for settlement placed the plain tribes in a vulnerable situation. The ever-increasing size of the non-indigenous was allowed to indiscriminately occupy the available barren land, characterized as wasteland by the colonial state. Commercial interests, especially expansion of the tea sector, necessitated the colonial logic behind construction of the category of wasteland in the early part of colonialism in the Brahmaputra Valley. However, extension of the same logic to the agricultural land later resulted in opening up for settlement of the immigrants for revenue assessment (Guha,1991; Hilaly,2016). In 1936 nine members Line System Committee was formed with the member of the Provincial Legislature to look into the working of the system<sup>3</sup>. On the recommendation of the Committee, in 1939 the Government decided to constitute ‘Protected Areas’ in the Mouza where there was predominant population of backward classes. It was only after independence that the government adopted a resolution to protect the interest of tribal by laying down guidelines for creating Tribal Belt and Block in all the villages with more than fifty percent of indigenous population by adding Chapter X to the Assam Land and Revenue Regulation, 1886 (Barooah,2010). No doubt, the new chapter in the ALRR brought significant change in the Protected Belts and Blocks in term of revenue administration<sup>4</sup>. However, in the post independence context the discourse of plains tribal politics gradually shifted to the question of protection of tribal identity through separate institutional arrangement and then autonomy.

### **The Post Colonial State and Exclusion: Reviving the Movement**

The Constituent Assembly formed two subcommittees under the Minority Advisory Committee to look and plan for the future of the tribal living in the excluded and partially excluded of British India. The Sub-Committee headed by Gopinath Bordoloi was to look into the future arrangement of the Excluded Areas and Partially Excluded Areas (Hill Districts) of colonial Assam and, the other Sub-Committee headed by A.V. Thakkar was entrusted to formulate the future plan for the then excluded and partially excluded apart from Assam. Thus, the tribal communities living outside the two categories were left out of the consideration of the Constituent Assembly. Such that, political aspirations and basic concerns of the plain tribal of Assam remained unaddressed at the time of making of the

<sup>3</sup>For detail see Report of the Line System Enquiry Committee, 3 Volumes, 1938, Shillong: Government of Assam Press. Assam State Archive File No. PHA No. 130 of 1938.

<sup>4</sup>To look into the detail of land system, see the GoA website <https://dlrar.assam.gov.in>.

Indian Constitution, may be with the 'hope' to be assimilated naturally with the greater Assamese society and polity (Rao, 1986 [1967]).

Learning their exclusion from both the Fifth and the Sixth Schedule to the Constitution, Assam Tribal League submitted a memorandum to the Minority Advisory Committee and the Constituent Assembly of India demanding for creation of the Scheduled Areas in the plain districts of Assam for 'socio-economical and educational upliftment' of the Plains tribal (PTCA, 1986). The League demanded an institutional arrangement in the form of a 'Scheduled Tribes Advisory Committee' to advise the State Government 'on all matters pertaining to economic, social and educational development of the Scheduled Areas in the State' (Memorandum submitted by the Assam Tribal League before the Constituent Assembly of India and the Minority Advisory Committee in supplement to the Memorandum of the 20<sup>th</sup> March, 1947 *in* Datta, 1993). The memorandum also contains the issue related to land belonging to the tribal. Since there was no initiative on the part of the Central or the State Government to materialise the institutional protection for the plains tribes, the Assam Tribal Sangha placed another memorandum before Scheduled Areas and Scheduled Tribes Commission of India, 1960-61 under the Chairmanship of U. N. Dhebar. It again reiterated the demand for the formation of Scheduled District by amending the Fifth Schedule.<sup>5</sup>

One of the last collective efforts of the plains tribal's movement for autonomy and separate governance was the formation of Plains Tribals' Council of Assam (PTCA). The idea of forming the Council was first initiated at the meeting held by the tribal leaders on February 27, 1967 which called for 'full autonomy' to 'preserve their language, culture and help them grow according to their own genius and tradition' (PTCA, 1967). The significant of this February meeting was the formation of an Action Committee to travel across the state to mobilise the plains tribal for full autonomy. The February meeting was endorsed by the meeting held on March 18, 1967 and also formed the Plains Tribals' Council of Assam with Biruchand Doley as the first President (Hazarika, 2005). The PTCA drafted their memorandum revisiting all the initiatives taken by the plains tribals for protection and institutional arrangement to submit it to the President of India on May 20, 1967.

There are two important chapters in the memorandum submitted by the PTCA in 1967. First, the term plain tribes as articulated in the chapter two of the memorandum includes all the major tribal groups of the plains of Assam viz., (1) The Bramans of Cachar, (2) the Boro-Kacharis, (3) The Deories, (4) The Hojais,

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<sup>5</sup>Though Advisory Committee was form in 1958 for the welfare of Plains Tribals, it was argue that it was not a statutory body and since it main function was just to give advise. So, Most of the recommendation made by the Committee was never implemented because the Government has no obligation to follow as it is not mandatory (PTCA 1967: Chapter 11).

(5) The Kacharies including the Sonomwal, (6) the Lalungs, (7) the Meches, (8) The Miris and (9) the Rabhas. Second, chapter sixteen of the memorandum articulated for 'full autonomy' to cover the 'predominately plains tribal areas of the northern tracts of Goalpara, Kamrup, Darrang, Lakhimpur and Sibsagar District, including all the Tribal Belts and Blocks of those areas'. The demand for autonomy implied (a) protection of their land, (b) effective check to economic exploitation of tribals by non-tribals, (c) protection of their language, culture, customs, (d) prevention of political domination by the non-tribal over tribals and imposition of anything, which would disrupt their traditions and custom; and to (e) grow according to their own genius and traditions.

The movement for autonomy launched by the PTCA, however, has to be seen in the context of the overall political milieu of the state. On the opposite side, being disappointed by the provision of limited autonomy provided by the Constitution, the political leadership of the Hill districts of Assam intensified their movement for separate state and started political mobilization under the leadership of the Eastern India Tribal Union (EITU) and later the All Party Hills Leaders Conference (APHLC). The creation of Nagaland as a separate state further inspired the movement for greater autonomy, and following the Nagas, the Mizo National Front (MNF) launched separatist movement. The Indian State responded to the movement with the idea of a federal arrangement within Assam. A statement was released on January 13, 1967 to re-organise Assam in the form of an Autonomous State (Mukerjee,1969). The promised dispensation of the Indian State inspired the political leadership of the Plain Tribes to form political organisation inclusive of all the plains tribal communities to push the Government of India to include the demand of the PTCA in the proposed 'federal plan' (PTCA,1967: Chapter 15). The demand for autonomy became a demand for a separate state, 'Udyanchal', in the 1970s, particularly for the Bodo and the Mising who provided leadership to the PTCA (Gohain,1989; Fernandes 1999; Goswami,2001). 'Udayachal Demand Week' was observed from February 27 to March 5, 1986 (PTCA,1987).

### **Distorting the Political Demand for Autonomy**

The movement for autonomy launched by the PTCA though continued in a mild form, the Assam Movement (1979-85) relegated it to the backbench. The acceptance of the creation of a new institutional mechanism, the Tribal Development Authority, by the leadership of the PTCA in 1983 was perceived by another section of the leadership as a political betrayal <sup>6</sup>. Consequently, a new organisation called the United Tribal Nationalist Liberation Front (UTNLF) came in to being on April 19, 1984 to intensify the movement for separate

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<sup>6</sup>Section 2 of the Memorandum to the Prime Minister of India by United Tribal Nationalists' Liberation Front, July 10, 1985, New Delhi (in Datta 1993: 176).

state for the Plains Tribal.<sup>7</sup> The UTNLF till 1988 made continuous demand to the Government of India by submitting memorandums to the successive Prime Ministers for creation of separate state for the plains tribes. However, with a striking difference from the PTCA, the movement for separate state under the UTNLF came under almost exclusive domination of the Bodos. Alongside, the All Bodo Student Union (ABSU) joined the movement for separate state in 1987 further intensifying the movement by proclaiming 'Divide Assam Fifty-Fifty'.<sup>8</sup> When the historic movement of the Plain Tribes, being arrested by the ABSU, became a movement for a separate state for the Bodos, the political voices of the other tribal organisations had been overshadowed.

Comparatively, the movement of the plain tribes, however, had always been inspired by the apparent success of the movements in the hills. With the Assam Re-organisation (Meghalaya) Act 1969, Meghalaya was created as an autonomous state within Assam. It was followed by two simultaneous Acts, the Constitution (Twenty-Seventh Amendment) Act, 1971 and The North-Eastern Areas (Re-organisation) Act, 1971. Under the two Acts, Manipur, Tripura and autonomous state of Meghalaya were granted statehood and Mizoram along with Arunachal Pradesh were made Union Territory. Later Mizoram and Arunachal were granted Statehood in 1987. Though one may think that the political process in the plains and the hills cannot be compared, but still, the apparent success of the later has substantially influenced the movement of the plain tribes. The anguish of the political leadership of the plain tribes is that their aspiration for autonomy has always been ignored. Thus, their apprehension regarding their political existence as distinct ethnic communities amidst the multitude of non-tribal cultural and religious identities caused by unabated influx since the period of colonialism backed their movement for autonomy. However, unlike some of the movements in the hills, especially the Naga and the Mizo, the movement of plain tribes is not for secession from the Indian state (Gohain, 1997). Gohain (1989) has put forth three major reasons behind the tribal movement – first, the discontentment with the colonial state for not granting permanent land rights to the tribes, and the influx of migrant along with the rise of moneylenders. Second, was the negligence on the part of the successive government, both colonial and post colonial, to promote literacy and education. Third, the tribes, particularly the Bodo, are against the campaign for assimilation into larger culture as they felt that it has hampered the preservation of their own culture and identity.

<sup>7</sup>On May 2, 1984 two separate letters were drafted by the United Action Committee of the All Tribal Organisations Convention– One, to sent to Indira Gandhi the then Prime Minister of India to inform her about the formation of the new political organisation i.e., United Tribal Nationalist Liberation Front and its objectives and demands. Second letter was sent to the Election Commission of India to register United Tribal Nationalist Liberation Front as new Political Party.

<sup>8</sup>The Headquarter of ABSU released a document, *Divide Assam Fifty-Fifty (Fifty Three Questions and Answers)*, passed by the Central Executive Meeting on August 23, 1987 at Kokrajhar. A more detail document, *Why Separate State?*, was prepared by ABSU and submitted to the President, Prime Minister and Home Minister of India on November 10, 1987.

Intensification of the movement for a separate state by the ABSU led to the enactment of the Bodoland Autonomous Council Act, 1993 by granting “maximum autonomy within the framework of the Constitution to the Bodos for Social, economic, educational, ethnic and cultural advancement”, within the state of Assam.<sup>9</sup> The provision under the state act soon proved insignificant for the Bodo. The General Council, which was designed to be the highest legislative body under the act was helpless on the ground when the law made by the council is repugnant to the law made by the state legislature, and then the law made by the state shall prevail (For commentary, see Phukan G.C. 1993). With the discontentment on the arrangement of the autonomous council and the desire for separate state, the Bodo movement was rejuvenated leading to large-scale violence. In order to accommodate the political aspirations of the Bodos, a new arrangement was made departing from the ‘district council’ to the ‘territorial council’. Finally, with more executive and legislative powers and functions Bodoland Territorial Council (BTC) was created under the Sixth Schedule to the Constitution (Amendment) Act, 2003.<sup>10</sup>

### Multiple Autonomy under the State

The movement of the plain tribes, which finally culminated in formation of the BTC in lieu of separate state through the process of negotiating peace by the militant section of the Bodo leadership with the Indian State, was preceded by an ad hoc political mechanism with the enactment of the Bodoland Autonomous Council Act, 1993, as indicated earlier. Concomitantly, political aspirations of the other plain tribal communities were sought to be accommodated through similar legislative mechanism, as many of the ethnic communities started articulating their political existence with distinct ethnic identity, and contested hegemony of the Assamese nationality. Autonomous Councils were planned for all the major tribal groups (Baruah & Goswami,1999) by enacting six different statutory autonomous councils under the state Acts. The Autonomous Councils are:

1. **Rabha Hasong Autonomous Council:** It was constituted under the Rabha Hasong Autonomous Council Act, 1995 and amendment was made in 2005 demarcating the areas/constituency and for formation of the legislative and executive functionaries. The area covers almost the entire district of Goalpara except some parts of the revenue circles of Matia, Balijana and Lakhipur.
2. **Mising Autonomous Council:** It was formed under the Mising Autonomous Council Act, 1995 and covers parts of the districts of Lakhimpur, Majuli and Dhemaji.

<sup>9</sup>The Autonomous Council was the outcome of the Bodo Accord signed on February 20, 1993 between the GoI, GoA and All Bodo Student Union.

<sup>10</sup> This Act was the outcome of the Accord signed on February 10, 2003 by the GoI, GoA and Bodo Liberation Tigers.

- 3. Lalung (Tiwa) Autonomous Council:** It was formed in 1995, and it was the outcome of Accord signed between the Government of Assam and Autonomous Lalung District Demand Committee (ALDDC) on April 13, 1995. It covers parts of the districts of Morigoan, Nagaon and Kamrup (M). Its headquarters is at Tiwashong in Morigaon district.
- 4. Deori Autonomous Council:** Its headquarter is at Narayanpur in Lakhimpur district. Since Deori population are living in different places, the areas under the council includes the villages scattered in the districts of Dhemaji, Lakhimpur, Sonitpur, Jorhat, Sibsagar, Dibrugarh and Tinsukia of upper Assam.
- 5. Sonowal Kachari Autonomous Council:** It was formed in 2005 after the signing of the accord between the Government of Assam and the four organisation of the Sonowal Kachari community viz., All Assam Sonowal Kachari Students' Union, All Sonowal Kachari Jatiya Parishad, Sonowal Kachari Yuva Parishad and Sonowal Kachari Autonomy Demand Committee. The area covers the districts of Dibrugarh, Tinsukia, Sivasagar, Jorhat, Golaghat, Dhemaji and Lakhimpur, of upper Assam. The headquarters is at Dibrugarh, Dibrugarh district.
- 6. Thengal Kachari Autonomous Council:** It was constituted in 2005 and the headquarters is at Titabar, Jorhat district.

The first three Autonomous Councils for the plain tribes were constituted in 1995 simultaneously with the formation of BTC while the later three were constituted in 2005 by enactments of the state legislature. The span of ten years is very significant in the history of Assam, particularly to the question of autonomy for the tribal communities. In 1995, apart from the formation of three Autonomous Councils for the Rabhas, Misings and Lalungs (Tiwas), the Sixth Schedule was amended to give additional powers to the Karbi-Anglong Autonomous District Council and North Cachar Hills Autonomous Council by inserting new Paragraph 3A.<sup>11</sup> The delegation of more subjects to both the autonomous councils was also the strategy to pacify the long struggle for a separate autonomous state within Assam under the banner of Autonomous State Demand Committee (ASDC) and Karbi Anglong North Cachar Hills Autonomous State Demand Committee (KANCHASDC) which was formed on May 17 and 25, 1986 respectively (Kumar,1998). ASDC was dissolved on November 30, 2012 and to replace it, Hill Democratic State Party was formed to spearhead the movement for autonomous state as provided under Article 244(A).<sup>12</sup> On the other hand, the granting of autonomous council

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<sup>11</sup> The Sixth Schedule to the Constitution (Amendment) Act, 1995. This amendment is the outcome of the Memorandum of Understanding (MoU) reached between the Chief Minister, Assam and the Autonomous State Demand Committee, Karbi Students' Association, N. C. Hills Students' Federation and Dimasa Students' Union in New Delhi on April 1, 1995 in the presence of Union Home Minister. Notification No. HAD. 57/95/309. Dated December 31, 1996, Dispur, Hill Areas Department, Government of Assam.

<sup>12</sup> Here it is surprising to note that the two districts Karbi Anglong and Dima Hasao opted out of autonomous Hill state i.e., Meghalaya under Assam has now demanded again the same autonomous state under Assam.

to three other tribal communities - Rabhas, Misings and Lalungs (Tiwas), was the outcome of the long standing demand made by these communities to protect and promote their ethnic identity through institutional framework under the state apparatus. Again in 2005 three autonomous councils had been enacted by the state to further accommodate tribal communities in the form of institutional autonomy.

There is an unending debate on the nature of the formation of the six autonomous councils under the state acts. First is the territory to be covered by each council, and second, the question of inclusion and exclusion entailed by the functions of the council as it not only excluded the 'non-tribal' but other tribal communities as well living within the territorial jurisdiction of the council. Thus, in order to clarify the territorial jurisdiction, another amendment was enacted to specify the areas to be covered. First, "Satellite areas" which means "the areas or areas consisting of non-contiguous cluster of villages predominantly inhabited by ST population having 50 % and above as a whole in the cluster and not necessarily in the individual villages". Second, "core areas" which means "the compact and contiguous areas predominantly inhabited by ST population having 50 % and above as a whole in the area and not necessarily in the individual villages". Another change that came along with the amendment in 2005 is that the particular tribe name has been removed and replaced with the term Scheduled Tribes to be more inclusive.<sup>13</sup> Thus, when separate acts were passed for the formation of autonomous council for the Deori, Sonowal Kachari and Thengal Cachari, no particular tribe name has been inserted, instead the word Scheduled Tribe has been used.

The question, nevertheless, is whether such legislative measures could fulfil the political aspirations of the plain tribes. Let us comprehend the political realities taking example of the movement for autonomy launched by the Misings, numerically the second largest plain tribal community of Assam.

### **Aspirations for Autonomy of the Misings**

The movement for autonomy launched by the Mising has a long history, though it cannot be isolated from the movement of the plains tribes of Assam as a whole, as it has already been indicated<sup>14</sup>. The leadership emerged from the community also spearheaded the PTCA movement along with the Bodos. In terms of population, the Misings are next to the Bodo. Like all other major tribal groups, there are different sub-tribe of the Mising with close affinity amongs them ranging their settlement from present Arunachal Pradesh to plains of Assam (Bhandari,1984).

<sup>13</sup>Sec, The Rabha Hasong Autonomous Council (Amendment) Act, 2005. The same is with the Mising Autonomous Council Act and Lalung (Tiwa).

<sup>14</sup>The movement for autonomy had been traced back to the dawn of Independence, May 20, 1947, when North East Frontier Miri-Abor Sanmillan formed by the new educated class of Mising, Abors, Daflas, and Charak communities raised for separate political unit for autonomy (Bora 2014: 65-6).

One of the earliest initiatives to form a common platform for the tribe was the formation of *Mising Bane Kebang* in 1924 by the educated people from the community (Bhandari,1984).

Alongside the joint political movement with the other plains tribes, two important organisations of the Misings, the Mising Mimag Kebang (Mising National Action Committee) and the Takam Mising Porin Kebang (All Mising Students Union) took leadership of the Mising identity politics. The origin of the Takam Mising Porin Kebang (TMPK) can be traced back to 1933 with formation of the as Assam Miri Chatra Sanilan (Assam Miri Students' Conference) which was later renamed as Uttarparia Mising Chatra Sontha (North Bank Mising Students' Union). After Independence, it had merged with other Mising students organisation of both present Arunachal Pradesh and the south bank of the Bahamaputra, and finally emerged as the Assam-Arunachal Mising Students' Union in 1971 (Borah ,2013). The name was changed to All Assam Mising Students Union in 1978 and, finally it came to be known as the Takam Mising Porin Kebang (TMPK) in February 1985.<sup>15</sup> It is interesting to note that since the late 1970s, the political and ethnic movement had been led mostly by the younger generation and thus even among the tribal community, such movements articulated resurgence through the student organisations for political goal (Goswami,2001). In such case, Mising movement for autonomy is not an exception when TMPK accelerated the movement for autonomy of the Mising.

By revisiting the census date from 1871 to 1971, Hussain (1992) attempted to relate the question of ethnic identity of the plain tribes with the process assimilation to the larger composite culture of 'Asamiya nationality. To support his claim, Hussain (1992) argued that the percentage of the plains tribal population of the Brahmaputra valley had fallen from 22.5 per cent in 1872 to 10.7 per cent in 1971, as they were gradually integrated into the larger Asomiya culture. Evidently, the number of speakers of the langue of each tribal group is much leaser than the total number of population. The Mising population according to 1971 census was 2, 59, 551 but the number of speakers of Mising is 1,77, 226 and, the same thing happened to all other tribal communities of the plains (Hussain,1992). However, it is also equally important to note that the number of speakers of Mising language the by 1971 has substantially increased compared to 1951(57, 615) and 1961 (102, 920)<sup>16</sup>. By 1991, the number of speakers had seen tremendous rise to 3,81,562 and the percentage has increased from 1.21 in1971 to 1.70 in 1991 (Census of India 1991, Vol. III, Assam, Part I, also cited in Goswami,2001). This must be seen in the light of the growing ethno-cultural consciousness of the Mising, especially

<sup>15</sup> See,<https://wethemising.wordpress.com/2009/06/30/autonomy-movement-of-the-mising/> accessed on 15 September 2017.

<sup>16</sup> Source: <http://online.assam.gov.in/web/guest%20/people?webContentId=174762> accessed on 15 June 2017.

after the Assam Movement, essentially to contest the politico-cultural hegemony of the Asomiya nationalism. To protect their distinct ethnic identity, the Misings demanded recognition of their language and also to introduce as medium of instruction in the school (Pegu,1998; Bora,2014). By forming the Mising Agom Kébang (MAK), Mising Sahity Sabha or Mising Language Society in April 1972, the Mising attempted to revive their ethno-linguistic identity, placing their movement for autonomy in the backdrop. Therefore, the conscious attempt to revive and assert ethno-linguistic identity is always political and the politics of reconstruction of the Mising linguistic identity cannot be ignored.<sup>17</sup>

The All Assam Mising Students Union, however, reshaped the movement for autonomy, in its Dhakuakhana session in September 1982. Later, after the reincarnation of the students' organization as TMPK in 1985, the movement for autonomy was also renewed through mobilisation of the masses. However, this was to confront with the Mising Bane Kebang, the old parent body of the Mishing society, which did not support full autonomy<sup>18</sup>. As a result, the Mising Mimag Kebang (Mising Action Committee) was formed at the Mising National Convention Held in February 1993 at Jonai in Dhemaji district and, the Mising Mimag Kebang (MMK) along with the TMPK took prompt action for the materialisation of Mising autonomy. The two groups therefore, made a joint declaration in the Mising National Convention held again at Jonai on March 27, 1993 in which they outlined the history of the Mising in Assam along with their anguish and grievances of being neglected particularly by the State Government. Sensing the necessity to address the demand for autonomy made by various plain tribal communities, the state government invited TMPK and MMK for negotiation and proposed the idea of the Mising Autonomous Council (MAC) with the following conditions:

1. There shall not be any definite boundary and compact area for the MAC.
2. Revenue village having 50% or more Mising population would be identified and included unto the MAC.
3. The MAC will not have any legislative power; it will have only executive powers on 34 subjects enlisted under 11th schedule of the constitution of India incorporated after the 73rd amendment.
4. Fund to the MAC would be provided only from the tribal sub-plan of the state.
5. The MAC would be created under a state Act and not under any provision of the constitution.<sup>19</sup>

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<sup>17</sup> For details see, <http://www.misingagomkebang.org>.

<sup>18</sup> See, <https://wethemising.wordpress.com/2009/06/30/autonomy-movement-of-the-mising/> accessed on September 15, 2017.

<sup>19</sup> See, <https://wethemising.wordpress.com/2009/06/30/autonomy-movement-of-the-mising/> accessed on September 15, 2017.

It was, therefore, obvious that the state government attempted to address the demand for autonomy to the Misings without much political commitment and sincerity, as the proposed MAC would be without any territorial boundary, and also it would exclude the Mising people in the villages having less than 50 percent population of the community. Moreover, the mechanism for devolution of fund was highly restrictive as the MAC would depend solely on Tribal Sub-Plan. Above all, the MAC would be created under the State Act. The TMPK and MMK could not concede with the proposal, particularly, the first two points and therefore, strongly proposed for the inclusion of tribal 'belts and blocks' along with the tribal sub-plan areas. In the process of the movement, while the TMPK and MMK initiated to consolidate for more defined form of autonomy, Mising Autonomous Demand Committee (MADC) arrested the movement in favour of the state government proposal for MAC, and also, the MBK entered in between.

While the TMPK and MMK continued the movement for autonomy, the State Government halted the movement by arresting the leaders on one hand and tried for an agreement with the other two groups, MBK and MADC. Finally, a Memorandum of Settlement (Mising Accord) was signed on June 14, 1995 between the Government of Assam and the MADC. Agreeing on the earlier proposal of the state government, the accord defined the structure of the autonomous council for the Misings. Finally, the Mising Autonomous Council Act, 1995 came as a political reality in 1995 and in the same year an interim body of the MAC was formed as authorised by the State government with its headquarters at Gogamukh, Dhemaji. The agreement was recalled by an old man in the interview during the field studies:

*In 1995, during Hiteswar Saikia regime, there was a Bane Kebang conference held at Bilmukh, Lakhimpur. Chief Minister Saikia was supposed to announce the Mising Autonomous Council (MAC) in that conference. As the then MAC was a borderless (satellite) proposition, most of the community organization at once opposed the move. Except the Bane Kebang, rest of the community organizations hesitated the conference, which resulted in a clash in the scheduled venue. Accordingly, Boga Medak and Naresh Taid were killed in police firing on that fateful day of 16th April, 1995. Later, one Anjana Pegu succumbed to death after severe injuries. Since then, the 16th April has been observed as the Martyr Day by the community organizations, particularly by the TMPK (Interviewed with Mr. X on April 30, 2017).*

The TMPK-MMK made continuous deliberations for their demands, including dissolution of the interim MAC, and only at the initiation of the court order that the interim MAC had to be dissolved by the State government on March 11, 1998. This was followed by the signing of the Memorandum of Understanding between

the Government of Assam with TMPK-MMK along with TMMK. The MoU provided for formation of high power review committee, amendment of MAC, required examination for withdrawal of all the police cases pending against the activists of the autonomy movement, election of the MAC within five months after review and amendment of the MAC act.

Structurally, the MAC Act 1995, provided for two important bodies to execute powers and functions. First, according to Section 6 of the Act, the General Council should consist of 40 (forty) members out of which 35 are to be elected while the remaining five to be nominated by the government among the groups residing in MAC areas which are not represented by the MAC. Out of 40 seats, 20 seats are reserved exclusive for the Mising community including six reserved seats for women. It also implies that other 20 unreserved seats are open for all communities residing in the MAC jurisdiction. Similar system has also to be applied in the case of formation of the Village Councils. According to Chapter V (Section 32) of the Act, there will be 10 members in the village council out of which 5 seats will be reserve for the Mising including one seat reserved for woman. In the village councils, there will be a President (Chief) and a Vice President (Deputy Chief) to be elected by the members of the village councils and, Secretary to be appointed by the government in consultation with the President. Moreover, the secretary will be the chief executive of the Village Council to act under the control of the President.

In terms of power and functions, the MAC has ‘executive powers’ on forty subjects specified in Chapter III of the MAC Act 1995, while the Village Council has ‘executive power’ on 29 subjects according to Chapter VI like that of the PRI. According to Chapter IV of the Act, there is a provision for the formation of the Executive Council comprising the Chief Executive Councillor, Deputy Chief Councillor and seven Executive Councillors. Therefore, it is clear that the MAC can only perform executive function, not legislative and judicial, that too under the direction and controlled of the State Government.

Therefore, it is clear that the MAC is far from the demand made by the Mising due to the limitation on side of the state government as well as the nature of the movement. While on the side of the government, the formation of the Mising Autonomous Council cannot be at the cost of all other communities including the other tribal and non-tribal communities. This limitation is not overseen by the Misings themselves, and therefore, separate clause was provided in the MAC Act for the protection of rights of the non-tribal and other ethnic groups.<sup>20</sup>

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<sup>20</sup>The MAC also proposed an amendment to the principal act of MAC which mainly contain the proposed removal for ‘preference being given to Mising community’ also for the protection of non-tribals under Section 66 has been reiterated pertaining to section 19 and 44. Office of Mising Autonomous Council, “Proposed Amendment to the MAC Act (as amended up to 2005), 1995 As unanimously passed by the General Council of MAC”, Gogamukh, Dhemaji.

## **Conclusion**

The geographical space, now comprehended as the 'North East India', became a political reality reshaped by partition. The enigma of the Nation State was, however, to politically integrate the 'trouble periphery', which witnessed parallel (peripheral) nationalist discourse preparing for their own independent political existence dissociating themselves from the envisaged federal structure India (Sarmah,2018). Taking cognizance of the political realities as well as geo-political criticality of the region shaped by partition, the Nation State required specific constitutional technology for political integration of the troubled periphery. Initially, the constitutional provisions were conceptualized under the Sixth Schedule to the Constitution without paying serious attention to the colonial distortions. The Nagas, the primary concern of the Nation State, as it was at the dawn of independence, categorically refused the constitutional mechanism and opted for asserting their identity politics for secession. The political leadership of the other hill societies, though accepted the autonomy provided to them under the Sixth Schedule initially, soon started political mobilization for greater autonomy, either with clearly articulated secessionist ideology or for separate states. The political movements of the hill societies finally culminated in redrawing of the map of Assam, the political question that was ignored by the nationalist leadership at the dawn of independence. As a result, the aspiration for autonomy politically articulated by the hill societies resulted in a departure from the colonial past, and liberated the hill societies from the political hegemony of the caste Hindu Assamese.

The plain tribe of the Brahmaputra Valley, were however, expected to be assimilated with the larger Assamese national identity, and therefore, the autonomy they aspired was completely ignored. Though all the plain tribes came under one political umbrella, the movement they launched was peaceful with a safe distance from secessionism. The hegemony of the Assamese Nationalism, was however, contested by cultural and linguistic identity movement. Taking a lead by the Bodos, now with their reconstructed cultural identity, the Bodos renewed their movement for autonomy with more political vigour. It assumed a militant form, especially in the post Assam Movement period, when the State attempted to politically manoeuvre by providing autonomy to the Bodos under a state legislation. Consequently, the Bodo dominated areas of the Valley experienced large scale violence, which was more inter ethnic in character in the given complex ethnic character of the political space, than against the state, albeit a frail influence of secessionism accompanied the Bodo identity movement especially since 1990s. Finally, the State negotiated peace with a fraction of the Bodo militant leadership and the Constitution was amended to accommodate political aspirations of the Bodos by providing autonomy under the Sixth Schedule to the Constitution.

Political aspirations of the other recognized and numerically significant plain tribes attempted to fulfil through state legislations, essentially in anticipation of conflicts. The state manoeuvre, has largely been witnessed by the kind of political negotiations with certain section of the ethnic leadership, and the example of the movement for autonomy launched by the Misings clearly demonstrates it. Therefore, the question remains, can aspirations for autonomy of the indigenous communities be accommodated in the federal structure of India as a basic principle of inclusive democracy, rather than a mechanism of politically manoeuvred mechanism of peace negotiation with militancy?

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