

## **CHAPTER-III**

### **Tribal Situation in Assam: Historical Prospective**

Ancient Assam

Medieval Assam

British Conquest

Tribal Developmental Policies under British India

A Retrospective View of the Sixth Schedule

Tribal Situation in Assam since Post Independent Period

## **CHAPTER-III**

### **Tribal Situation in Assam: Historical Prospective**

Assam is a miniature India, a veritable melting pot of diverse races, creeds, cultures and religions making it an anthropologist's delight. Many of the principal races of the world migrated to this region in course of time. But due to its geo-political remoteness, the rest of world know very little of Assam. Assam is known as the settling ground for many civilizations. Numerous tribal groups have traveled to Assam through different routes as the land was connected to several states and countries. Negritos, Dravidians, Alpines, Tibeto Burmese and Aryans had been the major races that came and dwelled in ancient

Assam. They were considered as the aborigines of Assam and even today they are an integral part of the Assamese Diasporas.

Situated in the North-East of India, Assam has a glorious history of her own. Popularly known as the ethnological museum of India, Assam has been described as a mini India, having a rich diverse cultural heritage. Assam is described as the eldest of the 'Seven sisters' comprising the seven North Eastern States of the country. It is close to India's international borders with China, Myanmar, Bhutan and Bangladesh. It is surrounded on almost all the sides predominantly by hilly or mountainous tracts - Bhutan and Arunachal Pradesh on the North; Manipur, Nagaland and Arunachal Pradesh on the east; and Meghalaya, Mizoram and Tripura on the South.

### **Ancient Assam**

The region that comprises Assam and the adjoining areas was called Pragjyotisha in ancient times, as mentioned in the Indian epic of Mahabharata. The land was populated by kiratas and chinas, generally believed to be people with Asian features.

### **Medieval Assam**

Medieval Assam was known as Kamarupa or Kamata, and was ruled by many dynasties. Chief among them was the Varman Dynasty. During the greatest of the Varman kings, Bhaskarvarman, a contemporary of Harshavardhana of Kanauj, the Chinese traveler Xuanzang visited the region, and recorded his travels. The other dynasties that ruled the region were the Kacharis, the Chutias etc. that belonged to the Indo-Tibetan groups.

Two later kingdoms left the biggest impact in the region. The Ahoms, a Tai group, ruled eastern Assam for 600 years; and the Koch, a Tibeto-Burmese Dravidian group that ruled western Assam and northern Bengal. The Koch kingdom later split into two. The western kingdom became a vassal of the Moghuls whereas the eastern kingdom became an Ahom satellite state. In spite of numerous invasions from the west, mostly by Muslim rulers, no western power could establish its rule in Assam till the advent of the British. The most successful invader was Mir Jhumla, a governor of Aurangzeb, who briefly occupied Gargaon the then capital of the Ahoms (1662-1663). But he found it difficult to control the people who carried on guerilla attacks on his forces and he and his army had to leave the region. The last

attempt by the Moghuls under the command of Raja Ram Singh resulted in the victory for the Ahoms at Saraighat (1671) under the Ahom general Lachit Borphukan.

### **British Conquest**

Ahom palace intrigue (and political turmoil resulting from the Moamoria rebellion) aided the expansionist Burmese ruler of Ava to invade Assam and install a puppet king in 1821. With the Burmese having reached the doorsteps of the East India Company's borders, the First Anglo-Burmese War ensued, in which Assam was one of the sectors. The war ended with the Treaty of Yandaboo in 1826, and the East India Company took control of the region. The British subsequently annexed adjoining areas to the original occupation and called it the Assam province. At the time of independence of India, it consisted of the original Ahom kingdom, along with the present North East Frontier Agency, Naga Hills, original Kachari kingdom, Lushai Hills, and Garo, Khasi and Jaintia Hills. Of the Assam province on the eve of Independence, Sylhet chose to join Pakistan after a referendum, and Manipur and Tripura became Group C provinces. The capital was Shillong.

## **Developmental Policies under British India**

During the East India Company's days in the hill areas of the present North-East India formed a part of the Rongpur District. Following the recommendations of Mr. David Scot who was sent to Assam with a contingent of soldiers by the East India Company to put an end to the atrocities perpetrated on the people of Assam by the Burmese soldiers, the North-Eastern Hill Areas were separated from the Rongpur District. The administration of these areas was then placed under the special charge of an officer called Civil Commissioner of North-East Rongpur. The newly conceived administration of these areas was known as the Non-Regulated System. Under this system the powers of the Collectors, Magistrates and Judges were in the same hands.

Section 52 A (2) of the Government of India Act 1919<sup>1</sup> provided that the Governor General in Council might declare any territory in British India to be a Backward Tract and on such declaration being made, further direct that any Act of India legislature shall not apply to the territories in question or shall apply subject to such exception or modification as was thought fit. Under the above section of this Act, almost all the hill areas of the then Province of Assam were declared as

Backward Tracts. These areas beings excluded from any reforms banning the Central as well as Provincial Legislature enacting any laws for these areas. Proposals for expenditure in these areas were not required to be submitted into the Legislature for voting. Not only that, in the Provincial Legislature nothing regarding these tracts could either be discussed or questioned. Some portions of the Backward Tracts were, however, not wholly excluded from the applicability of any Act of the Provincial Legislature. But here also this would be determined by the Governor in Council and the Governor of the Province.

The Indian Statutory Commission commonly known as the Simon Commission recommended more or less the same line of administration for the Backward Tracts as was contemplated under Section 52 A (2) of the Government of India Act 1919. The Government of India Act 1935, based on the recommendations of the Simon Commission, had done away with the terminology of Backward Tract and rechristened these areas as "Excluded Areas" or "Partially Excluded Areas". So far as the administration of the above two areas was concerned, the Governor of the Province ware entrusted with very high

powers. The "Excluded Areas" were completely kept outside the purview of the Provincial Legislature and these areas were to be administered by the Governor of the Province himself at his discretion. So far as the "Partially Excluded Areas" were concerned, the administration of these areas was the special responsibility of the Governor of the Province. First he had the right to accept or reject the advice of the concerned Minister in his individual judgment. Secondly, the advice of the Minister was not necessary in matters within the discretion of the Provincial Governor. Thirdly, no Act of the Central or Provincial Legislature could apply to these areas unless the Governor would apply with such modifications and exceptions which he deemed fit. Lastly, the Governor with the prior approval of the Governor General was also empowered to make regulations for the peace and good government in these areas.

In pursuance of the Section 91(1) of the Government of India's Act 1935<sup>2\*\*\*\*\*2</sup>, the Governor General promulgated the Government of India (Excluded and Partially Excluded Areas) Order, 1936. As per this Order the areas were included in the schedule dealing with Excluded Areas are (i) North-East Frontier (Sadia, Balipara, Lakhimpur)

Districts, (ii) Naga Hills District, (iii) Lushai Hills District, (iv) North Cachar Hills Subdivision of Cachar District and the areas were included in the Partially Excluded Areas are (i) Garo Hills District, (ii) Mikir Hills in Nagaon and Sibsagar District, (iii) The British portion of the Khasi and Jaintia Hills District other than Shillong Municipality and Cantonment areas.

Now from the above analysis it has now become clear that the territories which had earlier formed a part of modified backward tracts under the Govt. of India Act 1919 were regarded as “Excluded Areas” or “Partially Excluded Areas” under the Govt. of India Act, 1935.

### **A Retrospective View of the Sixth Schedule**

The special treatment of the hill communities dates back to the sixties of the 18th century when the East India Company was entrusted with the superintendence of all laws and the collection of all revenues. The North East region was brought under the British supervision in matters of trade and commerce. Because of the rich natural resources the region attracted the special attention of the British authorities of Bengal particularly from the date of grant of the Dewani of Bengal to Robert Clive in 1765. Captain David Scott was sent to the Garo Hills in

1815 who submitted his report in 1816. As per the report the Governor General in Council appointed a Civil Commissioner of North East Rongpur. Regulation X of 1822 was passed for administration of the areas of North Eastern India. The Government of India Act 1833 under the British East India Company passed laws affecting these areas. The Government of India Act 1870 extended the jurisdiction to the Assam Valley, Hill districts and Cachar.

The Scheduled Districts Act was passed in 1874 and a Chief Commissioner was appointed for Assam in that year. In fact, the 'Scheduled Districts' Act may be treated as mother of the Sixth Schedule as special administration was recommended under the Act for 'those remote or backward tracts of provinces of British India Which had never been brought within or had from time to time been removed from the operation of the general acts and regulations and jurisdiction of ordinary courts'. The Chief Commissioner of Assam was empowered to exclude any part of 'Scheduled District' from the operation of the Act. Later on, in 1918 the Montagu-Chelmsford Report opined that 'there was no material on which to found political institutions' (Tupper). The Government of India Act 1919 incorporated

the recommendations of the said Report and empowered the Governor General in Council to declare any territory in British India to be a Backward Tract under Section 52 A (2) of the Act. As per the provision of the Act the Governor General in Council declared the following tribal areas as 'Backward Tracts':

1. The Garo Hills District
2. The British portion of the Khasi and Jaintia Hills District other than the Shillong Municipality.
3. The Mikir Hills (in Nowgong and Sibsagar districts)
4. The North Cachar Hills (in Cachar district)
5. The Naga Hills district
6. The Lushai Hills District
7. The Sadiya Frontier Tract
8. The Balipara Frontier tract
9. The Lakhimpur Frontier Tract

The Sixth Schedule was enacted to administer these territories. These were non Regulation areas and were brought under simplified judicial and administrative procedures of a special law. This special treatment continued till passing of the 1935 Act. The tribal people of

these areas enjoyed security of land freedom to maintain traditional life and culture and customary practices. However, some changes were made in the Government of India Act 1935 and accordingly these areas were designated as Excluded and Partially Excluded Areas. The Mikir Hills were brought under Partially Excluded Areas. The Mikir Hills in Nowgong and Sibsagar districts contained sizable non tribal people. The administration of these Partially Excluded Areas was vested in the Council of Ministers subject, however, to the Governor exercises his individual judgment. This arrangement of provincial Government continued till 1937. The Cabinet Mission 1946 recommended special attention for these areas in the Constituent Assembly.

Now let us have a look at the factors which had inspired the Sub-Committee headed by Gopinath Bordoloi to conceive the Sixth Schedule provision for the hill areas of Assam. These can be ascertained from the Constituent Assembly Debates on the Sixth Schedule provisions by the founding fathers.

In the Constituent Assembly debates, Gopinath Bordoloi, the Chairman of the Sub-Committee explained in clear terms the background in which the draft of the Sixth Schedule was prepared. He

stated that the problems of the hill areas of Assam which were entirely excluded areas in the sense that none from the plains could go there and contact the tribal people, were quite different from the problems of those areas which were brought under the regular administrative measures of the British Government. During the Second World War, some of these were under war-zones. During war times some military officers engaged in these areas to fight against the Japanese and the British administrators posted there infused in them a sense of separation and isolation. They assured the tribals that as soon as the war was over, they would have their independent states managing their own affairs according to their own way. Bordoloi strongly argued that instead of using brute military force, a method should be used in which willing co-operation from the people could be obtained by the government for the purpose of governing these areas. Drawing the attention of the Hon'ble Members he had also pointed out the manner in which even the murder cases had been decided by the village Panchayat. Democracy prevailing in village administration and the manner in which the different community works were distributed among the people of different age groups in the village were simply

marvelous according to Bordoloi. He strongly argued that tribals should be allowed to develop themselves in their own way.

Mr. J.J.M. Nicholas Roy, a Member of the Sub-Committee participating in the Constituent Assembly Debate on the draft of the Sixth Schedule stated that the hill districts inhabited by tribal hill people would under the Constitution of India be able to develop themselves in their own way without disturbing the main purpose of unity underlying the Constitution presented in the draft. He further stated that these tribes had been self-governing bodies, though small, from time immemorial.

A.B. Thakkar, who was also a Member of the Sub-Committee headed by Gopinath Bordoloi, participating in the Constituent Assembly debate on the draft Sixth Schedule supported the views adduced by Bordoloi. He said that the best way to keep the frontier people satisfied was to give them certain measures of self-government so that they might develop according to their own genius and culture. He opined that the advancement of the hill tribes could not be achieved by force. He further argued that advancement would be accepted by them only when they would see something more than

what they had. Appreciating the village panchayats he said that they were better than the regular courts. The hill tribals, therefore, should not be good for them according to their own way.

Even a politician like Syed Muhammad Saadulla who headed the Council of Ministers of the Province of Assam during the pre-independence day twice and who vehemently expressed his disliking to the Sixth Schedule itself in the Constituent Assembly debate had highly praised the hill tribals. According to him the hill tribals are the most democratic of all democratic people. Their native chiefs are elected by all the people in their territory by adult franchise. These chiefs are only territorial chiefs. They have no right over land. The land belongs to the people. Thus Syed Saadullah had pointed out two major aspects of the hill tribals of Assam, namely, the practice of democracy and the community ownership of land.

The analysis given above clearly shows what inspired the Members of the Sub-Committee to draft the Sixth Schedule to the Constitution applicable only to the Excluded and Partially Excluded Areas of Assam and the north-east frontier tribal areas.

In drafting the Sixth Schedule to the Constitution of India Gopinath Bordoloi and the three other Members of the Sub-Committee had conceptualized the following few facts:

- (a) Recognition of the distinctive culture of the hill tribals in respect of their social customs, traditional organizations, religious beliefs, dialects/languages, the mode of their living and methods of cultivation, etc, all of which can be termed as their own ways of life.
- (b) Adequate protective measures against exploitation of the people from the plains on account of their superior organization and experience in business. The hill people are afraid of the fact that if suitable provisions are not made to prevent the plains people from acquiring lands in the hill areas, large number of them will settle down and they will not only occupy land belonging to hill people but will also exploit them in non-agricultural professions like money lending, etc.
- (c) Assimilation cannot take place by sudden breaking of the traditional tribal institutions and by imposing on them a different and alien system. The evolution of growth must be

based on old foundations. In other words evolution should come as far as possible from the tribal people themselves.

(d) Adequate protection on the above quoted matters and such allied ones can only be achieved by transferring the management and administration of these matters entirely to the hands of the people. This can be termed as self-governance.

To achieve these objectives, the provisions under the Sixth Schedule to the Constitution of India have provided the Autonomous District/Regional Councils with wide range of Legislative, Executive, Financial and Judicial powers. After independence special provisions were made under the Sixth Schedule of the Constitution for the administration of the tribal areas as per recommendation of the North East Frontier Tribal and Excluded Areas Sub Committee of the Constituent Assembly of India. The committee favoured autonomous administration enabling the hill tribes to maintain their traditional socio-religious beliefs and practices, customs and traditions and modes and morals as these are distinct traits of their culture and preservation of these traits will enhance national interest. Besides, the autonomous system would protect the tribals from exploitation of the people from

advanced areas. The assimilation process was considered to be detrimental to the national integrity and unity. It was intended to bring the simple, unsophisticated tribals to the mainstream in a gradual process. Development programmes should be implemented in these areas in such a manner so that the tribal people should feel pride to become citizens of India.

The hill tribal communities of Assam by their special status under the Sixth Schedule of the Constitution of India possess certain special characteristics in contrast to those of other ethnic groups of Assam. The Sixth Schedule to the Constitution of India was designed to confer autonomous status to the most backward hill tribals in order to bring these communities at par with other comparatively developed people of the country. The hill tribal people of Assam have been endowed with local self government forming District Councils with autonomous powers to make laws and rules on various subjects under para 20, Part-I (Assam) of the Sixth Schedule<sup>3</sup> constituting North Cachar Hills District and the Karbi Anglong district of Assam.

**Tribal Situation in Assam since Post independent Period**

From the beginning, the self-determination aspirations in the hills are political in nature. The Nagas, the Mizos, the Khasis Jayantias-Garos, the Karbi-Dimasas all began their assertions with a more or less definite political idiom. On the other hand, plains men belonging to number of smaller ethnic groups of mongoloid origin, who were most popularly known as plains tribes, had to begin their assertions mainly with apparently non-political focus- safeguarding cultural identity, preservation of language, choice of a script, instruction through mother tongue, continuation of English as medium of instruction in higher education etc. Later the above all demands had become their political demand to maintain a separate political identity. Thus identity consciousness among these smaller tribal groups was no doubt the result of their tradition but it acted too as a defense mechanism against the designs of legitimizing a system of deprivation which they thought was victimizing them to a point of no return.

The ethnocentric nature of the State sponsored development has been a major factor in creating rifts in poly-ethnic Assam and has played a major role behind the emergence of hills and plains movements. The backwardness felt by the plains and his tribes were

expressed by the emergence of political activities of the so-called newly born tribal leaders in the various pockets of the hills and plains. Much of the plan fund and fund of the central development schemes/programmes have been channelized for the development of the certain plain areas particularly for the Brahmaputra Valley. Thus the developmental inputs in both the hills and plains tribal dominated areas were very significant. This attitude of indifference to the acute problems of the region has been cycled repeatedly by the Assamese bourgeoisie towards the non Assamese ethnic groups in general and the hill people in particular.

The emerging tribal elites in the hills and plains increasingly became disillusioned with the provisions of the Sixth Schedule of the Indian Constitution. The historical backwardness of the hills and plains areas, perpetual property especially in hill areas like Karbi and NC Hills that permeated the hill communities and the ethnocentric attitude of Assamese ruling class led the educated tribal elites to think of their own development in terms of more political autonomy. Full fledged autonomy is seen to be only means to achieve economic

development among the different ethnic groups of the plains and the hills.

The concept of tribal development emerged primarily in response to economic backwardness and negative discrimination of Assamese ruling class, who also attempted to establish their cultural hegemony over the other ethnic groups through their linguistic symbol. The alignment and realignment of ethnic groups over time for their representative group interests have made it more difficult for the respective Government of Assam to keep the political or communal integrity of the State intact. In the process, latter on the hill areas like Karbi Anglong and NC Hills became volatile and stood as stumbling block in the uniform administration of the State Government. Gradually, The Assam and its adjoining hills started fighting for their own rule, power to fulfill their aspiration and interest.

Due to specific historical and administrative tradition the self determination aspiration in the hills has been from beginning political in nature. The Nagas, the Mizos, the Khasi-Jaintias-Garos, the Karbi-Dimasas all begin their assertions with a more or less definite political idiom. On the other hand, plainsmen belonging to a number of smaller

ethnic groups of mongoloid origin, who latter on came to be known as plains tribals had to begin their assertions mainly with apparently non political focus-safeguarding cultural identity, preservation of language, choice of script, instruction in higher education etc.

Thus after a serious of meetings and representation made by the leaders of Karbis and Dimasas of these two regions, on February 2, 1970 the separate civil district on NC Hills<sup>4</sup> was inaugurated. This was obviously done as a part of the appeasement policy to keep them in Assam.

It can be understood that unlike hills the first concrete plains tribal aspiration may be traced back to January 4, 1929 when four memorandums were submitted to the Simon Commission. However, proper autonomy aspiration of the plains tribals required about four decades to be articulated and in fact on February 27, 1967 when the birth of Plains Tribal Council of Assam a distinct phase begin.

Plains Tribal Council of Assam, which stood for the Barmans of Cachar, the Bodo Kachari, the Deori, the Hojais, the Kacharies including the Sobowals, the Lalungs, the Meches and the Rabhas, submitted a memorandum to the President of India on May 20, 1967

demanding full autonomy in the predominated plains tribal areas of the Northern tract of Goalpara, undivided Kamrup, undivided Darrang, Lakhimpur and Sibsagar districts including all the tribal Belts and Blocks so that the tribal can

- (a) adequately protect their land,
- (b) give effective check to economic exploitation of tribals by non-tribals,
- (c) conserve their language, culture, customs and what is best in them,
- (d) prevent political domination by non-tribals over tribals and imposition of anything which would disrupt their traditions and customs and
- (e) grew according to their own genius and traditions.

In 1980s and 1990s this tribal movements got extreme momentum. Especially in Bodo dominated areas, the All Bodo Students' Union (ABSU) took the leading role who was best inspired by the Assam Accord (1985). Finally, it drew the attention of the Government of India and the State Government as well. In 1993 an Accord was signed between the Union Government and the ABSU

leaders and thus Bodoland Autonomous Council was formed. This Council too could not fulfill the aspiration of the Bodo and new movement activities again rocked the Northern part of the Brahmaputra Valley which took numbers of life. These activities continued for about eight years and in February 2003 during the first term of the Tarun Gogoi Government, the Bodoland Territorial Council (BTC) Accord was signed to end the one-and-a-half decade long Bodo movement.

Similarly the plain tribal communities of Assam had been demanding autonomy under Sixth Schedule of the Constitution of India. Accordingly the Government of Assam had also made earnest efforts to provide more power of self governance to different tribal and ethnic groups within Assam, so as to bring about speedy development in the areas inhabited by the tribal groups. Towards this end series of discussion were held with the different tribal groups and subsequently three Autonomous Councils were created by State Acts namely (1) Mishing Autonomous Council, (2) Tiwa Autonomous Council and (3) Rabha Hasong Autonomous Council in the year 1995. In the year 2005 more power were conferred to the Autonomous Councils and three

more Autonomous Councils were created namely, (1) Deori Autonomous Council, (2) Sonowal Kachari Autonomous Council and (3) Thengal Autonomous Council.

### **Notes and References**

1. Guha, A.: "Planter Raj to Swaraj-Freedom Struggle and Electoral Politics in Assam, 1826-1947", New Delhi, 1977, p.213.
2. Ibid. p.213.
3. Pylee, M.V.: "India's Constitution", S. Chand and Company Ltd., New Delhi, 2005, p.323.
4. North Cachar Hills is a land of sensuousness. The population of the district comprises of various tribes & races who maintain their own dialect, culture, customs & usages. Apart from various tribes, non-tribals also account for a sizable amount of the population.

\*\*\*\*\*