

CHAPTER-V

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CHAPTER-V

Tribal Development and Legislative-Executive Actions Issues and Programmes

Issue of development in a region densely populated by tribal people assumed great significant in a country like India. Development demands not only development of all regions but even development of the whole region. But the location and the demographic position demands special care and treatment both at the policy making and policy implementation level. This is the problem area for any development exercise. Geographic location of the tribal inhabited people of Assam offers a peculiar situation where a multi- dimensional

development effort is needed to address the problem. The increased emphasis on welfare administration and balanced regional development in post-independent India demanded more and more attention to be paid to the development of tribal and rural areas. In Assam, process of tribal development however, started very late. The tribal areas of Assam remained unaffected by progress till independent. After the independence, too, the policies were to maintain an utmost restraint or upset the tradition and culture of the tribal people. As a result developmental works were at a very low pace.

I

Issues of Tribal Development

1. Demand for ST Status

Assam maintains two scheduled tribe lists. One for the Autonomous Hill Districts of Assam called Hill Tribes and another for Plain Tribes of Assam¹. One of the many contentious issues in Assam is the longstanding demand of various communities, tribal and non-tribal, for a modification of their present status. The Hill Tribes are so recognized only in the two Hill districts of Karbi Anglong and North Cachar Hills that have

remained part of Assam; and the Plains Tribes are so recognized in the Plains Districts of the Brahmaputra Valley and Barak Valley. The Bodo (Plains Tribe) is not recognized as a tribe in Karbi Anglong, which is a Hill district; and correspondingly, the Karbi (Hill Tribe) is not recognized as a tribe in the Plains Districts of Assam.

The Adivasis who are popularly known as tea tribes in Assam also have long been demanding ST status. A few more ethnic communities have also been demanding ST status. The failure of the Government of India to take concrete decisions on the issue of including six communities of Assam in the list of scheduled tribes has now snowballed into a major controversy and the agitations by different organizations representing the communities have been turning violent, which is threatening to disturb the social fabric of Assam. It is paradoxical that a section of bureaucracy and polity in the government has been acting as hindrance in granting ST status to the Adivasis on the ground that they are not indigenous to the area, but have all migrated

into Assam to work in the tea plantations since the last 200 Years.

The communities making demand for up gradation to ST status is Ahom (also known as Tai-Ahom), Chutia, Matak (Motok), Moran, Koch Rajbongshi (also known as Sarania Kachari) and Tea Garden Labour and Ex-Tea Garden Labour. Altogether 28 communities are listed as OBC in Assam, including Tea Garden Labour and Ex-Tea Garden Labour that are collectively called Adivasi now. This category (No. 26 in the official list of OBCs, under the head 'Tea Garden Labourers, Tea Garden Tribes, Ex-Tea Garden Labourers and ex-Tea Garden Tribes), has 96 sub-categories, some of whom clearly have or have had tribal status. Since Tea Plantation Labour has always been organized and Ex-Tea Plantation Labour lives in proximity to the plantations, estimates of their population, at about 20 lakhs, may be a close approximation to reality. They thus constitute the third numerically largest community in the State, after Hindus and Muslims.

The tea tribes, being basically labours, live in villages, inside tea-estates established by tea-planters. These estates are located in interior places and this contributes to the backwardness and exploitation of them by the tea-planters. The workers, in a way have to live with the basic facilities provided by the tea-planters. The tea-planters, usually exploit the tea-tribes every possible way. Violence and agitation of labours against the management is common, where the state machinery normally protects the tea-planters. Non-education, poverty, addiction of males to country-beer, poor standard of living and health facility is the problems in their life. There are instances when tea-planters do not even supply the life-saving drugs when workers are dying out of epidemics.

2. Level of Literacy

The literacy percentage of the tribal communities of Assam is 62.52 as per 2001 census, which is slightly less than the total literacy percentage of Assam i.e. 63.25. The dropout tribal students in the primary and high school level are very high. There is very low percentage of the tribal students who pursue

higher education and other technical education in spite of the various welfare measures taken by Government for the tribal people in educational sector. The tribal people have not taken the advantage of the schemes like pre-metric scholarship, post metric scholarship etc. Only a small section of the tribals have taken the advantages of the reserved quota of seats in higher education and other technical educational institutional and have settled in their life.

3. Economic Position

Economically they are very poor. Majority of them lives below poverty line. Plain tribes practice wet cultivation for their livelihood. But land holding pattern per tribal family is very low. Moreover, flood affects their paddy, which is a common phenomenon in Assam. Hill tribes practice Jhum cultivation also known as slash and burn cultivation. Jhuming same plot of land over the year losses its fertility. Moreover, to prepare a jhum field, they need to cut tree clear forests which are very dangerous from the ecological point of view. Needless to mention that forest is the life of tribal people. Tribal people and forest have a

symbiotic relationship. The gap in infrastructure in the tribal areas vis-à-vis the rest of the country is widening at a much faster rate. For example, while on the one hand the quality of roads, healthcare services, telecommunications, distribution of power, drinking water supply, education, etc. are improving in the country through participation of the private sector, conditions are deteriorating in the tribal areas due to poor maintenance of existing assets.

4. Rising Ethnic Conflicts

Hill areas of Assam are miniature of Assam in terms of its ethnic diversity and its share of ethnic conflicts. The key ethnic groups residing in are the Dimasas in Dhansiri and Mohendijua area, Bodos in Langhin area; Kukis, Thadous and Hmars in Singhason and Koilamati areas, Tiwas in the areas bordering Nagaon and Morigaon District, Garos in Hamren Sub-division, Man-tai speaking community inhabiting in Bokajan Sub-Division, Khasis in 7 Hamren Sub-Division, scattered population of Chakmas mostly in Borlangphar area and Rengma Nagas in Nilip Block area. The demands of the various tribal groups illustrate the

nature of the conflict over land and resources. The two hill districts of Karbi Anglong and North Cachar Hills in recent areas have witnessed a series of ethnic conflicts.

5. Insurgency Problems

Insurgency problems are one of the major constraints in the development of the STs in the hill areas of Assam. The hill areas of the State are based of number of extremist groups. One such group of such alleged killers calls itself United People's Democratic Solidarity (UPDS), and claims to defend the interest of the Karbi people, the majority population in the Karbi Anglong district. The other group, called Dima Halim Daogah (DHD), meaning Dimasa National Defense Force, claims to represent the interests of the Dimasa, the majority population in the neighbouring North Cachar Hills.

6. Problems of Tribal Identities

The demand of the two autonomous Hill Tribe districts, Karbi Anglong and North Cachar Hills, for their constitution into an 'autonomous state within Assam' under Article 244-A of the Constitution is one of the most complex issues, though

superficially of concern only to the Autonomous Districts. Hemanta Biswa Sharma, the health minister of Assam on March 25th, 2010 announced in the assembly that the proposal will be sent to the centre to facilitate formation of a state within a state in accordance with the Article 244 (A)² of the constitution of India for Karbi Anglong.

He said that the Union Government and the Government of Assam have been engaged in negotiation with the representatives of the United Peoples' Democratic Solidarity (UPDS) on the demands placed by them at the official level. On March 24th, 2010, the UPDS negotiation team met the Chief Minister and presented a memorandum detailing the need for political intervention in order to expedite the State government's recommendation on their demand for the creation of state within the State under Article 244 (A), direct funding of the hill areas, parity of per capita fund allocation as compared with Mizoram and Meghalaya, change-over of medium of instruction to English in educational institutions, creation of three more districts in Karbi Anglong, establishment of tribal village

councils and others. Therefore, the Government has decided to constitute a Ministerial Committee to examine their demands including the issue of state within the state as per Art 244 (A) and send its recommendation to the Union Government within a period of two months with a view to confer the highest possible autonomy to Karbi Anglong to ensure return of permanent peace.

7. Absence of Panchayati Raj Institutions

The 73rd Amendment of the Constitution has added the Eleventh Schedule which lists 28 subjects as coming within jurisdiction of the Panchayats. The Legislative Assembly of Assam enacted the Assam Panchayati Raj Act, 1994 and the three-tier system was extended to all the rural areas except for the areas under the autonomous councils. The autonomous councils of Karbi Anglong and North Cachar Hills have, however, neither accepted the panchayat bodies nor taken any step for devolution of powers from the district. In the absence of any elected body such as regional councils or village councils, the autonomous councils pretend to reach the people at the grass-

root through nominated gaon-buras who are relics of the colonial era.

8. Lack of Fund

The population of the two hill districts (Sixth Schedule areas) of the State is 10 lakhs. As compared to this, the State of Meghalaya, Nagaland and Mizoram, which were carved out of Assam earlier, have a population of 23 lakhs, 20 lakhs and 9 lakhs respectively as per the 2001 Census figures. The plan assistance received by the two hill districts of Assam (Rs. 286 crore in 2006-07) is comparatively far less than the plan assistance received by Meghalaya (Rs. 800 crore), Nagaland (Rs. 685 crore) and Mizoram (Rs. 620 crore)³. This has resulted in slow development of these areas, generating support for extremist activities and demand for separate statehood. The tribal population in the plain districts of the State is around 27 lakhs, which is comparable to the population of the State of Meghalaya. The plan funds available to Meghalaya are far more than the investment for the tribal population under the State Plan of Assam. It is therefore necessary that the special assistance to the

tribal sub-plan be suitably increased so that the per capita investment in these tribal areas can also be brought at par with the State of Meghalaya.

9. Diversion of Central Fund

Minister for Tribal Affairs has warned Assam government against diversion of fund meant for tribal development. Mr Jewel Oram, Union Minister for Tribal Affairs, during his visit in Assam on October 27, 2010 expresses concerned about the diversion of funds meant for uplift of tribals in Assam and that the Centre had asked the State Government to submit quarterly progress report on utilization of Central funds, failing which such funds meant for the State would be diverted to support tribal development projects in other parts of the country. Ministry had decided to provide funds to Assam only against specific tribal development projects to be submitted by the State Government. State Government is taking advantage of the fact that there is no Integrated Tribal Development Project (ITDP) in Assam and funds meant for tribal development were conveniently diverted to other heads. Central government provides funds all over the

country under the ITDP through financial corporations. But in Assam, the fund is disbursed through two agencies both of which are very tardy in submitting accounts.

Unless the fund is directly given by the Central Government to the councils, the councils' authorities cannot be made accountable; and unless the councils' authorities are made accountable for all the expenditures made, the system is bound to fail. Hence, the pattern and quantum of funding of the present hill area of Assam need to be completely overhauled and made at par with the States of Mizoram, Meghalaya and Nagaland, being a part of a shared geo-political history; meaning that all the expenditure of the Autonomous Councils must be defrayed from the revenues collected within the Autonomous Council areas and supplemented and complemented by the Grants-in-aid of the Central Government, award of the Finance Commission, etc. and the required funds must be directly deposited in the accounts of the Autonomous Councils, so that controversies over release of fund, quantum of the allocation and proxy spending of the funds by Dispur are eliminated. If the Central Government has

gracefully borne the burden of Mizoram, Meghalaya and Nagaland, the Hill Areas of Assam deserve the same treatment considering the common geo-political history of the said areas.

II

Policies and Programmes of Tribal Development

The state covers 78,483 sq. Km areas out of which Tribal Sub-Plan (TSP) areas are 10,991 sq. Km. There are 524 nos. of forest villages with a total population of 1, 60,179 out of which 20,694 nos., are ST families⁴. There are 26 sectors under TSP in Assam. There is also provision for special central assistance under TSP. There is advisory council for ST (Plain) people headed by the Minister of Welfare of Plan Tribes & Backward Classes Department (WPT&BC). The M.L.As and M.Ps belonging to ST (Plain) are the members of the advisory council. The Project Implementation Committees (PIC) is responsible for selection of beneficiaries at the project level. There is a Monitoring and Coordination Cell under TSP for monitoring the implementation of schemes. The schemes under family oriented income generating schemes (FOIGS) are being implemented under various departments. During 10th Five Year Plan period (2002-2007) flow to TSP is 6.85

percent i.e. Rs. 52,250.00 lakhs against State General Area allocation of Rs. 78, 68,243.00 lakhs. Since 2002 – 2003 (under 10th Five Year Plan) to 2005 – 2006 (up to September, 2005) an amount of Rs. 10,513.83 lakhs was utilized under SCA to TSP against total allocation of Rs. 11,317.99 lakhs. Under Article 275 (1) of the constitution of India, an amount of Rs. 1646.87 lakhs was utilized against the fund for Rs. 3735.00 lacks released by GOI (up to September, 2005). The amount for Draft Annual Plan 2006 – 2007 under TSP is Rs. 9909.77 lacks i.e. Rs. 5.36 percent State total General Areas Allocation⁵. Every department has been implementing schemes under TSP for the welfare of the ST (Plain) people of Assam.

The central Government has already granted Rs. 500.00 crores as a special package to BTC. The State Government have also moved the Central Govt. for granting another Special Development Package for the BTC areas by allotting Rs. 200,00 Crores annually for next five years amounting to Rs. 1000.00 crores⁶. Similarly Special Development Packages for other Autonomous Councils that is being formed outside Sixth Schedule by State Acts in 1995 and 2005 will be worked out as soon as these Councils submit their development projects.

Government is making all out efforts to provide basic amenities to the tribal areas. Fund allocation has been made in proportion to the tribal population under TSP. Projects for economic development and creations of various infrastructures are also being taken up under Special Central Assistance to TSP and under Article 275(1). Programmes and development activities being closely monitored by the WPT & BC department to ensure that the benefits of all development activities go to tribal people. Fund has been provided to different sectors to take up specific development schemes in tribal areas.

The Government for the welfare of plains tribes has a separate development arrangement for the all round economic progress of the plains tribes of the State. These schemes are called Integrated Tribal Development Project (ITDP). At present, there are 19 ITDPs under the control of the WPT & BC Department. For each ITDP there is a Project Implementation Committee with a local tribal leader as Chairman and a Project Director as a Member Secretary in the rank of Addl. Deputy Commissioner. Some other local tribal representatives and

development department officials are the members of the concerned ITDP.

The Government of Assam had already filled up 1000 back log vacancies in various Govt. departments during last five years. Steps are being taken to fill up the remaining backlog vacancies. Under the provision of the Section 161 of the Chapter-X of Regulation, the State Govt. has constituted 47 Protected Belts & Blocks, popularly known as Tribal Belts & Blocks, predominantly inhabited by the people of notified classes. The Belts are larger units while the Blocks are smaller one. At present there are 17 Belts and 30 Blocks located in the plain Districts of Assam. These Belts & Blocks were created for notified classes. People from other communities cannot purchase land within the tribal belts & blocks.

Here a look of budget allocations of last four years for tribal development of Assam passed by the Legislative Assembly:

Annual Plan for 2007-2008(Table-1.19)	
A. General Areas	
Tribal Sub-Plan	33.58 crore
Rabha Hasong Autonomous Council	12.50 crore
Lalung (Tiwa) Autonomous Council	6.09 crore
Mishing Autonomous Council	23.50 crore
Sonowal Kachari Autonomous Council	6.00 crore
Thengal Kachari Autonomous Council	7.00 crore
Deori Autonomous Council	4.00 crore

B. Sixth Schedule Areas	
Hill Plan	216.90 crore
Bodo Territorial Areas District	130.00 crore
Annual Plan for 2008-2009 (Table-1.20)	
A. General Areas	
Tribal Sub-Plan	18.14 crore
Rabha Hasong Autonomous Council	17.60 crore
Lalung (Tiwa) Autonomous Council	17.06 crore
Mishing Autonomous Council	25.00 crore
Sonowal Kachari Autonomous Council	10.90 crore
Thengal Kachari Autonomous Council	10.75 crore
Deori Autonomous Council	11.70 crore
B. Sixth Schedule Areas	
Hill Plan	248.90 crore
Bodo Territorial Areas District	150.00 crore
Annual Plan for 2009-2010 (Table-1.21)	
A. General Areas	
Tribal Sub-Plan	41.95 crore
Rabha Hasong Autonomous Council	19.36 crore
Lalung (Tiwa) Autonomous Council	18.77 crore
Mishing Autonomous Council	26.62 crore
Sonowal Kachari Autonomous Council	12.50 crore
Thengal Kachari Autonomous Council	12.00 crore
Deori Autonomous Council	12.49 crore
B. Sixth Schedule Areas	
Hill Plan	267.29 crore
Bodo Territorial Areas District	165.00 crore
Annual Plan for 2010-2011 (Table-1.22)	
A. General Areas	
Tribal Sub-Plan	48.66 crore
Rabha Hasong Autonomous Council	22.43 crore
Lalung (Tiwa) Autonomous Council	21.74 crore
Mishing Autonomous Council	31.86 crore
Sonowal Kachari Autonomous Council	13.69 crore
Thengal Kachari Autonomous Council	13.67 crore
Deori Autonomous Council	14.46 crore
B. Sixth Schedule Areas	
Hill Plan	479.09 crore
Bodo Territorial Areas District	224.55 crore

Sources: Assam Gazette, Legislative Department, Govt. of Assam

Long back our first Prime Minister Late Pandit Jawaharlal Nehru had said that the tribal should be governed by themselves. Bordoloi Sub-Committee of Constituent Assembly also stated that - uniform, general administration which prevailed in the plains should not be introduced in hill areas of Assam due to the special circumstance. The special circumstances arose from the distinct way of life of the tribal people, their social customs, their attachment to and dependence on land and forests, their peculiar mode of cultivation and the manner in which disputes were resolved. Most of the tribal communities of north east India have their own socio-political institutions, customs and traditions to help them assert their autonomous existence. Considering all such institutions and the underlying ethos of autonomy, the framers of the Indian Constitution contemplated the instrument of tribal self-rule embodied in the Sixth Schedule. The Sixth Schedule was, therefore, designed to accommodate the collective aspirations of the tribal.

The two Hill Districts of Assam namely, Karbi Anglong District and North Cachar Hills District were covered under Sixth Schedule of the Constitution of India. Sixth Schedule was also amended and

extended to Bodoland Territorial Area District (BTAD) under BTC comprising of four districts - Kokrajhar Chirang, Udalguri and Baska. With these same objectives, in 1995 and 2005 the Government of Assam had taken up some bold steps by creating Autonomous Councils for various ethnic groups of Assam, namely Bodo Kachari, Mising, Rabha, Tiwa, Deori, Sonowal Kachari & Thengal Kachari communities. Thus in accordance with the Constitution of India, the Government of Assam adopted self-government and self-rule for the tribal people themselves. That is what Pandit Jawaharlal Nehru had conceived long back. All together Assam has nine Autonomous Councils. These are:

1. Autonomous District Councils

- a. Karbi Anglong District Autonomous Council
- b. North Cachar Hills District Autonomous Council

2. Bodoland Autonomous Council (comprise four districts-- Kokrajhar Chirang, Udalguri and Baska).

3. Other Autonomous Council

- a. Rabha Hasong Autonomous Council,
- b. Mishing Autonomous Council,

- c. Lalung (Tiwa) Autonomous Council,
- d. Deori Autonomous Council,
- e. Sonowal Kachari Autonomous Council, and
- f. Thengal Kachari Autonomous Council.

Autonomous District Councils

The people of Assam saw the birth of a new district i.e. the United Mikir and North Cachar Hills District on the 17th November, 1951⁷. As per provisions of the Sixth Schedule, District Council was constituted on 23.06.1952 for the said district with its headquarter at Diphu. Constitution of India vested upon the District Council some Legislative, Executive and Judicial functions. This was followed by bifurcation of the erstwhile district of United Mikir and North Cachar Hills District into two separate districts under banner as "Mikir Hills" and North Cachar Hills District in the year 1970. On second February, 1970, Mikir Hills was declared as a separate administrative district, and renamed as a Karbi Anglong on the 14 October, 1976. With effect from 1st June, 1970, almost all the development departments (sixteen departments) of the Government of Assam functioning in the Karbi Anglong District have been placed under the administrative control of

the Karbi Anglong District Council to satisfy the political aspirations of the tribal leadership. Nevertheless the State Government had a strong control over them. For instance, community development and panchayat were in the list of transferred subjects, but the centrally sponsored schemes were not given to the district councils for implementation. Similarly, education was transferred, but appointment of teachers was done by the State Government. Therefore, the State Government continued to interfere with the departments which were transferred to the district councils. In reality, there was no devolution of powers and fund. There were instances where the money for development works was transferred to the district councils towards the end of the financial year with an oral instruction to the principal secretary to deposit the money back to the treasury as unspent balance.

In such a situation, although the State Government transferred certain departments to the autonomous councils of the two hill districts of Assam i.e. Karbi Anglong and North Cachar hills, the discontent gave rise to the demand for constitution of an Autonomous State within Assam. The movement for an Autonomous State was led

by the Autonomous State Demand Committee (ASDC) comprising the leaders and representatives of the students' organizations of the two hill districts besides other groups and organizations. After a prolonged agitation under the aegis of the ASDC, a Memorandum of Understanding (MoU)⁸ was signed on 1 April, 1995 granting more autonomy to the district councils. On the basis of the MoU, the State Government transferred altogether 30 subjects/departments (including the earlier sixteen subjects) to the autonomous councils.

It is, therefore, clear that a positive development in entrustment and empowerment of the autonomous councils has taken place in Assam from the original provisions of the Sixth Schedule to the signing of the MoU on 1 April, 1995. Consequently, the two autonomous councils established for the hill tribes of Assam have become much more powerful compared to the other autonomous councils created under the Sixth Schedule in other states of north east India.

The 73rd Amendment of the Constitution has added the Eleventh Schedule which lists 28 subjects as coming within jurisdiction of the Panchayats. When the provisions of the 73rd Amendment about the powers scope and functions of the Panchayat bodies are compared

with those attached to the Karbi Anglong Autonomous Council and the North Cachar Autonomous Council, it is found that the councils are in a more advantageous position in respect of development functions. Similarly, the sources of finance for the autonomous councils are also more diversified. Nevertheless, mainly due to the strong intervening role of the State Government, both the councils are found to be crippled with financial crisis.

The Legislative Assembly of Assam enacted the Assam Panchayati Raj Act, 1994 and the three-tier system was extended to all the rural areas except for the areas under the autonomous councils. The autonomous councils of Karbi Anglong and North Cachar Hills have, however, neither accepted the Panchayat bodies nor taken any step for devolution of powers from the district. In the absence of any elected body such as regional councils or village councils, the autonomous councils pretend to reach the people at the grass-root through nominated gaon-buras who are relics of the colonial era.

With progressive empowerment and the scope for interference of the State Government, the autonomous councils of the hill districts of Assam are now emerging as a distinct organ of the state with frozen

hierarchy, increasing bureaucratization and lack of initiative for further decentralization. The autonomous councils of Assam are now marked by over centralization of power in the hands of the executive committee, because all planning and plan implementation are decided at the central level. The scope for initiative at the level below the districts has been minimized by the political leadership. Consequently, the participation of people in the development process has been found to be absent.

The District Councils, with the powers and functions given by the Sixth Schedule could not fulfill the aspirations of the common tribal people. Apart from failure of the political leadership to sincerely utilize the available opportunities, the functions of the district councils were also suffered from certain constitutional provisions. The district councils had no legislative or regulatory power on the subjects over which they could exercise executive power. The councils suffered from an excess of clerical staff and even spent government subsidy meant for development works on administrative expenses. There was no adequate effort to increase revenue and no coordination with the

government. There was a great deal of compartmentalization in the councils' office.

Bodoland Autonomous Council

Bodos are the true ethnic Tribal Community of Assam - the sub branch of the Bodo-Kachari Clan. The Bodos are the largest among the Bodo-Kachari Clan. They are also the most progressive. Bodos reside in the Brahamaputra valley and are considered to be largest ethnic and linguistic group of tribes. Earlier the Bodos were cut off from other parts of the Country due to their geographical area and weather conditions. This leads to lack of education and economy. This was one of the reasons of the arousal of the Bodoland Movement. The official Bodoland Movement⁹ for an independent state of Bodoland started under the leadership of Upendra Nath Brahma of All Bodo Student Union (ABSU). The ABSU created a political organization, the Bodo Peoples' Action Committee (BPAC), to spearhead the movement. The ABSU/BPAC movement began with the slogan "Divide Assam 50-50".

A new regional party called the United Tribal Nationalist Liberation Front (UTNLF) in 1988, which was subsequently renamed as the United Bodo Nationalist Liberation Front (UBNLF) violently

intensified its movement in late 1980s, the Assam Government led by the Asom Gana Parishad (AGP) remained indifferent to the basic issues raised by the Bodos. The Congress (I) once again came back to the power in 1991, and the Government headed by Hiteswar Saikia sought to fulfil the political aspirations of the Bodos by providing them Autonomous Council in lieu of a separate State. Accordingly, on February 20, 1993, a memorandum of settlement, popularly known as the 'Bodo Accord', was signed between the representatives of the All Bodo Students' Union and the Bodo People's Action Committee (ABSU-BPAC), which had led a sustained and often violent agitation for the creation of a separate state of 'Bodoland' comprising nearly one-third of Assam. The accord, however, was on the creation of an 'administrative authority within the State of Assam', called the Bodoland Autonomous Council (BAC) and not of 'Bodoland'. The leadership of the movement, therefore, agreed to the decision to set-up an "administrative authority within the State of Assam" within the framework of the Constitution to ensure social, economic, educational, ethnic and cultural advancement of the Bodos.

As the Accord stated, there should be formed, by an Act of Assam Legislative Assembly, a BAC comprising contiguous geographical areas having not less than 50 per cent of tribal population shall be included in the BAC. To translate the avowed objective of the Accord in to reality, the Assam Legislative Assembly enacted the Bodoland Autonomous Council Act, 1993 which received the assent of the President of India on May 13, 1993.

The Government of Assam unilaterally demarcated and declared the boundary of the BAC on December 10, 1993 consisting of 2570 villages with a total population of about 21 lakhs. The so-called Bodoland Accord was supposed to bring to an end the six-year-long agitation that was formally launched in March 1987. But, the Bodo political leadership believed that such demarcation was not proper. The dispute regarding jurisdiction of the BAC soon became a serious issue which resulted in large scale violence in different parts of lower Assam. This armed struggle led to ethnic cleansing of the non-Bodos along the north bank of the Brahmaputra and the Bodoland movement became more violent during the later part of the nineties. 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.

A Memorandum of Settlement (MoS)¹⁰ for the creation of the BTC was reached at a tripartite meeting held in New Delhi on February 10, 2003, between the representatives of Union Government, Assam Government and a BLT delegation and 2641 cadres finally laid down arms on December 6, 2003¹¹. A vast majority of them were absorbed in the Central Reserve Police Force. On December 6, 2003, 2641 cadres of the Bodo Liberation Tigers (BLT) renounced violence and surrendered along with arms and ammunition at Kokrajhar, marking an end to seven years of insurgency. On the following day, an interim 12-member executive council of the BTC was formed in Kokrajhar. The Accord was signed to end the one-and-a-half decade long Bodo movement. The success of this new Accord will solely depend upon proper implementation of its changes and the cooperation between the Bodo and non-Bodo communities. The non-Bodos within the proposed BTC area are opposing the new Accord, as under the modified Sixth Schedule of the Constitution it provides special facilities to 25 per cent

of the Bodos at the cost of 75 percent non-Bodos within the proposed BTC area¹².

The main provisions of the MoS relate to creation of the BTC, an autonomous self governing body within the State of Assam and under the provisions of the Sixth Schedule of the Constitution of India to fulfill economic, educational and linguistic aspirations, socio-cultural and ethnic identity of the Bodos; and to speed up the infrastructure development in BTC area. The BTC comprise 3,082 villages in four districts--Kokrajhar Chirang, Udalguri and Baska an area of 27,100 km¹³ (35 percent of Assam). The BTC would have 40 elected representatives and the Assam Government would nominate six more. Of the elected representatives, 30 seats would be reserved for tribals, five for non-tribals and the remaining five would be open for general contest. The area under the BTC jurisdiction is called the Bodo Territorial Autonomous District (BTAD).

Eight years have passed since the Central and State Governments signed a MoS with the militant outfit BLT to pave the way for the creation of the BTC under the provisions of the amended Sixth Schedule of the Constitution of India, but now it is time to thoroughly

examine whether the creation of the council brought the desired results and improve the condition of living of the common masses of the area. The creation of the council failed to restore peace in the area despite the fact that the BLT was disbanded immediately after the signing of the MoS and though the Government of India started the process of the talks with the pro-talk faction of the National Democratic Front of Bodoland (NDFB), this alone will not be able to bring lasting peace in the area as the members of the anti-talk faction of the NDFB are still waging war against the nation. The BTC authorities are alleging that all the clauses of the MoS are yet to be implemented, while, the problems in release of funds to the council forced them to think about revival of the demands for the creation of a separate State. The State Cabinet has already taken a decision to withdraw the cases against the former BLT members and the process of withdrawing the cases has started. But it will definitely take some time before all the cases are withdrawn as it is not an easy task for the Government to prepare the comprehensive list of the cases against former BLT cadres before going through the process of withdrawal of the same. The other major clause of the MoS, which is yet to be

implemented, is inclusion of the Bodo people living in Karbi Anglong in the list of ST (Hills) and for the implementation of the clause the Government will have to take into confidence the existing tribal groups of the hill district to prevent any complications in future.

The failure of the State Government to release Central funds on time to the BTC is definitely a matter concern and the Chief Minister, Tarun Gogoi, who also holds the finance portfolio, should seriously look into the matter to ensure that the BTC gets the funds on time to take up infrastructure development projects. As per the provisions of the MoS, the Centre agreed to provide Rs. 100 crore a year for a period of five years as a special development grant to the BTC and after the expiry of the five year period, the Centre agreed to provide Rs. 50 crore a year for another five years. As the fund is routed through the Assam Government, the BTC authorities are alleging that they do not receive the funds on time and demanded that the Central funds should be sent directly to the Council. The Centre should seriously consider the demand and if there is any reason to believe that the funds are not utilized properly, the Central or the State Government can think of

carrying out a thorough audit by the Accountant General into the financial.

Other Autonomous Councils

This Bodo Accord under the Sixth Schedule of the Constitution may give birth to some new ethnic problems in Assam. In the wake of rising ethnicity, the Government of Assam adopted a flexible attitude towards the growing movement among different plains tribal groups seeking autonomy within the State for the preservation of their ethnic identity and managing their affairs in tune with the customary laws and traditional practices. Granting of autonomy to the Bodo tribe paved the way for the establishment of similar autonomous councils for other plains tribes also.

The year 1995 and 2005 witnessed a series of accords and legislations for constituting Autonomous Councils for Lalung, Mising, Rabha-Hasong, Deori, Sonowal Kachari and Thengal Kachari plains tribes of Assam under the State Act. These Acts are:

- a. the Rabha Hasong Autonomous Council for the Rabha community created by the *Rabha Hasang Autonomous Council Act 1995*,

- b. the Mishing Autonomous Council for the Mishings created by the *Mising Autonomous Council Act 1995*,
- c. the Lalung (Tiwa) Autonomous Council for the Lalung (Tiwa) created by the *Lalung (Tiwa) Autonomous Council Act 1995*,
- d. the Deori Autonomous Council for the Deori community created by the *Deori Autonomous Council Act 2005*,
- e. the Sonowal Kachari Autonomous Council for the Deori community created by the *Sonowal Kacharis Autonomous Council Act 2005*, and
- f. the Thengal Kachari Autonomous Council for Thengal Kacharis created by the *Thengal Kachari Autonomous Council Act 2005*.

These Acts are patterned on Bodoland Autonomous Council Act 1993 but with the significant difference that these tribal councils will not have any specified territory but will have jurisdiction over the entire state. The autonomous councils will “comprise satellite areas of village councils formed out of the blocks of contiguous revenue villages, each having more than 50 per cent population of the (concerned) tribe without having any compact area”. The Act provides for the General Council and the Executive Council like the Bodoland

Council. One distinctive feature of these Acts is that it provides for formation of village councils for each block of villages or village having 50 per cent or more population of the concerned tribe.

Development Councils

Assam's ethnic diversity cannot be compared with any other State. It has necessitated creation of six Statutory Autonomous Councils, in addition to the three Sixth Schedule Autonomous District Councils. Creation of seven new Development Councils for the Moran, Motok, Ahom, Chutia, Koch-Rajbongshi, Tea Tribes and Gorkha ethnic groups has also become necessary. There is also the Barak Vally Hill Tribes Development Council to cater to the needs of the hill tribes living in the plains of Cachar district. The Government of Assam created Amri Karbi Development Council on 14th January, 2010. The Development Council was granted to those Karbi living in the Plain districts Kamrup, Morigaon, Sonitpur, Lakhimpur, and Cachar.

These Councils, with their distinct ethnic character have been suffering from certain problems since inception. All the autonomous councils created by State Acts were constituted of nominated members as an interim measure pending elections. Nevertheless, the elections

have not yet been held, nor can be held without resolving certain basic issues. Identification of villages for constitution of village councils has become a major problem for the autonomous councils for their unique ethnic character as well as the demographic parameter stipulated in the Acts of 1995 and 2005.

Article 244 (2) of the Indian Constitution makes it clear that for “the administration of the tribal areas in the State of Assam”, it is the provisions of the Sixth Schedule which will apply. The Sixth Schedule is “a self contained Code for the governance of the tribal areas.” When the then Prime Minister Rajiv Gandhi got the 73rd amendment for empowerment of Panchayati Raj Institutions (PRI) passed in 1992 “the tribal areas referred to in clause 2 of Article 244” were expressly left out of the coverage of Article 243, contained in Part IX of the Constitution. Of course; a separate provision in Article 244 (4) provides for extension of Part IX to the Sixth Schedule areas by an amendment of the Constitution. The procedure, however, is so complicated that it would be politically unwise to try to follow the same. Therefore, when the Third Assam State Finance Commission (TASFC) was set up with the former Chief Secretary H.N. Das as the chairman, the Sixth Schedule

areas of Karbi Anglong and North Cachar Hills Districts and the 4 Bodoland Territorial Autonomous Districts (BTAD) of Kokrajhar, Baksa, Chirang and Udalguri had to be left out of its purview. The Government notification in this connection expressly laid down that TASFC should make their recommendations “after taking into account the transfers that are to be made by the State of Assam to the Autonomous District Councils constituted under the Sixth Schedule of the Constitution”. TASFC recommended that the State Government “may appoint a small committee to go into the problems of (1) an institutional framework to carry out functions of rural and urban development and (2) the flow of funds to these institutions for rural and urban development”.

PRIs never existed in the two Autonomous Hills Districts of Karbi Anglong and North Cachar Hills. PRIs which existed in the BTAD areas have been dissolved after BTAD was set up. There are a total of 16 Urban Local Bodies (ULB) in the Sixth Schedule areas. For both PRIs and ULBs of Sixth Schedule areas provision should be made for local finance as in the cases of the general areas. Otherwise, these tribal areas will not be able to reorganize and revamp the delivery

system under non-Plan which is required if the Plan Projects, schemes and programmes are to be properly administered and implemented. The Government of Assam has not taken any steps in this direction although TASFC's report had been submitted 22 months ago. It may be recalled that while accepting this recommendation of TASFC the State Government had directed that the "Hills areas and WPT & BC Departments will take up the matter with Government of India". No such action has been initiated.

Conclusion

A struggle for granting tribal status to the various backward ethnic groups has gained momentum in the State. The tea tribes have joined the fray under the leadership of new generation of leaders. The present composition of population in Assam and their habitational areas are so dispersive that even after granting tribal status to all these communities it would be a difficult proposition to carve out an Autonomous Council Area for each of them from the existing map of Assam without creation of some extra problems. Granting of tribal status would invariably be followed by the political demand of autonomy. It is a fact that ethnic originality is the driving force of their

ethnic struggle which has been deeply ingrained in their psyche. Depending on the reality they are unlikely to exercise autonomy in an area collectively by combining two or three groups together, because they have differences. It is high time for the sensible people of the State to cogitate on these inevitable eventualities also. In the meantime anticipating such a clash of interest in the future, the Bodo leaders have expressed their concern obliquely in Parliament as well as in the media.

The Government has found itself in a tight spot with the existing tribal groups expressing apprehension over the inclusion of new communities in the list of scheduled tribes and it will be virtually impossible to take a decision to please all sections of people of Assam. The Bodoland People's Progressive Front (Hagrama Mahilary faction), which is the alliance partner of the Congress in the State, has already made it clear that the political rights and privileges enjoyed by the tribal people should not be affected while granting the status of scheduled tribes to other communities. The party has pointed out that 30 of the 40 seats of the BTC, formed under the provisions of amended Sixth schedule of the Constitution of India in 2003, are reserved for

Scheduled tribes and if the Government decides to grant the status of tribal to other communities, the rights and privileges of the existing tribal groups should not be affected at any cost. It is a fact that the Bodo people may lose their hold on the BTC if communities like Koch Rajbongshi and Adivasi are given the status of scheduled tribes. Under the circumstances, it will be difficult for the Central and State Governments to take a bold decision on inclusion of six communities in the list of scheduled tribes without inviting the wrath of the existing tribal groups. Now it remains to be seen whether the State and the Central Governments manage to take decisions in this vital issue without antagonizing any section of people.

Notes and References

1. As per Scheduled Castes & Scheduled Tribes order (Amended) Act 2002, Hill Tribes constitutes 15 communities and plain tribes constitute 14 communities. It is to be noted that one plain Tribes community also figures in the Hill Tribes list and three hill tribes communities figure in the Plain Tribes list.
2. Article 244A was specifically inserted in the Constitution through an amendment in 1969 for the formation of an

autonomous state, comprising certain tribal areas, within the state of Assam. There is a long-standing agitation in both the districts for their elevation to an autonomous state (but with the existing District Councils intact), under the provisions of Article 244-A. This article was incorporated in the Constitution in 1969 as the 28th amendment, to enable the creation of Meghalaya as an autonomous State within Assam - the first step in the progressive dismemberment of the once composite State of Assam. Article 244-A became an anachronistic anomaly just over a year later when the short-lived experiment failed and the autonomous State was reconstituted as the full-fledged State of Meghalaya in January 1972.

3. Goswami, BK: "Towards Vibrant Assam-The Voice of Chief Minister Tarun Gogoi", Bani Mandir, Guwahati, 2008, p.22.
4. Political History of Karbi Anglong at a glance, The Hindustan Times, December 27, 2006.
5. Ibid.
6. "Assam Govt. warned against diverting Central funds meant for Tribal welfare", Business Line, Saturday, October 28, 2000.

7. The new district was formally created on the aforesaid date vide Govt. notification No. TAD/R.31/50/201 dated, the 3rd November, 1951.
8. Memorandum of Understanding (MoU) was signed between the Government of Assam and the representatives of the ASDC in the presence of the Union Home Minister on 1 April, 1995 granting more autonomy to the District Councils.
9. George, Sudhir Jacob: "The Bodo Movement in Assam", Asian Survey, 1994.
10. A Memorandum of Settlement (MoS) for the creation of the BTC was reached at a tripartite meeting held in New Delhi on February 10, 2003, between the representatives of Union Government, Assam Government and a Bodo Liberation Tigers Force delegation.
11. Status Paper on Memorandum of Understanding (MoU), 1 April, 1995.
12. Hussain, W.: "Assam: accord and discord", The Hindu, Online edition, Wednesday, Feb 26, 2003.

13. Memorandum of Settlement on Bodoland Territorial Council, February 10, 2003, signed by Government of India, Government of Assam and Bodo Liberation Tigers Force.
