

CHAPTER-VI

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In this chapter an attempt has been made to summarize the findings of the total study. Before stating the findings of the study, it may be restated that the present study was carried out (i) to discuss the profile of the tribals in terms of its physical, social and economic indicators to understand developmental positions (ii) to examine the various legislative enactments passed by the Assam Legislative Assembly particularly since 2001. This study is an attempt to understand nature of continuity and discontinuity of tribal policies followed by the successive Congress regimes in Assam and their impact and

effectiveness in meeting the needs of tribal population and in uplifting their standards of living in Assam (iii) to analysis issues and constraints in the development process taking into considerations legislative and administrative interactions in tribal development. The major findings of the study are:

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1. On the basis of the concentration of tribal population of India, the entire country can be divided into three zones namely North Eastern Zone which comprises the states like Assam, Arunachal Pradesh, Meghalaya, Mizoram, Manipur, Nagaland and Tripura, Southern Zones (Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Pondicherry, Goa, Daman and Diu, Andaman and Nicobar Islands) and Central Zones (Orissa, West Bengal, Punjab, Haryana, Rajasthan, Gujrat, Maharashtra, Madhya Pradesh and Uttar Pradesh). In the northeastern states of Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland, more than 90 percent of the population is tribal. However, in the remaining northeast states of Assam, Manipur, Sikkim, and Tripura, tribal peoples form between 20 and 30 percent of the population.

2. On the whole, as per rough estimates, the prominent tribal areas constitute about 15 percent of the total geographical area of the country. There are 533 tribes (with many overlapping types in more than one state) as per notified Schedule under Article 342 of the Constitution of India in different States and Union Territories of the country, with the largest number of 62 being in the State of Orissa. Tribal people constitute 8.14 percent of the total population of the country, numbering 84.51 million. The population of tribes had grown at the rate of 24.45 percent during the period 1991- 2001. This is slightly more than the decadal growth rate of 22.66 percent for the nation as a whole. More than half of the tribal population is concentrated in the states Madhya Pradesh, Chhattisgarh, Maharashtra, Orissa, Jharkhand and Gujarat whereas in Haryana, Punjab, Delhi, Pondicherry and Chandigarh no community has been notified as a Scheduled Tribe. The main concentration of tribal population besides Central India is in the North- Eastern states.
3. Assam is located in the extreme North East Corner of the country. It is blended with both hills and plains. It is the home of

different ethnic groups. The tribal communities of Assam, popularly known as 'Sons of the Soil', cover total population of Assam as per 2001 census is 2, 66, 55,528 out of which 33, 08,570 is the tribal population. Tribal population constitutes 12.41 percent of the total population of Assam. Assam maintains two scheduled tribe lists. One for the Autonomous Hill Districts of Assam called Hill Tribes and another for Plain Tribes of Assam. The Constitution order of 1950 was amended in 1976 wherein the Scheduled Tribes of Assam were re-categorized as Scheduled Tribes (Hills) and Scheduled Tribes (Plains). Assam has 9 Scheduled Tribes (Plains) in the plains districts and 14 Scheduled Tribes (Hills) in two autonomous districts of Karbi Anglong and North Cachar Hills. The tribes which are scheduled in the plain areas of Assam, are not enlisted as Scheduled Tribes in the hill areas and the tribes which are scheduled in the in the hill areas not enlisted as scheduled tribes in the plain areas of Assam. 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.

4. Among STs of Assam, Boro represents nearly half of the total ST population of the state (40.9 percent). Miri (17.8 percent), Mikir (10.7 percent), Rabha (8.4 percent), Kachari (i.e. Sonowal Kachari) (7.1 percent), and Lalung (5.2 percent) are the other major STs each having 5 per cent or above of total STs. Along with Boro they constitute 90 per cent ST population of the state. Besides them, Dimasa constitutes 3.4 percent and Deori 1.2 per cent of the total ST population of the state. The rest of the Scheduled Tribes are very small in their population size. The ST population in Assam is predominantly rural with 95.3 percent rural and only 4.7 percent urban population. Of the eight major STs, Dimasa have recorded the highest 10.4 per cent urban population, followed by Mikir (8.3 percent). On the other hand Miri have recorded the lowest 1.8 per cent urban population.
5. The tribals have been given numerous rights and concessions under various statutes of Central as well as State Governments but they remain deprived of the benefits arising out of such

statutory provisions due to their ignorance and apathy of enforcing agencies. There exists lack of awareness among tribal population about various developmental programmes launched by Government of India and States, resulting in their exploitation. To look after the needs, aspiration and welfare of different ethnic groups and bring these areas at par with the rest of the State, the State Government has been implementing Hill Areas Development Plans for the two Hill Districts and Tribal Sub-Plan for the plain areas of Assam.

6. By adopting the policy of integration or progressive acculturation the Government has laid the foundation for the uninhibited march of the tribals towards equality, upward mobility, and economic viability and assured proximity to the national mainstream. The Acts and Amendments passed by the Government of Assam is committed on two courses of action in respect of scheduled tribes, viz

- Giving protection to their distinctive way of life.
- Protecting them from social injustice and all forms of exploitation and discrimination and bringing them at par

with the rest of the nation so that they may be integrated with the national life.

7. Once the tribal were self-dependent and self-sustained people. 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 communities of North-East India.
8. 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 constituting North Cachar Hills District and the Karbi Anglong district of Assam. North Cachar Hills and Karbi Anglong the two autonomous hill districts of Assam are predominantly tribal housing two important STs of Assam – the Dimasas and Mikir (now recognized as Karbi). As per 2001 Census, the North Cachar Hills has got the highest 68.3 per cent ST population, followed by Karbi Anglong (55.7 per cent). In absolute number Karbi Anglong is on top sharing 13.7 per cent of the total ST population of the state.

9. Assam, one of the seven states of the northeastern region of India, has long remained one of the most volatile and sensitive regions in the country because of the problems of insurgency, ethnic conflict, pressure of migration, underdevelopment etc. Bodos, the largest plains tribe of Assam started an armed struggle for a separate state in the mid-1980s. This armed struggle led to ethnic cleansing of the non-Bodos along the north bank of the Brahmaputra. The BAC Accord was signed in 1993

and the Bodoland movement became more violent during the later part of the 1990s. In February 2003, the BTC 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 per cent non-Bodos within the proposed BTC area. This new Accord under the Sixth Schedule of the Constitution may give birth to some new ethnic problems in Assam.

10. Granting of autonomy to the Bodo tribe paved the way for the establishment of similar autonomous councils for other plains tribes also. 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. In 1995 and 2005 the Government of Assam had taken up some bold steps by creating Autonomous Councils by State Acts 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 also adopted self-government and self-rule for the tribal people themselves. With the object of fulfilling economic, educational and linguistic aspirations, preservation of land rights, socio-cultural and ethnic identity of the respective tribes and speeding up infrastructure development in their areas, Autonomous Councils have been created. Assam has two autonomous district councils, one territorial council and six autonomous councils. These are:

(i) Autonomous District Councils

- c. Karbi Anglong District Autonomous Council,
- d. North Cachar Hills District Autonomous Council,

(ii) Bodoland Autonomous Council

(Comprise four districts-Kokrajhar Chirang, Udalguri and Baska).

(iii) Other Autonomous Councils

- g. Rabha Hasong Autonomous Council,
 - h. Mishing Autonomous Council,
 - i. Lalung (Tiwa) Autonomous Council,
 - j. Deori Autonomous Council,
 - k. Sonowal Kachari Autonomous Council, and
 - l. Thengal Kachari Autonomous Council.
11. The Autonomous Councils that are formed outside Sixth Schedule with their distinct ethnic character have been suffering from certain problems since inception. All the six Autonomous Councils 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.
12. The Mishing Autonomous Council Act, 1995 provides that “there shall be a village council for each block of villages or village having 50 per cent or more Mishing population”. The other two Acts i.e. the Tiwa Autonomous Council Act, 1995 and the Rabha Hasong Autonomous Council Act, 1995 also stipulated similar

ethnic criterion in favour of the respective ethnic group. In the context of heterogeneous ethnic composition of most of the villages of the Brahmaputra Valley and growing identity consciousness of each ethnic group, it has become difficult to constitute the village councils. One village may have 50 percent or more tribal population, but all of them may not belong to the same tribe. As a result, all the tribal people of the same village may not opt for becoming a part of an autonomous council which is constituted apparently to promote the interests of a particular tribe.

13. The Autonomous Councils that are formed by the State Acts in fact have become an additional authority alienated from the people and constituted by the members nominated by the ruling party of the state. Change of government, therefore implies change of the Executive Council of each of the autonomous council. The middle level political workers usually who can not come up to the level of the State Assembly, are provided with a platform to fulfill their political aspirations without being representatives of the people. Nevertheless, the common

grievance of all the autonomous councils is that the council has been assigned 38 departments, but in absence of adequate devolution of powers and finances, the councils have failed to achieve the stated goals.

14. The two Hill Districts of the State, viz Karbi Anglong and NC Hills have their special problem. These two districts are multi ethnic in character. The State Government has given priority for development of these two districts. Greater autonomy has been given to Autonomous Councils of these two districts. In respects of 30 departments, executive powers of the State Government have been transferred to the Autonomous Councils. To enable the Autonomous Councils to finance the expenditure on the schemes under the 30 transferred Departments, to six-monthly advances are released in April-May and in September-October under each relevant sector. Particular emphasis has been given to wean the tribal population away from age-old practice of shifting (jhum) cultivation which is threatening the fragile ecosystem of the area. The two Hill Districts have been selected by the Government of India for implementing the Water-Shed

Development Programme for shifting cultivation areas. Another project 'Community Resource Management' for Upland Area' to be funded by the IFDA covering 6 Hill Districts in the North-East including the two Hill Districts of Assam have also been launched through NEC.

15. The Sixth Schedule Autonomous Districts of Assam get very little support from the Centre to run their administrative machinery and to undertake developmental activities. This has resulted in slow development of these areas, generating support for extremist activities and demand for separate statehood. The combined population of the 3 Sixth Schedule Autonomous Districts of Assam, inhabited by mainly by tribal population is 39 lakhs. As against 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 combined area of the 3 Sixth Schedule Autonomous Districts of Assam is also much more than the area of any of these States. However, as against only Rs. 380 crore plan assistance received by the 3 Sixth Schedule

Autonomous Districts of Assam combined together in 2005-06, the plan assistance received by Meghalaya (Rs. 800 crore), Nagaland (Rs. 685 crore) and Mizoram (Rs. 620 crore) in 2005-06 respectively.

16. In recent times large scale irregularities in the Autonomous Councils have come to light. In the NC Hills Autonomous Council hundreds of crores of public money were embezzled by a coterie of politicians, officers, and militants have laid bare the magnitude of the scourge. The developments increasingly testify to the fact that the councils are far from serving their avowed objectives. Irregularities also come to in the Missing Autonomous Councils. The Government admitted in the House that the Chief Executive Member and Executive Members of the Missing Autonomous Councils withdrew huge amounts of money from the coffers of the Councils by issuing receipts on plain papers in clear violation of all financial norms.

17. 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.

18. The Autonomous Councils have failed to fulfill the aspirations of the people because of the lack of funds, lack of administrative and legislative powers. The State government continues to pull all the strings. The funds allocated for the councils by the Central Government are often allegedly diverted elsewhere or not released in time.

19. In the Karbi Anglong District and North Cachar Hills District, judicial functions are being administered by executives namely Deputy Commissioner or his assistants. However, the Constitution of India provides for separation of judiciary from

executives. It has been considered necessary to enact legislation providing for setting up of regular Civil and Criminal Courts in these two districts for discharge of Judicial functions. The Government of Assam passed the Assam Administration of Justice in the Karbi Anglong District Act, 2009¹ and Assam Administration of Justice in the NC Hills District Act, 2009² for the Administrative of Justice – both Civil and Criminal in the Karbi Anglong and NC Hills districts to facilitate the trial of suits and cases by regular Civil and Criminal Courts in order to effect the Constitutional mandate of separation of judiciary from executive pursuant to the directive of the Apex Court subject to provisions of the Sixth Scheduled to the Constitution of India.

20. In view of the plight of the tribals of Assam, various Acts and Amendments has been passed by the Government of Assam for improving the living conditions of the tribal population. These legislative actions are intended to cover agriculture, irrigation, animal husbandry, house sites, co-operative credit, education, health, distribution of essential articles etc. They also aim at protecting the interests of the tribals by providing them with a

legal framework, and streamlining their development and raising their standard of living.

Conclusion

One of the important institutions of the tribal society is the system of self-management. The tribals used to produce their necessities for living by themselves and settled both internal and external problems by their own system. Thus once they were self-dependent and self-sustained people. But after independence, the tribals have become dependent on national political and economic system, not only for living but also for improvement of standard of living. Now they have to manage their internal and external problems under the policies and programmes of the Governments.

With the object of fulfilling economic, educational and linguistic aspirations, preservation of land rights, socio-cultural and ethnic identity of the tribes and speeding up infrastructure development in tribal dominated plain areas of Assam, Government of Assam created Autonomous Councils (self-governing institutes) as visualized by the makers of our Constitution and formulated Autonomous District Councils under the Sixth Schedule of the Constitution of India for the

hill tribes of the North east India. The year 1995 and 2005³ witnessed a series of accords and legislations for constituting Autonomous Councils for Lalung, Mising, Rabha-Hasong, Deori, Sonowal Kacharis and Thengal Kachari communities of Assam by the State Acts.

The greatest challenge that the Governments have been facing since independence is the proper provision of social justice to the scheduled tribe people, by ameliorating their socio-economic conditions. Scheduled Tribes and denotified tribes constitute the weakest section of State's population, from the ecological, economic and educational angles. They constitute the matrix of State's poverty. Though the tribals are the sons of the same soil and born and grow as the children of the nature. From the historical point of view, they have been subjected to the worst type of exploitation social. They are practically deprived of many civic facilities and isolated from modern and civilized way of living.

Notes and References

1. The Assam Administration of Justice in the Karbi Anglong District Act, 2009, The Assam Gazette, Legislative Department, Government of Assam, No.341, Dispur, 29th October, 2009.

2. The Assam Administration of Justice in the North Cachar Hills District Act, 2009, The Assam Gazette, Legislative Department, Government of Assam, No.340, Dispur, 29th October, 2009.
3. Hiteswar Saikia government created Autonomous Councils for the Lalung, Mising and Rabha-Hasong communities in 1995 and Tarun Gogoi Government created Autonomous Councils for the Deori, Sonowal Kacharis and Thengal Kachari communities of Assam in 2005 by the State Acts.
