

A Newly Constituted Autonomous Council of Assam: The Case of the Deoris

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Abstract: Autonomy, the concept itself reflects the rights of indigenous groups of people, the right to self determination of a community or a region to bestow it substantial financial, administrative powers for their social upliftment, which is also referred to as self legislation. The sixth Schedule of the constitution of India provides the formation of the local institution or the Autonomous District Councils for the tribal communities of North East India. These are created to give concrete shape to the religious ethos and social customs in administrations of various spheres of tribal life. These local self governance councils are provided with legislative, judicial, and executive powers so that good tribal institutions, its culture and identity could be preserved through measures of self governance. In Assam a contemporary development among the tribe is the formation of the Autonomous Councils. At present there are six autonomous councils in Assam among which Deori Autonomous Council meant for the restoration and betterment of self identity of the Deoris, one of the scheduled tribe of Assam, is one. In this paper a humble attempt has been made to delineate about the different laws and rules of the Deori Autonomous Council for administration among the Deoris of Assam.

(i)

The concept of autonomy aims at preserving, promoting, and restoration of indigenous culture. It is directly related with the safeguard of the cultural identity of particular groups of people of a region, who become outnumbered in the larger socio-political sphere of a nation state. Schneewind (1997) mentioned that the concept of autonomy implies self-legislation, whereby the autonomous individual carried out its will on itself and by itself. Rawls (1971:516) comments that acting autonomously is acting from principles that we would consent to as free and equal human beings. Democracy, which implies equal rights as well as all human beings desire, is a very difficult task to achieve. Its success is one of the most vital aspects for the smooth running of the society and is wrong to think that without the notion of autonomy or self legislation, democracy can act accordingly.

North East India, the remotest and integral part of main land India, is a region comprising multi ethnic society. Socio- demographic scenario of North East India is very exotic comprising diversified groups belongs to different ethnic, linguistic, economic as well as political affiliation, and cultural identity of their own, which came to this part of land in different waves of time. The autochthons of this region have been the autonomous inhabitant since time immemorial. Sarmah

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(2011: 23) rightly delineate that autonomy in the North East of India is perceived mainly in ethnic terms. This results in an inevitable conflict between autonomy and overdependence on the centre because of the lack of an economic base in the various states. Instead of tackling the real issues of isolation and of socio-economic development, the focus of attention shifts towards the accommodation of competing ethnic claims. At the same time, demography is the key to understand the dynamics of these movements. Thus, the emphasis on culture and ethnic identity is a response to the demographic number games.

Assam, one of the integral states of North East India, has been facing the process of political fission since India got its independence to adjust with the aspirations of political autonomy of different ethnic groups, who got their own political autonomy before the consolidation of colonial rule in Assam prior to 1826. The government of India in order to include the tribal folk into the mainstream national political platform, number of provisions are incorporated in the constitution. Article 244(2) of the sixth schedule of Indian Constitution provides for the autonomous district council for the hill areas of North East India so that the tribal people could preserve their traditional way of life, and safeguard their customs, and cultures. It is also expected that the state and the central governments to help the tribal people in securing the benefits of a democratic, progressive and liberal constitution of the country.

The tribe of Assam is divided into two groups- the hill tribes and the plain tribes. There are all together 23 constitutionally recognized schedule tribes in Assam among which 14 are hill tribes, viz., the Karbis, the Dimasa Kacharis and different indigenous groups like the Chakmas, the Garos, the Hajongs, the Hmars, the Jaintias, Khasis, War, Bhoi, Lyngam, Syntheng, any Kuki tribes, the Lakhers, the Man (Tai speaking), any Mizo (Lushai) tribes, the Pawis, and any Naga tribes and 9 are plain tribes like the Bodo-Kacharis, the Mishings, the Rabhas, the Tiwas, the Deoris, the Barman Kacharis, the Sonowal Kacharis, the Hojais and the Meches. The tribes of Assam are basically Mongoloids and they belong to Tibeto-Burman ethno-linguistic family. After the independence the hill tribes demanded regional autonomy and the Interim Government of India in 1947 had to consider their demand as the outgoing British administrator gave assurance to the hill people in this regard. Thus Article 244(2), Part I, was incorporated in the constitution which provides for the formation of District Councils under the sixth schedule, which includes two hill districts of Assam, viz., The Karbi Anglong District and North Cachar Hills District (presently renamed as Dima Hasao District) to provide the hill tribal people with a simple administration of their own. The nine plain tribes were left out of the aforesaid Article and also from fifth schedule of the constitution of India (the fifth schedule of the Constitution of India included the safeguards and privileges granted to the tribal people living in India other than the North East India) as they were considered as much advanced than their hill counterparts. The development and welfare of these communities was entrusted to the state government and were enjoying only reservation of seats in the Upper House of the Parliament as well as in the State Legislative Assembly respectively along with some additional benefits granted to them by executive authority. The deprivation of sixth schedule status to the plain tribes of Assam results in great resentment amongst them as they have been denial of the autonomy and other constitutional rights and privileges avail by the schedule tribes in other parts of the country along with their counterparts living in the hill areas of the state. This gave rise to movement of autonomy among the plain tribes of Assam like the Deoris, the Bodos, the Rabahs, the Mishings, the Tiwas, and the others. In this present discussion an elaborate attempt has been made to delineate about the demand and formation of the Deori Autonomous Council under the Deori Autonomous Council Act, 2005, under Assam Act No. XXV of 2005, an act to provide for the establishment of an administrative authority in the name and style of Deori Autonomous Council and for certain matter incidental thereto and con-

nected therewith. Data for the present endeavour has been collected from seven homogeneous Tengapania Deori villages of Sivsagar and Tinsukia Districts of Assam.

(ii)

The Deoris are one of the important scheduled tribe of Assam. The word 'Deori' is originated from the Sanskrit word *deva grhika* meaning in charge of the temple or the priest. Deori (2002: 33) mentioned that 'the word 'Deori' literally means priest. The persons who have a better knowledge about gods and goddesses and can appease them are known as Deoris'. The original habitats of the Deoris were on the banks of the river Dibong, Tengapani and Patorsal which was within the jurisdiction of Lohit district of Arunachal Pradesh and Dibrugarh district of Assam. Racially the Deoris are Mongoloid and Mongolian characteristics are still visible among them even today. Sarma Thakur (2007 : 173-174) has described that the Deoris are one of the four divisions of the chutiyas like Hindu Chutiya, Ahom Chutiya, Borahi and Deori. The last division has been able to retain its pristine religious beliefs and practices intact inspite of socio-cultural and political ups and downs through the decades. Dalton (1872) writes about the Deoris that 'An isolated colony on the river Dikrang in Lakhimpur calling themselves Deori chutiya were found who had a peculiar language which they called Chutiya and they were styled Deoris'. At present main concentration of the Deoris is found in the district of Lakhimpur, Sonitpur, Jorhat, Sibsagar, Dibrugarh, Dhemaji and in the Sadia region of Tinsukia district.

On the basis of places of origin, there are four divisions (*khel*) among the Deoris and each division is composed of number of lineages (*bamgsa*). The Deoris who were believed to reside near the bank of the river Dibang are known as *Dibangia*, those near Tengapani and Borpani or Borgang are known as *Tengapania* and *Borgoya* respectively. Again the people who inhabited in Pat Sadia were named as *Patargonya*. Of all the four divisions of the Deoris, the Dibangiya Deoris have preserved their traditional socio religious organisation almost along with their indigenous dialect known as *duan*. The Dibangiyas mainly propitiate Kundi-Mama also known as Burha-Burhi or Gira-Girachi as their chief parochial deities. They have a common place of worship known as *Kundiku*, also called it as *Deoshal* or *Deoghar*, which means the abode of the supreme deity, Kundi-Mama. The shrines of the Dibangiyas consist of four structured houses for the worship of separate deities. The *Dibangiya's* have twelve exogamous clans (*jaku*). They are *Sundariya*, *Patriya*, *Kumataya*, *Airiya*, *Chitigaya*, *Chugrangaya*, *Charia*, *Dupia*, *Murangya*, *Lagachiya*, *Teliya* and *Kalia-Chakuya*. The *Jakus* plays an important role in selecting the functionaries of the priestly council. Among the different functionary of the Dibangiyas, the chief priest is called the *Bardeori* who is invariably selected from *Sundariyo* clan only. Next to him, who assists the *Bardeori* is known as the *Sarudeori* who only comes from *Patriyo* clan. Again there are other assistant priests, viz., *Barbhorali* and *Sarubhorali* who are selected from *Airiyo* clan. The Borgoya division too has clans, viz., *Ikucharu (Bar Deori)*, *Chimucharu (Saru Deori)*, *Hizaru (Bharali)*, *Busaru(Balikatia)*, *Lafaru (Bora)* and *Gosaru*. *Kesaikhaiti* is the chief worshipping goddess among the Borgayas, who is worshipped at *Kesaikhaiti Sal* reverently. The last division of the Deoris, the *Patargoyas* are at present untraceable.

The people of the study Deori villages where the present study is carried out belongs to *Tengapania khel* who have seven sub-divisions or lineages (*tikas*) among themselves. These are – *Machiotika*, *Bikarmiyatika*, *Phagimegeratika*, *Khutiotika*, *Senabariatika*, *Phapariatika* and *Sakusarutika*. The Tengapania Deoris are Hindu by religion, more specifically the follower of Sakta cult, the worshipper of *Sakti*. They still retain their traditional religious belief system and practices. Balia Baba is their supreme God who is believed to be the parochial version of Lord Siva or son of Siva. Other than Balia Baba they also have other indigenous gods and goddesses like Na-Konwar

and Sat-Konwar who are considered as eldest and youngest son of Balia Baba, Lohit Devata also known as Bhaba Raja or Jala-Narayana, and goddesses like Durga Mai, Ai deo, etc. *Than Ghar* is their worshipping place which consists of three parts- the *Balia Baba* than is centrally located, towards left of it stands the Indra-ghar and another structure known as Sat-Konwar mandir is located towards the right side of central structure. It also act as a strong local political unit of their indigenous customary laws and cases like theft, robbery, infidelity, adultery, breach of taboo, etc., are solved by a council of elders along with oath taking are invariably performed here.

Agriculture is the main occupation of the Deoris. They observe lots of festivals in relation with their agricultural activities and have pristine festival of their own known as *Deori Bisu*, viz., *bohag bisu (bohagoyo bisu)* and *Magh Bisu (magoyo bisu)*, observe cyclically every year, in relation with the pre harvesting and post harvesting activities respectively, which falls in the month of Bohag (April -May) and Magh (January- February) of Assamese calendar. They observes elaborate rituals in relation with the bisu, among which appearance of *deodhani* (the trembling and raving of one pretending to be possessed with an spirit) is one of the significant event during the bohag bisu. Wednesday is considered as the most auspicious day for the commemoration of the observances of their major ritual in relation with the *bisu* known as *bisu puja. Mora Leruba* (a ritual related with worshipping of the dead ancestor) is also observes during the deori bisu for the appeasement of the soul of the dead ancestor along with the welfare of the whole community among the *Dibangiyas*. They are patrilineal and descent, inheritance and succession are reckoned through male line. Rice is their staple food; along with the rice they take locally produced vegetables, creepers and edible roots, meat, fish, etc. The Deoris also prepared *suje* (locally brewed rice beer) which is considered to be a prestigious item for entertaining the guests. Their society is patrilineal in nature and monogamy is the ideal form of marriage prevalent among them. They are mainly agriculturalists. They are also found to be engaged in other subsistence economy like fishing, weaving, wage earning, etc. A typical Deori residential house consists of a structure built on piles.

(iii)

In Assam the area inhabited by the indigenous tribal population has been left out of the purview of both the fifth and sixth schedule of the constitution of India. The hill tribes of Assam are included in the sixth schedule of the constitution .The Sixth Schedule, regarded as a 'mini constitution within the main constitution' has been envisaged by the constitutional authorities as an instrument to promote tribal self rule in the North East. Roy Chaudhury (2005) mentioned, 'seeking to guarantee political dominance for backward groups, better local governance at the community level, better economic development and ethnic security for those who feel threatened by large scale influx of illegal migrants and even shelters from other parts of india'.The denial of sixth schedule status to plain tribes of Assam has fueled up their demand for the deprivation of autonomy and as a consequence Assam witnessed a lots of agitation from the plain ethnic communities, demand for the restoration of their own ethnic identities. The Government of Assam thereafter decided on decentralization of power by granting tribal autonomous council initiated with the formation of Bodoland Autonomous Council in 1993 by enacting the Bodoland Autonomous Council Act, 1993, signed between the government of Assam and the representative of All Bodo Students Union (ABSU) and Bodo Peoples Action Committee.

The creation of the council further enhances the aspirations of the other plain tribes of Assam, viz., The Rabha-Hasong, Mishings and the Tiwas, who promptly demanded for similar autonomy like the Bodo counterpart. The Government of Assam led by then Chief Minister late Hiteswar

Saikia, after several intensive discussion with the representative bodies of the above mentioned tribes arrive at a memorandum of settlement with the parties accepting their demand for constituting separate autonomous councils for the Rabha- Hasong, the Mishings and the Tiwas, were granted autonomy under three different Autonomous Council Act, 1995. Thereafter the State Government had decided following a recommendation to these effect by a Cabinet sub-committee on the granting of the sixth schedule status to the plain tribes, i.e., the Mishings, the Rabhas and the Tiwas, are predominantly the plain tribal communities, all since 1995 having Autonomous Councils carrying their respective nomenclatures, brought under the sixth schedule of the Constitution, a unique arrangement of the constitution initially meant for the hill tribes of Assam.

The granting of autonomy to the three plain tribes of Assam through three different Autonomous Council Act 1995, results into the demands for the same autonomy from other plain tribes through their own organization living in different pockets of the state. For instances, the Deoris, numbering only 34,055 persons in 1991 census, on which the present discussion is based, through their representative body All Assam Deori Students Union, engaged in an agitation demanding inclusion of the tribe in the sixth schedule. The first call for a separate autonomous council was made by the same students union during the All Assam Deori Students Union Conference, 1982, held at Sadia area of Tinsukia District, Assam. They further reveal their aspiration to constitute a Deori Autonomous Council and eventually also a Deori Territorial Council. Along with the Deoris, the Sonowal Kacharis, The fourth largest tribal community of the state, whose total population is much higher than the Tiwas, who were already granted autonomous status through an act of the government, in the year 1995, have threatened to launch an armed agitation, unless their demand for autonomy along with the same line with the former has not been fulfilled. The Government of Assam, after threadbare discussion with the leaders of the Deoris and The Sonowal Kacharis, again another three new Autonomous Councils were created, under the leadership of Tarun Gogoi, the Chief Minister of Assam, in the year 2005, eyeing on the next general assembly election. Thus three new autonomous councils were created, viz., the Deori Autonomous Council, the Sonowal Kachari Autonomous Council and Thengal Kachari Autonomous Council. The Memorandum of Understanding (MOU) known as Deori Accord and Sonowal Kachari Accord were signed on March 4, 2005, while the Thengal Kachari Accord was signed on the August, 2005 and in the same year the three respective Autonomous Council Acts were also passed. One of the interesting development of these acts were that the initial concept of the autonomy was to create tribe specific autonomous councils with villages having more than 50 per cent of the specific tribe as per the MOU entered between the government and the demanding parties but the basic characteristics of the autonomous council changes because of lack of their representative to fulfill the above number. Thus as per the new arrangement of the MOU villages having 50 per cent or more scheduled tribe population rather than a single representative tribal population, were included in the newly created autonomous council areas. Subsequently, the reservation of seats in the general body of the autonomous councils were also made for the scheduled tribe, rather than a specific tribe, only exception about the Deoris, where 5 per cent of the total portfolios of Deori Autonomous Councils were allotted from their own community.

(iv)

The Memorandum of Understanding of Deori Accord was signed in March 4, 2005, at state capital Dispur with the authorized representatives of Deori Organisations like Presidents and General Secretaries of All Assam Deori Students Union, All Assam Deori Autonomy Demand Committee, All Assam Deori Sanmillan, along with Chief Secretary, Government Of Assam in presence of Tarun Gogoi, Chief Minister, Assam. According to this accord The Deori Organisations agree

to call off all form of agitational programmes on autonomy demand and to extend cooperation to the government for implementation of this accord and establishment of the peace and progress of the state. The Deori Autonomous Council Act, 2005, in its preamble, recognizes that it is expedient to provide for the establishment of an administrative authority in the name and style of Deori Autonomous Council within the State of Assam with maximum autonomy within the framework of the Constitution, comprising of the satellite areas of Village Councils formed out of blocks of contiguous revenue villages, each having 50 per cent and above Deori and other Scheduled Tribes population without having any compact area for social, economic, educational, ethnic and cultural advancement of the Deori and other Scheduled Tribes communities residing therein.

The Act provides that the Council shall have maximum autonomy within the frame work of the constitution. The Deori Autonomous Council shall have a General Council and an executive Council. Chapter III of the Act delineates the powers and functions of General Council. According to the provisions scheduled in the section 18 of the Chapter III, The General Council shall have executive powers in relation to the Council Area over the 34 subjects such as Cottage Industry, Animal Husbandry and Veterinary, Forest other than Reserved Forest, Agriculture, Education, Cultural Affairs, Panchayat and Rural Development, Social Welfare, Tribal Research, Land and Land Revenue, Tribal Welfare, Municipal Board, Improvement Trust, District Board and other local-self Government of Village Administration, Food and Civil Supplies, etc.

The General Council is also empowered to formulate integrated developments plans for the Council Area, implements schemes and programmes for the development of the Council Area, have power to appoint Class-III and Class-IV staff within the Council Area, to regulate trade and commerce within the area, to guide customs and traditions and social justice of the Deori Community according to the traditional laws. Section 22 and Section 23 of the Act entrusted within the council area power to acquire, hold, and dispose of any immovable property or movable property subject to previous approval of the Government and power to make by-laws to be applicable within the council area with respect to all or any of the matters enumerated in the Act for regulation, control and administration thereof.

The Deori Autonomous Council Act provides for the establishment of in Council area for each block of villages, each village having 50 per cent or more scheduled tribe population. According to section 4(2) each Village Council area shall consist of approximately 3000 to 5000 population. Each Council consist of (10) ten elected members out of which (5) five seats shall be reserved for the Deori community and among these at least one shall be a women member. Chapter VI, Section 43 details the power and functions of the village council. It has the executive power within the council area on 29 enlisted subjects in relation to the Agriculture, Animal Husbandry, Dairy Development and Poultry, Social and Farm Forestry, Poverty alleviation programme, Education including primary school, Cultural activities, Markets and fairs, Rural sanitation, Women and child development, Welfare of weaker section and in particular the SC/ST, Maintenance of community assets, etc. Section 44 of the Act allows the Council some powers to formulate integrated development plans for the Village Council Areas, implement schemes and programme for the development of the area, regulating trade and commerce and also power to collect certain taxes within the Council area.

The Chapter IV of the Act deals with the Executive Council. The Council shall consist of the Chief Executive Councilor, who is the chairman and preside over the meetings thereof. The Executive Council is collectively responsible to the General Council. Section 26 of the Act deals with the power and functions of the Executive Council and delineates that the executive power of the General Council shall vest in the Executive Council. All orders or instructions made or ex-

ecuted by the Executive Council shall be deemed to have been made or executed by or under the authority if the General Council. Every order made or instruction issued or resolution passed by the General Council shall be authenticated by the signature of the Chief Executive Councilor in his absence by any one of the Executive Councilor.

(v)

In the administration of the tribal areas which fall under the sixth schedule of the Constitution of India, customary laws acts as the backbone for the dispensation of justice and the provisions fail, if the pristine customary laws of the tribal peoples are not fully implemented. The customary law of the Deori community and traditional political institution administering them find legal sanction in the present Deori Autonomous Council Act. Sections 19(V) and 44(V) of the Council Act expressly providing that the General Council and Village Councils respectively are to guide custom and traditions and social justice of the Deori community according to the traditional laws. The most important section of the Council Act in favour of customary law is Section 70, which expressly provides that the government shall consult and give due regard to the views of the General Council before any law is made and implemented in the council area on the following subjects, namely-

- (i) The religions and social practices of the Deori Community;
- (ii) The customary law and procedure of the Deori Community;
- (iii) Ownership and transfer of land within the Council Area.

This section reveals that the Deori Autonomous Council is under a legal obligation to uphold the customary laws and procedures of the Deoris and there is an equal obligation upon the state government to respect these. Recognition of the customary laws and customary court is also distinctly provided in the Deori Accord of 2005 signed between the Government of Assam and the Deori Autonomous Demand Committee. According to the provisions of these Accord, while making laws in respect of socio-religious and customary practices and procedures, and also with respect to ownership and transfer of land within the Council area, the state government will give primacy to the views of the Autonomous Council. The Accord also provides that the State Government will set up Customary Courts within the Council area to facilitate the administration of justice according to the age old customs and traditions of the community.

Shri Lalit Deori, one of the inhabitants of the study villages, who is at present chief adviser of All Assam Deori Students Union (AADSU) and President, Deori Jatiya Parishad, Assam, mentioned that the newly created Village Council cannot interfere in the proceedings of their traditional councils of elders regarding the trial of their pristine customary laws. This is the sole responsibility of the traditional village council and also the Mandir Parichalana Samiti, two traditional local bodies related with dispensation of justice headed by an elected member from among the assembly of elders, which administer the age old traditions and customary laws of the Deori community. The contemporary Village Council is not only legally but morally obliged to give recognition and preference to the traditional customary laws of the community.

(vi)

The planning process of the Government of India after post independence period brought many radical changes in the socio- political life of the tribes of Assam. They are granted autonomy for their own social upliftment. Although there are many drawbacks in the implementation of the Autonomous Council Programmes, still no one can deny that tangible improvement has taken place in the socio- economic life of the tribal people. The long efforts of the government aiming to es-

establish a social order based on equity, justice, elimination of exploitation was fulfilled atleast to a considerable extent. Along with the dynamic changes in the socio-economic arena of the indigenous communities, an appreciable degree of awareness has been noticed among the people. The upcoming tribal leaders are more aware of the developmental programmes, and in the plain districts of Assam new political awareness, especially among the educated section has been noticed. Some of the indigenous groups like the Deoris have been granted Autonomous Council status, but the arrangement is not bearing desirable results as factional feuds and tug of war for office is going on. But the Provision of the Autonomous Council is the most sensible arrangement, as the communities have a tendency to remain under their own leader since historical past.

The Autonomous Councils of the plain tribes like the Deoris, The Mishings, the Tiwas are not functioning satisfactorily due to political factions. Ray (1997:257) mentioned that the State- Autonomous Council relations remained strained. While the Government side charged the autonomous Councils with mismanagement and inefficiencies, the Autonomous Councils complained of insufficient funds, limited resources and limited power. Present scenario of the aforesaid event is that large numbers of politician, ex-student leaders, middleman, etc., are trying their level best to become executive members of the Deori Autonomous Council and have flooded the government with petitions about themselves. Their main strategy is to compel the government to dissolve the existing Executive Council with continuous allegations of corruption and irregularities. The Government has already instituted commissioner level enquiries and its results have already been submitted. In all the matters related with the inquiries of anomalies in different districts of Assam, the Government has got full cooperation from the Deori Autonomous Council.

The creation of Deori Autonomous Council has faced lots of problems regarding its proper functioning since its inception. It has faced lots of anomalies in relation with allotments and disbursements of allotted funds for their socio economic developments. Still, according to the people of study villages, the creation of Deori Autonomous Council has an all round and profound impact on the whole community. The grass root level community members and common mass feel proud to have their own Autonomous Council because according to them it has led to a trend towards revivalism of their traditional customs, language, religious practices among a section of the whole Deori tribe. The people who got proselytes under Assam's Vaishnavism and to other beliefs system in the past, have start reverted back to their own pristine religion of the forefathers. The major reason of this revivistic movement reveals that the Deoris all over Assam trying to assert their ethnic identity which is mobilise to a great extent by the formation of Deori Autonomous Council.

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