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# NILIMA

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## **A Foreword from the Editor**

*Studio Nilima: Collaborative Network for Research and Capacity Building* is an expanding network of legal professionals, academicians and social scientists in North East India. Studio Nilima, was started with the vision to extend the frontiers of law in creating an interdisciplinary practice of legal and policy research while providing a space for bringing together lawmakers, policy makers, thinkers, practitioners and students from different schools to engage with the issues that emanate from the areas of law, culture, governance and society.

To take this view forward, Studio Nilima had started a Research Fellowship Program in the summer of 2017, which led to the inaugural issue of the Nilima: A Journal of Law and Policy, a peer reviewed, academic journal which was given excellent recognition and acceptance in every avenue it had reached. I am grateful for the valuable critical reviews for our first issue, all of which we have taken into consideration and tried to improve in this issue. This journal was primarily started with the mission to facilitate a wider understanding of conflicts and its interface with the issue of law and governance, in Northeast India. The vision continues in this second issue of 2018, where the scope of the journal has been expanded with discussions on conflict and the various policy issues that are prevalent in the areas of the

Northeast and also provide relevant insights into how these issues can have durable solutions.

Dr. Apurba Kumar Baruah, a veteran scholar from the Northeast, through his paper on *Constitutional Democracy and Traditional Self Governing Institutions: A Study of Laitumkbrah Dorbar*, studies the conflict between traditional political institutions and modern governance structures. The article takes up as a case study, the Khasi lowest level of Governance, "Dorbar", in Meghalaya where ethnic violent conflicts have continued since 1979 and have only manifested itself more prominently in the past few years. Dr. Baruah has contributed his work on a special request from Studio Nilima.

Medusmita Borthakur enquires into the question of whether the phenomenon of migration is a hoax or a fact, through her paper *Conflict emanating from Migration*. It studies the phenomenon of how the linguistic politics has played out in the state of Assam, in the case of Bengali Hindu migrants and the impact that it has on the conditions of the Muslim peasants originally from East Bengal. In this context, the study further delves into the Citizenship Amendment Bill of 2016 and the grounds on which it has been contested.

Shradhanjali Sarma's paper titled, *Conflicting Concord: the Assam-Nagaland Border Dispute*, traces the growth of the state of Nagaland post independence and the perpetual state of conflict the region has experienced due to insurgency and border demarcation. These issues have been studied, in the context of how it has also impacted and shaped the Naga movement for autonomy.

Sujata Buragohain, makes an attempt to study the concerns that have come up post the formation of the BTAD area-keeping in context the political mobilization in the region that has led to conflict between the Bodos and the non-Bodos leading to their exclusion in her article titled *Imagined Homeland, Claims and Counter Claims*. Her work includes stories from the field, of people who after the events of 2003, chose to stay back in their homelands. The article focuses on how state-initiated institutions create consequences which lead to inequality among its own residents-the concept of "self rule" imposed into the framework of "shared rule"-only to end up in more conflicts in the region.

(iii)

These conflicts have consequences not only in the political climate of a region but immensely affect the lives of the people who are subject to these elements. Roman Boro's paper on *A Study on the effect of Armed Conflicts on households and their coping strategies in villages of BTAD (Bodoland Territorial Area District)*, Assam studies this phenomenon through narratives from the field.

Udit Singh, through his article titled, *Struggle for Autonomy: The Case of the Rabha tribe in Assam*, studies historical background of the Rabha community and their political movement, over the years, fighting for recognition and autonomy in the state of Assam. The Rabha tribe, according to many scholars has been influenced by different cultural and linguistic communities to a large extent-and this paper makes an attempt to study the efforts made by the tribe to not lose their identity despite the existing narrative.

Slightly moving away from the conflict narrative, Aditi Ameria studies the Pradhan Mantri Gramin Digital Saksharta Abhiyaan scheme through her article, *PMGDisha: India's Digital Revolution, so close yet so far away?*. The paper studies the urban-rural divide in India in the context of digital literacy, through case studies in Goalpara, Bongaigaon and BTAD, and critically analyses the implementation policy taken up for the scheme.

I express my heartfelt gratitude to Dr. Apurba Kumar Baruah for contributing his seminal research. I am grateful to our fellows for contributing their essays that has led to the publication of the second edition of this journal. As always, it is a pleasure to work with the dedicated members of the Studio Nilima team. I hope these articles provide valuable insights to our readers and act as a source to new ventures in research.

Mr. Justice (Retd.) Brojendra Prasad Katakey

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# CONSTITUTIONAL DEMOCRACY AND TRADITIONAL SELF-GOVERNING INSTITUTIONS: A STUDY OF LAITUMKHRAH *DORBAR*\*

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Dr. Apurba K. Baruah

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## Introduction

Intercommunity conflicts have always been a major problem of law and governance in North-East India. However, the problem seems to be more acute in tribal homelands. The situation is so grave, that in April, 2000, the Governor of Meghalaya pointed out that every community of the region was involved in violent conflicts with one or more of the other communities. He maintained that this violence was affecting the everyday life of citizens, threatening their rights as members of a democratic society.<sup>1</sup>

What effect do these conflicts have on democratic governance, particularly rule of law? Are these conflicts related to the problems arising from the introduction of modern democratic governance in traditional societies? How is tradition responding to modern governance? Many of

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\*This paper is a final version of two working papers written for London School of Economics and Political Science, under its Crisis States Programme. The draft versions are available on the project website as parts of the working paper series 1. I am grateful to Professor John Harriss for reading the first drafts of the two working papers and for his valuable comments. I am also grateful to Advocate Nilay Dutta for reading this draft and making some very important suggestions. This work would have been impossible without the assistance of Audri Laldinpuii and Joplin Hek in data collection.

<sup>1</sup>Communal conflicts brutalizing educated youth, says Governor." *The Shillong Times*, 14 April 2000

the ethnic communities of the region are rooted in traditional tribal cultures, which some sections zealously guard. The most visible assertion of this is seen in the attempt to retain "traditional political authorities" in the name of protecting the cultures within the democratic system of governance established by law.

In matters related to governance, the term democracy has by now acquired almost a universal acceptance, though even today democracy remains a contentious term.<sup>2</sup> Critics point out that the democracies established with assistance from the West lead to consensual domination in many societies. However, countries in South Asia, which have adopted 'democratic' forms of governance and politics, have had different experiences. Some, including India for example, have had stable democratic governments, while others such as Pakistan have had repeated authoritarian interference. Many of the newly emerging democracies have been experiencing, what Sandbrook called, in the case of some African states, "deadly conflicts"<sup>3</sup>. Sandbrook's study shows that African countries such as Niger and Zambia, are becoming pseudo-democratic or authoritarian regimes, whilst countries including Tanzania and Zanzibar, are making little progress towards consolidating representative democracy. On the other hand, we have Madagascar, Ghana and Mali, showing vitality in their democratic institutions.<sup>4</sup>

The experiences of African societies have often been studied to analyze the process of democratization in former colonies having strong tribal traditions. Scholars suggest that democratic openings in divided societies like those of Africa, often aggravate communal tensions. The numbers game involved in free elections encourages leaders to manipulate latent regional, ethnic, or religious animosities in an attempt to mobilize electoral support. In these societies, the private sector is very weak. Therefore, the state controls access to vast resources and thus aggravates election-related

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<sup>2</sup>Parry, Geraint & Moran, Michael. *Democracy and Democratization*. London and New York, Routledge, 1994

<sup>3</sup>Sandbrook, Richard. *Closing the Circle: Democratization and Development in Africa*. London and New York, Zed Books, 2001, pp. 49-74

<sup>4</sup>Ibid, pp. 23-47



tensions.<sup>5</sup> Studies on the effects of legacies of tribal systems in pre-colonial Africa showed such traditions created enormous problems for new democracies.<sup>6</sup>

Anthropologists such as Fortes, Evans-Pritchard and Harold K Schneider<sup>7</sup>, give detailed descriptions of African societies that help us understand the structure of authority in some of these societies. In discussing the Zulu, for instance, Fortes & Evan-Pritchard pointed out that the King owned the land and all who came to live in Zulu land had to acknowledge his sovereignty. The Zulu King exercised judicial, administrative and legislative authority over his people and performed religious ceremonies and magical acts.<sup>8</sup> On the basis of such evidence, these scholars argue that in Africa it is hardly possible to separate political office from ritual or religious office.<sup>9</sup> From such accounts, it is clear that in many traditional African tribal societies land and divinity were sources of authority and power. We can thus conclude, that in most tribal societies, age, tradition and supernatural qualities were the sources of political authority and the values governing such authorities.

Colonial intervention brought significant changes to many traditional societies. Schneider argues that the imposition of colonial rule had an immediate effect on most African kingdoms. The authority of former chiefs was considerably reduced and the economic basis of kingly or chiefly power was undermined or destroyed, though not in equal measure in all areas.<sup>10</sup> Yet, there is evidence to show that in other situations colonial powers actually created conditions to increase the power of the chiefs, particularly through what was called indirect rule.

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<sup>5</sup>Conteh-Morgan, Earl. *Democratization in Africa: The Theory and Dynamics of Political Transition*. Westport, 1977, Ch. 6

<sup>6</sup>Simiyu, V.G. "The Democratic Myth In The African Traditional Societies," in *Democratic Theory and Practice in Africa*, edited by Oyugi, Walter. London, James Currey, 1988. pp. 49-70

<sup>7</sup>Fortes, M. & Evans-Pritchard, E. E. *African Political Systems*. London, Oxford University Press, 1940; Schneider, Harold K. *The Africans*, New Jersey, Prentice Hall, 1981

<sup>8</sup>Ibid, pp. 29-30

<sup>9</sup>Ibid, p. xxi

<sup>10</sup>Schneider, Harold K. *The Africans*, New Jersey. Prentice Hall, 1981, pp. 235-36

Interventions and Western education practices, however, did not bring about a radical transformation, as far as the influence of traditional values was concerned. Studies including *Politics in Modern Africa: The Uneven Tribal Dimension* by Kenneth Ingham, acknowledge that African students, who studied abroad and were exposed to Western government in Europe, contemplated becoming legatees of imperial rule. However, "many of those who progressed furthest in the realm of European education were still unwilling to renounce their African heritage completely". They found refuge in the concept of *negrituda* – "taking pride in traditional African Values while simultaneously seeking to gain acceptance from the Europeans by absorbing their culture".<sup>11</sup> The tendency to revive traditional values and institutions remained strong, despite inroads of Western values throughout colonial intervention.

Politics in these traditional communities of Africa was based on two principles: the wise should rule and all members of the group, except slaves and women, should participate in ruling, in a spirit of partnership and consultation.<sup>12</sup> In a sense, the practice of such politics appears to be based on the principles of egalitarianism and popular participation. This leads to a perception that tribal societies are inherently democratic.

The nature of these systems of governance and their "democratic" practices varied from society to society. In fact, there is no unanimity among scholars regarding the democratic content of these societies' political practices. V. G. Simiyu argues that it is illusive to attempt to prove that democracy existed in these societies before the coming of colonialism. He claims there was a mixture of rudiments of democratic tendencies and practices on the one hand and aristocratic, autocratic and/or militaristic practices and tendencies, with varying degrees of

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<sup>11</sup>Ingham, Kenneth. *Politics in Modern Africa: The Uneven Tribal Dimension*. London and New York, Routledge, 1990, pp. 4

<sup>12</sup>Waterlow, Charlotte. *Tribes, State and Community: Contemporary Government and Justice*. London, Methuen & Co. Ltd, 1967, p. 2

<sup>13</sup>Simiyu, V.G. *The Democratic Myth In The African Traditional Societies*. Oyugi, Walter et.al (eds.) *Democratic Theory and Practice in Africa*. London, James Currey, 1988, p. 51

despotism, on the other.<sup>13</sup> Despite such differences of opinion, there is no doubt that traditional political institutions and political values of tribal societies of former colonies were of a different genre. However, the democratic content of these systems could not, and should not be judged by different standards of societies, including those viewed as more advanced. In India, such propensities can be viewed in many Indian communities' response to colonial influences. One striking example is that of the Brahma Samaj, which had leaders like Raja Ram Mohan Roy, who, while invoking Indian traditions found in ancient Upanishads, "valued the modern Western culture and organized educational institutions in the country for its spread among the people".<sup>14</sup> While many parts of India have gone through a process of evolution that made the liberal democratic values more acceptable, there are other parts where such evolution still remains a problem. If a form of modern democratic governance, particularly one with declared "liberal democratic goals" is introduced in such societies through external intervention (such intervention might find indigenous allies!), traditional political values can be expected to come into conflict with the new political values. Prevalence of a particular set of values reflects the nature of consciousness of a community. Thus, imposition of values foreign to the existing consciousness may generate conflicts.

In Meghalaya, one of the most advanced of the hill states of North-east India, certain sections are trying to revive virtually defunct tribal chiefdoms called *Syiemships* and are demanding direct funding for those institutions from the Government of India.<sup>15</sup>

How is modern governance dealing with tradition? Is the interaction between modernity and tradition in the area of governance aggravating ethnic and communal conflicts? These are some questions that seem to be relevant in contemporary North-east India. Seeking answers, we decided to look at the tribal state of Meghalaya that has been experiencing ethnic

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<sup>14</sup>Desai, A.R. *Social Background of Indian Nationalism*. Bombay, 1976, pp. 287-290

<sup>15</sup>For an analysis of the political consequences of such attempts, see Baruah, Apurba K. "Democracy and Traditional Institutions: A case for Consensus." *Deccan Herald*, 28 October 2002

violence at regular intervals since 1979.<sup>16</sup> More importantly, the state's perception of the social reality itself seems to have acquired an ethnocentric character. A look at the programmes of all the major political parties shows that ethnicity governs the politics of this state,<sup>17</sup> which in turn affects the system of governance. Each community in Meghalaya views social reality from its own perspective. This becomes clear in the way that political parties (even the national parties are national only in a formal sense), underground extremist groups, student and youth organizations, or human rights organizations, all are organizations of particular communities.<sup>18</sup> Keeping this in mind, we examined the consequences of such perspectives at the local level of governance in the Khasi inhabited areas of Shillong, the capital town of the state.

At the lowest level of governance in the *Khasi* dominated areas of the state of Meghalaya is the traditional *Dorbar Shnong*. According to the contemporary narrative of the traditional political system of the *Khasi*, it is an assembly of the *Khasi* at the village level, around which the life of the community is organized. This narrative might have been affected by interventions of the British administration, the interaction of the *Khasi* with Christian Missionaries (who converted a large number of the *Khasi* to Christianity), and also the reformist actions of the educated *Khasi* elite that emerged during the British period and continues to grow even now. However, *Dorbar* remains an influential tribal institution of governance that exists within the constitutionally established system of governance.

The protective discrimination under the sixth schedule of the Constitution of India made it possible for the traditional Khasi institutions to function as self-governing institutions at various levels. Of these, the

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<sup>16</sup>For some information about the capital city of Meghalaya, see Purkayastha, R. K. "Social Instability in Shillong: 1981-1991," in *Dynamics of a Tribal Society*, edited by Datta B. Ray & S.K. Agnihotri. New Delhi, Uppal, 1999, pp. 276-284

<sup>17</sup>For an analysis of some of these programmes, see Sengupta, Sushmita. "Regionalism in Meghalaya." Unpublished PhD thesis, North Eastern Hill University, 1997

<sup>18</sup>For a discussion on ethnic mobilization of youth in North East India, see Baruah, Apurba K. *Youth and Students Organizations in North East India*. Report of a project sponsored by the ICSSR, NERC, Shillong, 2000

*Dorbar Shnong*, or the village level tribal councils, seem to be most important, affecting the day to day administration and the lives of the common people. The *Dorbars* like all other institutions of the traditional system of governance of the *Khasi* are headed by a chief. A perceptive British administrator once pointed out that the Khasi Chiefs were not territorial sovereigns but "democratic" chiefs, whose authority was over subjects and not over land.<sup>19</sup> As has been shown by some, the meaning of democracy in the official British perception of these chiefdoms is not very clear because some records also refer to them as oligarchies.<sup>20</sup> It seems to be clear that these chiefs could assert their authority, not so much within defined territorial limits, as over their subjects. It was much later, in 1923, that the Khasi National Durbar, a newly formed social organization, sought to change the practice by insisting on allegiance to the state of residence.<sup>21</sup> But in the context of emergence of cosmopolitan communities in many parts of the Khasi Hills, traditional authorities are losing their tribal (community-centric kinship-based) character, and chiefs of all ranks are now territorial chiefs instead. A look at certain situations of conflict and actions taken by some *Dorbars* shows that they govern localities that they claim to be their domains. We explore two major conflict situations in Shillong, in 1979 and 1998, to prove this.

In 1979, the city experienced a major riot over the celebrations of a Hindu religious festival, and as the reports in the newspapers showed, it quickly turned into a tribal/non-tribal conflict. According to one report, some leading non-tribal people issued a signed statement claiming that on October 22 at 4:15 pm when Kali idols were being lifted onto a truck to be carried for immersion from Ram Villa *Puja* Compound<sup>22</sup>, near the Laitumkhrah police beat house, a young man belonging to another community contemptuously crossed over the idol and the idol was broken. That incident led to a scuffle and within minutes it became a fight between

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<sup>19</sup>Bivar, as quoted in Kieth Cantlie's *Notes On Khasi Law*. Shillong, 1934, p 131

<sup>20</sup>Sharma, Manorama. "Critiquing Traditions: The Case of Meghalaya," in *Crisis States Programme Working Paper*. London, Development Research Centre, LSE, November, 2004

<sup>21</sup>Cantlie, Kieth. Op.cit. p. 163

<sup>22</sup>In many Indian languages the word *Puja* means worship or prayer

the tribal (Khasi) and non-tribal (mainly Bengali) groups. During the fight two more idols were broken.

The police intervened and arrested two young Khasi men. Following the arrests there were protests against the police, who in turn arrested two more people from the Bengali community and then released everyone. The following day some local leaders called a meeting and decided to punish the Bengali minorities of the area by closing their shops and establishments for seven days. They also decided to fine the two people from the minority community involved in the fight, Rs. 5000 each. The decision to close down the minority shops was promptly enforced, and miscreants started beating up minorities. Chaos broke out and hundreds of people visited the residential areas of the minorities and committed atrocities. In some areas minorities tried to resist but hundreds of so-called picketers started parading the streets with sticks. The administration seemed to take a soft position. In some localities minorities had to leave home in search of security. One person was killed, 121 were injured, 143 families were forcibly evicted, and a total of 567 persons were evacuated.<sup>23</sup> Following deterioration of law and order, the administration imposed a curfew and called in the army. But despite these measures some non-tribals were issued eviction notices by Khasi landowners.<sup>24</sup> By December 8, the government had to take serious note of these notices and issued a warning to those responsible.<sup>25</sup> This narrative was obviously viewed by the non-tribals as an attempt, by the tribal majority of the State, to take away their legitimate rights.

The *Dorbar's* perception of the reality was completely different from this. The Laitumkhrah *Dorbar* meeting on 24 October, declared the two Khasi boys accused of damaging the idols innocent and protested against their arrest. The *Dorbar* expressed its respect for all religious beliefs and condemned any attempts to infringe the religious rights of any community by anti-social elements. They demanded action against those responsible

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<sup>23</sup> *The Shillong Times*, 3 November 1979

<sup>24</sup> *The Shillong Times*, 17 November 1979

<sup>25</sup> *The Shillong Times*, 8 December 1979

for the assault on the two "innocent Khasi young boys". The *Dorbar* also demanded closure of all non-tribal shops in Laitumkhrach from 23 to 29 October, decided to disallow performance of Puja in any place other than temples, demanded compensation of Rs. 5000 each for the two assaulted Khasi boys and withdrawal of armed police from Laitumkhrach.<sup>26</sup> There was no mention of the atrocities on the minorities. There is no doubt that kin-protection weighed heavily on the *Dorbar*. Their claim that the two Khasi youth were innocent was refuted 21 years later by a publication by the *Dorbar* itself. Kong Ibandalin Nongrum in an article clearly stated that in 1979, residents of Shillong witnessed killings and discontentment emanating from an incident in Laitumkhrach where Khasi residents attacked the non-tribal residents and broke the idol of a goddess at Ram Villa temple situated at Nongrimbah near the Police Beat House.<sup>27</sup> The very fact that the *Dorbar* imposed restrictions on non-tribals shows that it claimed the authority to govern the area called Laitumkhrach. In the process it sought to challenge the legally constituted authorities because under normal constitutional procedures the two accused should have been produced in a court of law to judge their involvement in any crime. The *Dorbar's* intervention made it impossible for the police to investigate the case and instead the police tried to appease the *Dorbar's* outcry by making an equal number of arrests and then releasing all. The episode showed that the police were forced to act politically. It is clear that the *Dorbars* play an important role in bringing an ethnocentric perception to administration at the local level.

This conclusion is confirmed by another episode involving vital issues of law and order. In 1998, the situation in Shillong deteriorated and the police requested the *Dorbar Shmongs* to help maintain law and order. But the help that the *Dorbars* began to render in itself became a more serious problem. They organized volunteers to keep vigil in their respective localities, at night. Most of the localities then experienced unprecedented atrocities

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<sup>26</sup> *The Shillong Times*, 3 November 1979

<sup>27</sup> Kong Ibandalin Nongrum, "Ka Laitumkhrach Mynnor Bad Mynta." *Laitumkhrach 2000*, Laitumkhrach *Dorbar Shmong*, *Pyllum*, Shillong, 2000, p. 42

committed by the volunteers who were mainly Khasis. The Shillong Times reported on 18 August 1998, that the sudden rise in the crime rates of Shillong and its suburbs had disrupted the police force. Each locality formed its own volunteer force for night vigil. *Dorbars* organized these volunteers and there were reports that quite a few people were lynched by these volunteers, and others had debilitating injuries inflicted on them for breaking the curfew imposed by the locality.<sup>28</sup>

Another daily asked, "Is Shillong nearing its doomsday?" This paper gave details of innocent non-Khasi people being killed by volunteers in various localities.<sup>29</sup> The civil administration, instead of trying to enforce law, merely appealed to the local *Dorbars* to reduce the number of volunteers and requested them to hand over suspicious people to the police. The latter appear to have accepted that the *Dorbars* were the legitimate law-enforcing authority. There was no evidence of any of the volunteers, involved in lynching and beating up incidents, being booked. The gravity of the situation and its consequences for constitutional governance were such that, in an unprecedented intervention, the Shillong Bench of the Guwahati High Court directed the State Government to immediately tackle the deteriorating law and order situation. The court directed the government to protect the life and liberty of the people of the State, particularly in the capital city.<sup>30</sup>

Crime statistics collected from the police, however, do not show any remarkable increase in the number of recorded criminal acts. According to police records the grand total of the crime figures for 1997, the year preceding the troubles, in east Khasi Hills District, which includes Shillong, was 842. The figures went down to 791 in 1998. Incidences of crime in 1999 were recorded at 659<sup>31</sup>. It is surprising that in a year when the police had to seek help from the *Dorbars* to contain crime, and when vigilantism by *Dorbars* led to the virtual breakdown of law and order,

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<sup>28</sup>*The Shillong Times*, 18 August 1998

<sup>29</sup>*Meghalaya Guardian*, 20 August 1998

<sup>30</sup>*The Shillong Times*, 20 August 1998

<sup>31</sup>Obtained from computerized Police Department records in the Office of the Director General of Police, Meghalaya



the recorded crime figures were lower than the previous year. Interestingly a note supplied by the office of the Senior Superintendent of Police, Special Branch (Shillong), to our researcher stated that there was a spurt of thefts, robberies, burglaries and dacoities,<sup>32</sup> and 193 such crimes were committed during the period from 1 January to 30 November 1998. Police described the incidents of violence committed by the *Dorbar* volunteers "as *overreaction* by some volunteer groups" and went on to explain that a feeling of exploitation by outsiders had continued to haunt the local tribals. "They feel that the benefits of economic development of the state are all flowing outside, thus depriving them of their rightful share. Coupled with this is a sense of isolation and of alienation from mainland India."<sup>33</sup> The note expressed no regrets for the forces' failure to perform its duties in restraining the *Dorbar* volunteers from taking law in to their own hand and committing atrocities and heinous crimes. The Police seemed to have a completely ethnocentric view of the criminal incidents. It held the "other" community (Bengali) responsible for criminal activities without any investigations.

*Dorbars* have been active in deciding disputes between their own members and others, and there again ethnocentrism seems to colour perceptions. On 20 September 1990, the Mawprem *Dorbar* issued a notice to one R. Paul, preventing him from carrying on business in the *Dorbar* area<sup>34</sup>. *The Shillong Times* reported on 24 September 1990 that five shops belonging to non-tribal owners had been asked to close down.<sup>35</sup> The notice read:

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<sup>32</sup>Section 391 of the I.P.C. Defines *Dacoity* as the following words, "When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit *dacoity*."

<sup>33</sup>Note supplied to Audrey Laldinpuii on 8 August 2002, by R.A Rynjah, Senior Superintendent of Police, Shillong

<sup>34</sup>Order of *Dorbar Shmong* Mawprem intimated vide Ref.DSM/1/90-37 dated 20 September 1990

<sup>35</sup>*The Shillong Times*, 24 September 1990

"Whereas the Durbar *Shnong* Mawprem has found that Shri R. Paul owner of Grocery cum Stationary Shop resident of Mawprem was involved in the incident on 29th August 1990 at Lower Mawprem, Shillong, causing hatred and communal disharmony among sections of the people of the locality. Therefore, the Durbar *Shnong* Mawprem, Shillong, direct and require the said person to cease carrying on the trade or occupation at the said place, and not again to carry on the same in any place within the jurisdiction of the Durbar *Shnong* and to remove the said trade from the place where it is now carried on with effect from 21st Sept. 1990

Issued by the order of the Durbar *Shnong* Mawprem, Shillong.  
Secretary  
Durbar *Shnong* Mawprem".

There is no doubt that the tenor of such notices served the purpose of creating the desired effect in the mind of the recipient. In this instance, Paul promptly appealed formally to the *Dorbar*, seeking a review of the decision. It is necessary to note that under the criminal procedure code, that governs criminal offences in India, the *Dorbar* did not have any authority to pass such orders. However, when such illegal notices are repeated over a period of time, and if those are condoned by the civil and police administration, such practices create *de facto* authority. The implications of the exercise of such power for the rule of law are all too evident. The formalization and the bureaucratization of this traditional Khasi system of non-formal governance, claimed often to be 'traditional', are rather obvious.

A notice circulated by Anil K. Toi, Secretary Umsoshun *Dorbar Shnong* on 9 April 1995 displays this trend very clearly. The notice reads:

"The office bearers of Umsoshun locality including the *Rangbah Shnong* (Headman) will make a thorough inspection to [*sic*] all the shops located at Umsoshunon Monday the 17.4.95 at 10.00 A. M. for verification before the issuing [*sic*] any N.O.C for trading license. All the proprietor of the shops should be in their

shop at the time given above for the said purpose, failing the same the *Dorbar* will not take any responsibility in future."<sup>36</sup>

There are innumerable instances that show that these *Dorbars* are now acting as an arm of the Government and they are becoming formalized. They are fast losing their traditional, non-formal tribal character and are acquiring an authority of unprecedented formal nature through *de facto* formal jurisdiction. It is claimed that the *Dorbars* are traditional bodies. A close look at the functioning of these bodies might throw some light on how these institutions interact with the constitutional authorities and show whether the values of these traditional institutions in any way influence the values of constitutional democracy and its legal processes in North East India. We therefore decided to study a *Dorbar* in Laitumkhrah, a locality in Shillong, the capital city of Meghalaya. This paper presents our findings in Laitumkhra.

### Methodology

To facilitate understanding of the Laitumkhrah *Dorbar*, a *Dorbar Pyllun*,<sup>37</sup> we decided to examine records of the *Dorbar* and relevant government departments so that we could have a fair idea of how the system functioned. During the course of our study we discovered that in the case of Laitumkhrah some records were maintained. *Dorbar* functionaries are usually reluctant to grant access to the records, but some of these became accessible to us because of the perseverance of our research investigators and the generous co-operation of the then chairman of the *Dorbar*. The chairman made it clear that the proceedings were not open to outsiders. According to him, the secretary does not allow scrutiny of official papers. The functionaries of the *Dorbar* are volunteers and work

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<sup>36</sup>Notice circulated under signature of Anil K. Toi, Secretary Umsoshun *Dorbar Shmong* on 9 April 1995. Such notices are issued by *Dorbar*. Those are served to the concerned residents and copies are available in *Dorbar* files.

<sup>37</sup>"*Dorbar Pyllun*" means a body comprising of four or more *Dorbar Shmong*s constituted by such *Dorbar Shmong*s to look into the common interest and general welfare of the inhabitants of villages under its jurisdiction. See clause 6 notification dated 22 July, 2014, Office of the Khasi Hills Autonomous District Council, Legislative Secretariat, Shillong

part time, and therefore they cannot be expected to maintain very systematic or easily accessible records. We tried to collect information from records from two levels (the *Shmong*<sup>38</sup> and the *Dong*<sup>39</sup>) at which the *Dorbar* functions.

To supplement this, we interviewed twenty *Dorbar* functionaries, including the chairman (who happens to be a *Rangbah Shmong*), the two other *Rangbah Shnongs*, the three secretaries and the fourteen *Rangbah Dongs*. These are the key functionaries of the *Dorbar*, and the unstructured interviews with them helped us unravel part of the nature of the authority and power that the *Dorbar* exercises. But to understand this it is necessary to assess the attitude of the residents of the *Dorbar* area. We therefore interviewed eighty people: forty drawn from twenty households in a locality with a mixed population; and another forty from another twenty households in a Khasi locality. In each household we tried to interview an adult male and an adult female, but the gender balance could not be maintained uniformly because of non-availability of respondents of a particular gender in certain households. The attempt was to collect information about the *Dorbar's* ways of functioning in the most crucial aspects of social life, their implications for the values of constitutional Governance and also to assess the degree of legitimacy enjoyed by the *Dorbar*.

We are aware of the fact that the number of people interviewed was small and therefore cannot serve as a statistical sample. But it is large enough to cover a significant section of population and give us some idea about people's perception of the *Dorbar*. We therefore tabulated this data of individual responses and tried to examine the variation of perceptions. Since the *Dorbar* area includes a large commercial establishment<sup>40</sup> we also

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<sup>38</sup> *Shmong* is a *Khasi* equivalent of a village. See *ibid*, clause 7, which says, "Dorbar Shnong" means the traditional village institution of the village of the Khasis and composed of all Khasi inhabitants of not less than 18 years of age, where the prevailing age-old customary and traditional governance and adjudication are carried out.

<sup>39</sup> *Dong* is a *Khasi* equivalent of neighborhood locality. See *ibid*, clause 5, which states the following "Dong or Kyntoit" means a subordinate part or locality of a village and has a distinct identity within that village only.

<sup>40</sup> The *Dorbar* has no records of the number of shops and vendors but a quick survey in the main commercial area and the daily market showed that there were 232 shops and 67 vendors.

interviewed 34 individuals (22 shopkeepers and 12 petty vendors) involved in commercial activity. The attempt here was to see if the *Dorbar* enjoyed any legitimacy in the commercial establishment. We tried to understand this by discussing with them the prohibitory orders the *Dorbar* had issued from time to time. The opinions expressed by these interviewees were not strictly quantified but were used to understand the issues of legitimacy and allegiance. In view of the paucity of well-maintained records we decided to draw upon unstructured interviews to examine the functioning of the *Dorbar*. We also interviewed five prominent women, familiar with the Laitumkhrah *Dorbar*, to understand the women's perception of the *Dorbar*. During interviews with the ordinary residents we also raised the issue of gender in connection with the functioning of the *Dorbar*.

### **The Laitumkhrah *Dorbar***

The problems related to governance of Laitumkhrah *Dorbar* area, in which a complex three-tier political process exists, reflect serious conflicts between traditional communitarian and modern liberal democratic values which in turn seem to affect the law and order and in fact most functions of governance. The conflicts in this urban *Dorbar* cannot be understood without understanding the circumstances of development of the cosmopolitan city of Shillong created by the colonial British administration of the nineteenth and early twentieth century. Laitumkhrah is a densely populated urban locality of Shillong in Meghalaya, a hill state, which was carved out of the British created composite state of Assam. The establishment of this state in 1972 was the result of a largely peaceful sustained agitation by the residents of the *Khasi-Jaintia* Hills and the *Garo* Hill districts of the then Assam.

The composite state of Assam itself was created by the British in 1826, when they took over the areas ruled by the Ahom kings, who ruled those areas for 600 years. It was under the Ahom rule that the *Asomiya* community (referred to as the Assamese) developed as a major linguistic community of the region. The Ahom kingdom was confined to the Brahmaputra valley. When the British arrived, this kingdom was surrounded by a large number of tribal hill communities, which ruled themselves and

most of whom remained outside the Aryan influence that led to the formation of the *Asomiya*. As a result, many of their tribal practices have remained intact.<sup>41</sup> Initially, the British did not interfere with the lives of these people, but for various political reasons, associated with the interest of the empire in India, they gradually penetrated the areas occupied by them and gave shape to the composite state of Assam. This state embraced the erstwhile *Asomiya*-inhabited Ahom kingdom, and many of the tribal areas brought under the British rule.<sup>42</sup>

The inclusion of these tribal areas in the newly created composite state forced people with strikingly different cultures to adjust to a new system of administration. This in turn released a peculiar process of ethnic mobilization generating hopes of assimilation, but often resulting in fierce competition for power and opportunities. The Khasi-Jaintia tribal people of the area now called Meghalaya had come into close proximity with the British long before many of the hill tribes of the region. With the coming of the British administration and missionaries to the area, they came under strong Western influence.<sup>43</sup> While the introduction of school education by missionaries and conversion to Christianity influenced the society considerably, the most striking and direct consequence came in social and political life as a result of the introduction of a new system of administration. Despite the policy of minimal interference in the tribal way of life, reflected in the policies followed in the areas designated as excluded and partially excluded, the administrative interventions by the British changed the face of the societies in the area.

As a part of this intervention the British decided to establish a station in Shillong by persuading the *Syiem*<sup>44</sup> of Myllem to cede to the British

<sup>41</sup>Devi, Lakshmi. *Ahom-Tribal Relations: A Political Study*. Guwahati, Lawyers Book Stall, 1992, pp. 1-18

<sup>42</sup>Barpujari, H. K. *The Comprehensive History of Assam, Vol. IV*. Guwahati, Publication Board of Assam, 1992, pp. 77-257

<sup>44</sup>Detailed accounts of the Christian Missionary activities are available in works like Morriss, Hughes. *The History of the Welsh Calvinistic Methodists' Mission, to the End of the Year 1904*. New Delhi, Indus, 1996. [originally 1910]. The western influence in the early British period is discussed in Dutta, P.N. *Impact of the West on Khasis and Jaintias*. New Delhi, Cosmo, 1982

<sup>45</sup>*Syiem* is a Khasi chief see notification dated 22 July, 2014, Shillong. Op.cit.

authorities his right as 'Rajah' over the tableland of Shillong and by entering into agreement with some private owners.<sup>45</sup> In the land thus acquired, the administrative offices, European bungalows, and settlements of recruits to government services and practitioners in trade and commerce grew. The *Khasi* (those sections which took advantage of the opportunities created by the British administration) participated in this process. Jibon Roy, a member of the Sawian clan, was one of the close collaborators of the British in this effort. The population of Shillong, including the population of the Khasi villages in and around the new station, increased as people moved from other parts of the hills and plains as employees, traders and businessmen. As Nurara Hazarika shows, from British records, government employment was not very popular among the Khasis, and therefore Bengalis filled the vacancies.<sup>46</sup>

The area, in which the British enclave of Shillong was established, initially for a cantonment and a sanatorium, but later as the administrative headquarters, was largely vacant though interspersed with Khasi villages with small populations. In fact, the descriptions of Shillong in those days gives the impression that with the exception of the Khasi villages, the rest of the station was without much habitation<sup>47</sup>. These villages attracted people migrating as government servants, traders and shopkeepers. While government servants were settled by the government, the traders and shopkeepers settled in land obtained from the *Syiem* of Myllem and private owners.<sup>48</sup> With the growth in administration, trade, business, and education the station expanded, and new areas were included in it. Mawkhar and Laban were brought under Shillong in 1878.<sup>49</sup> Some nearby areas of Laban and cantonment were included in 1887. Mawprem, Jhalupara, Bivar's

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<sup>45</sup>Agreement with proprietors of land, on 19 December, enclosed in home judicial proceedings, April 1863 No. 10-12, National Archives of India, New Delhi

<sup>46</sup>Hazarika, Nurara. *Urbanization in Meghalaya: A Socio-Historical Study*, Unpublished M.Phil. Diss., North Eastern Hill University, 1983, p 46

<sup>47</sup>Hussain, I. " *Shillong: British Enclave to Tribal City*," in *Hill Cities of Eastern Himalayas*, edited by A.C. Sinha *et al.* New Delhi, Indus, 1993, p. 80

<sup>48</sup>Ibid. p. 76

<sup>49</sup>Rao, Venkata V. *A Hundred Years of Local Self Government in Assam*. Guwahati, Lawyers, 1967, pp. 62 & 118

Estate and Hopkinson's Wood were brought under it in 1895-98 periods. By 1910, Laitumkhrah and Malki were incorporated. In the same year Shillong, a station since 1878 was converted into a municipality with ten wards: Laitumkhrah, European Quarters, Jail Road and Haneng, Police Bazar, Mawkhar, Jhalupara and Mawprem, Laban, Mission Compound and Jaiwa. Qualapatti, Malki and Kench's Trace were included in 1934. Nurara Hazarika shows that, with Shillong becoming the headquarters of the British administration in the region, the process of urbanization was accelerated, and this greatly affected the demographic picture of the area. She says that migration changed the demographic composition of the urban population, and like other big towns and cities we find a multi-ethnic population in Shillong.<sup>50</sup>

It is in this multi-ethnic, cosmopolitan capital city of a tribal state that Laitumkhrah is situated. In this state, unlike in many other tribal areas of India, political power is vested firmly in tribal hands with 55 of the 60 seats in the Assembly reserved for the tribes, who also dominate the bureaucracy.<sup>51</sup> The population figures of the *Dorbar* area are not available because the *Dorbar* does not keep such records. The *Rangbah Shnong* of Laitumkhrah told us during an interview, that a census of the *Dorbar* area was being taken up. In the absence of *Dorbar* records we looked at the electoral rolls to get an idea of the demographic situation. The rolls showed 9,829 Khasis and 8,038 non-Khasis in a total electorate of 17,867.38.<sup>52</sup> These figures may not show the actual strength of the non-Khasi population in the *Dorbar* area because many non-tribal adults may not register as voters because of the sustained agitation carried out by some Khasi youth organizations against enrolling outsiders as voters.<sup>53</sup> In any case these figures clearly show that the Khasi and non-Khasi populations are almost equal

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<sup>50</sup>Hazarika. Op.cit p. 50

<sup>51</sup>Sengupta. Op.cit

<sup>52</sup>Meghalaya Electoral Roll, 1999, 17th Laitumkhrah Constituency, Shillong, Electoral Registration Officer, 1999

<sup>53</sup>One of the issues these organization raise frequently is about cut off year for the purpose of electoral rolls. For a discussion on the student's movement in Khasi Hills, see Malngiang, Pascal *Students and Youth Organizations in Meghalaya*, in Baruah, Apurba K. (ed.) *Student Power in North East India*. New Delhi, Regency, 2002, pp. 173-196



in strength in the *Dorbar* area. If our assumption about many non-Khasi names not appearing in the electoral rolls is valid, then the non-Khasi population may actually be a majority in the area. Laitumkhrach has a daily market, and most of the shop owners and vendors dealing in vegetables, fish, meat and fruits are Khasis. Until recently most major commercial establishments, such as grocers, stationers, restaurants and hardware stores, were owned by non-tribals. But repeated ethnic conflicts are creating a psychosis of fear, and many non-tribal traders and businessmen, particularly middle ranking ones, are selling off and leaving the city itself.<sup>54</sup> Laitumkhrach has a large number of schools, colleges, hospitals and important places of worship of various communities, as well as a police force beat. It is an urban area with all the amenities of modern life and falls within the municipal limits of Ward No.11 of Shillong Municipality.

The History of the *Dorbar* is difficult to trace. The Chairman of the *Dorbar* told us during an interview that Macdonald Kharkonger was the first *Rangbah Shnong*, and the *Dorbar* seems to have been organized during the First World War when it became necessary to distribute rations to the people and to form self-defence groups. This appears to be plausible because missionary accounts from the late 19th century describe the present Laitumkhrach as "Hopkinson's Wood," a large property that was sold to a Mission by General Hopkinson for the sum of Rs. 5000. There was no mention in these records of any *Dorbars* in the area. The Chairman could not trace the records of the first recorded meeting.

### **Constitutional Inroads:**

The *Dorbar* has a constitution called "Rules and Regulation Concerning the Administration of Laitumkhrach." It was adopted on 14 March 1990. These rules categorically mention that they aim at maintaining peace and harmony in the locality and are meant to bring about understanding and co-operation among the residents and are binding on all members of the locality. The emphasis laid in these rules on peace,

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<sup>54</sup>Well-known old Bengali shops like Jalpan and Geeta Stores changed hands only recently.

harmony and co-operation is understandable because during the period of 1979 to 1990 Shillong experienced a series of ethnic conflicts involving the Khasis and the Dakhrs or the non-Khasis.<sup>55</sup> (The riot of 1979 has been discussed above.) In 1987 a major riot took place when a Khasi Students' Union (KSU)-led agitation turned communal, and what the police called "group clashes" between Nepalis and Khasis broke out. According to police records six people were killed and 65 injured, and property worth Rs. 29,953,000 was destroyed. 231 cases were registered. In 1992 another KSU agitation turned violent, and again according to police records five people were killed and 85<sup>56</sup> injured. In 1997 yet another agitation turned communal, and six people were killed. It is interesting that these records do not mention the truckloads of people being taken away and dumped just outside the state boundary at Khanapara, in neighbouring Assam. Even judicial enquiries seemed to have avoided such contentious issues.<sup>57</sup>

As we saw in the 1979 episode, the Laitumkhrah *Dorbar* was initially governed by an ethnocentric attitude. But the steps the State Government had to take might have made them realise that pursuit of ethnic interests must be through means that would not attract the wrath of the State. During the episode of 1979 discussed above, state authorities expressed displeasure and reminded the *Dorbar* functionaries who were government servants, that they cannot act against the interest

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<sup>55</sup>Police records provided by the S. P. SSB. to Audrey Laldinpui on 4 September 2002 at 3.00 pm. Audrey Laldinpui was trying to ferret out information about riots and ethnic violence. Despite the fact that the DGP put in a word for her she was refused access to information on various pretexts. The most astounding pretext was that the department destroys records every five years. Audrey's experiences in various departments of Meghalaya government were revealing. An ethnocentric bureaucracy seems to suppress information about ethnic conflicts.

<sup>56</sup>The D.C. issued a warning to the Headmen to the effect that they will be held responsible for disturbances in their area. The new *Dorbar* leadership being government servants cannot be expected to ignore the possible consequences of breakdown of law and order.

<sup>57</sup>For instance the Sarma Commission of Enquiry of the disturbances at Shillong in 1992 refused to draw conclusions on most issues and merely stated what came before as memoranda of various parties.

of the government.<sup>58</sup> In fact the history of the interaction of the Khasi Chiefdoms with the British, in the early days of British expansion in the area, and the response of the newly emerging educated Khasi leadership to the process of integration of the area with the Indian Union, shows that the community, at least at the leadership level, was apt to adopt conciliatory strategies without giving up what it conceived as the community goals.

Under the rules adopted, the *Dorbar* has a pyramidal structure of administration in two tiers - the *Shnong* and the *Dong*. There are three *Rangbah Shnongs* elected by the *Dorbar*, of whom one is elected as the Chairman by the executive of the *Dorbar*. The main office bearers of the *Dorbar* are the Chairman, two other *Rangbah Shnongs*, the Secretary, Joint Secretary, and the Treasurer. The *Dongs* also have executive committees elected by their respective localities. According to the Constitution of the *Dorbar*, the term of the *Dorbar* is two years. The executive comprises all the *Rangbah Dongs*, referred to variously as the heads of the *Dongs* or deputy headmen, elected by their respective locality or *Dong Dorbars*, two members each from *Seng Kynthei* (women's organization) and *Seng Samla* (youth organization). The local Member of the Legislative Assembly (MLA) is a co-opted member. Though the *Dorbar* rules do not specify as to how the women's and youth representatives are chosen, the Chairman of the *Dorbar* told us that the *Dorbar* executive selects them. It is important to note that these organizations despite their Khasi nomenclature are not strictly traditional organizations. During our interview with the chairman of the Latumkhrak *Dorbar* we were told that most likely *Seng Kynthei* and *Seng Longkmei* are offshoots of Church organizations of a similar kind.

Margaret Mawlong, a celebrated bureaucrat and leader of the women in the locality, maintains that the participation of women in church activities through the women's organization of the church might have contributed significantly to the increasing importance given to gender issues. There

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<sup>58</sup>As revealed by S. P. SSB. to Audrey Laldinpuii on 4 September 2002 at 3.00 pm, in the interview referred to above in FN 55, the D.C. issued a warning about holding the Headman responsible for disturbances in their area. The new *Dorbar* leadership being government servants cannot be expected to ignore the consequences of breakdown of law and order.

seems to be some truth in this assessment because during our investigations in the village *Dorbar* at Nongkynrih, the *Rangbah Shnong* and even individual women respondents told us that *Seng Longkmei* was a recent phenomenon. According to the traditions as reported by Khasi historians, women were kept out of *Dorbars*.<sup>59</sup> In this sense, involvement of *Seng Kynthei* and *Seng Longkmei* in *Dorbar* affairs is a part of the reformist tendencies under the influence of the constitutional democratic politics because for some time now gender has been an issue in Indian politics. Margaret Mawlong told us that her exposure to international conventions on women's rights made her gender sensitive. But the tradition of keeping women out of politics weighs heavily on the *Dorbar*. Even Mawlong told us that she was asked to become the chairperson of the New Colony *Dong*, but after two meetings she gave up because she did not want to break tradition. This is revealing because it is the same person who led the women of Laitumkhrah in a crisis situation in 1982 in a manner that led to the formation of *Seng Kynthei* in Laitumkhrah. We have noted that this organization has two representatives in the *Dorbar*. During our study we asked the individual men and women interviewed by us whether women should be allowed to participate in the *Dorbars*. Only 32.5% of the respondents said that women should participate in *Dorbar* affairs. A large majority (67.5%) of the respondents were unwilling to comment on this issue. None of the respondents said that women should not be allowed to participate. Laitumkhrah being a seat of education and a highly urbanized locality, with a lot of public discussions held in the youth centre, the most widely used public auditorium, it was expected that people would be aware of gender issues. But the weight of tradition is such that, ordinary people, both Khasis and non-Khasis, seem to be diffident about expressing their opinion on this issue. We have noticed that more than the tribal men it was the non-tribal men who were reluctant to comment on this issue. We noticed that the residents of Laitumkhrah feel obliged to conform to a particular perception of tradition so far as the *Dorbar* is concerned. The

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<sup>59</sup>For a discussion on this and related issues, see *Women In Meghalaya*, edited by Soumen Sen. Delhi, Daya Publishing House, 1992

perception held of the *Dorbar* by ordinary residents, as an arm of the State, in which the bureaucracy appears to be ethnocentric, might have something to do with it.

Inclusion of women in the *Dorbar* is indeed a break with the tradition, but another significant break from the past is the inclusion of representatives of modern organizations in the *Dorbar*. We have argued that *Seng Kynthei* is not a traditional Khasi organization. The same is the case with *Seng Samla*, the organization of Khasi youth. Historically we do not come across this institution in the traditional Khasi polity. Scrutiny of the Lumshora *Seng Samla* papers showed that it was a registered society under the no.SR/SSL-92/00 of 2000. The purpose of this registration seems to enable the youth to take care of some government schemes, particularly MLA and Member of Parliament (MP) funded Schemes. All the functionaries of the *Dorbar* told us during the interviews that they were aware of government schemes but never applied for these. But scrutiny of Lumshora *Dong* papers clearly showed that large funds were obtained under the MLA and MP schemes for various developmental works. The contracts under such schemes are distributed by the *Rangbah Dong* with the help of *Seng Samla*. The implication is clear. Despite the fact that Laitumkhrah has almost equal numbers of tribal and non-tribal population, and with the addition of non-Khasis outnumbers the Khasis in the area, the opportunities generated by the schemes mentioned above are still monopolized by Khasi young men because only they can be members of *Seng Samla*.

### **Powers of the *Rangbah Shnong***

A look at the powers and functions of the *Rangbah Shnongs* shows that they combine executive and judicial powers. Part IV-A of the rules state that the *Rangbah Shnong* is required to obtain a *Sanad* (sanction) from the *Syiem*. He is required to look after peace and harmony in the locality. He is the judge in all conflicts and quarrels. He can summon any "defaulters" and punish them. He can punish all trouble-makers including mischief-mongers. According to the rules adopted by Laitumkhrah *Dorbar*

the *Rangbah Shnong* is both the prosecutor and the judge so far as the disputes in the locality are concerned. It is important to note that the rules require him to visit the various parts of the locality for inspection. In this sense he becomes an investigating officer with extraordinary powers. There is nothing in the rules that makes him responsible to any other authority so far as his day-to-day functions are concerned. He seems to be able to exercise unbridled power in his domain. The only restriction that is imposed on his functions is issuing certificates to non-tribals for trading purposes. Requests for such certificates and recommendations are to be placed in the executive, which can take a decision. The intent is clear. The community that, with rare exceptions, did not have the resources nor much inclination for modern business, has begun to compete with the middle-sized and small business run by non-tribals. The upwardly mobile new elite is trying to establish control over trade and business. Restricting recommendation for licenses for non-tribals appears to be a major area of conflict. A series of petitions have been filed by non-tribal traders against alleged discrimination by some *Dorbars*. At times nontribal traders are made to obtain trading licenses from more than one authority for the same business. In 1987 the Chief Executive Officer of the Shillong Municipality drew the attention of the special Secretary to the Government of Meghalaya, about the controversies surrounding this issue.<sup>60</sup> The issue of trading by non-tribal traders is such an important one that the most key student union of Meghalaya, the Khasi Students' Union, finds it necessary to intervene in the matter.<sup>61</sup> The *Rangbah Shnong* has the power to fix rates for application fees. The *Rangbah Dongs* have similar powers in their respective localities, except that all matters relating to non-tribals have to be brought to the notice of the *Rangbah Shnong*. Additionally, the *Rangbah Dong* can allow house owners to let houses, for non-commercial purposes. The latter is the responsibility of the *Dong* executive.

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<sup>60</sup>See letter of the Chief Executive Officer, Shillong Municipality to the Special Secretary, Government of Meghalaya. Letter No. 6268 Dt 31.8.87

<sup>61</sup>See news item on the demand of the *Khasi Students' Union* for closure of non-tribal trading establishments. Detailed records of *The Shillong Times*, 24 April 2003

In our perusal of the records at the *Dong* level we noticed that the *Rangbah Dong* of Lumshora had accepted 'fees' at various rates for allowing residents to buy property and to forward applications for trading licenses by non-tribal traders. It is very interesting that the Laitumkhrah *Dorbar* executive had fixed the rate of donation for forwarding applications for trading licenses from non-tribal residents at Rs. 5,000 to 15,000 depending upon the size of the establishment. The notice clarified that for small shops selling such items as betel nuts, these rates will not be applied. Such shops should donate according to turnover. The same notice constituted a committee to interview the applicants.<sup>62</sup> It is necessary to keep in mind that the *Dorbar* cannot issue trading licenses. That is the prerogative of the District Council, which is a constitutional body. The *Dorbar* merely forwards applications and charges huge amounts for doing so. The non-tribal shopkeepers we interviewed maintained that demanding such huge donations for merely forwarding applications for trading licenses is a new practice. One businessman stated that when he applied for the license 30 odd years ago, this donation was not demanded. This practice might have been introduced by the new *Dorbar* leadership.

Fees can be collected by the *Rangbah Dong* and the *Rangbah Shnongs* for forwarding any application, ranging from character certificates to be obtained for acquiring a residential accommodation in another locality, to opening of bank accounts and transferring property. The Lumshora *Rangbah Dong* showed us documents to this effect. On 12 December 1995, Rs. 4,200 was received for permitting transfer of property. On 23 January 1996, Rs. 250 was received from K. Kharpor as *Bairangdong*.<sup>63</sup> Detailed records of the fees thus received at the *Shnong* and *Dong* level were not maintained. According to the Rules adopted by the *Dorbar* all such collections are to be deposited with the *Dorbar*.<sup>64</sup> Scrutiny of the *Dorbar* accounts for the period ending 24 December 2000, which included the accounts for the period 28 October 1997 to 24 December 2000 for the

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<sup>62</sup>See Laitumkhrah *Dorbar* Notice ref. No.LDSP/B/-6/94/12

<sup>63</sup>*Bairangdong* in the Laitumkhra *Dorbar* parlance is a fee to be paid by an outsider to set up residence in a *Dong*

<sup>64</sup>See Rule VI of Part IV of the *Dong* available in *Dorbar* records.

general fund, did not show any receipts for forwarding applications of any kind including trading licenses. During our interview the Chairman of the *Dorbar* said that hundreds of applications for trading licenses are received by the *Dorbar*. He quoted figures of 432 and 584 applications in the years 1995 and 1998 and maintained that 330 and 206 applications among them were forwarded. He could not provide figures for the later years. Even if we presume that the *Dorbar* went by the lowest of rates for forwarding such applications it would appear that in 1998 it earned (206 x Rs. 5000=Rs. 1,030,000.) Rs. 1,030,000 from trading license fees alone. *Dorbar* finances are therefore far more than they appear to be. But it is not merely a question of finances and accounts. The practice of charging fees for these applications, and also the introduction of new formalities such as interviewing applicants for licenses, are reflective of a new political culture at the *Dorbar* level that is far removed from the informal traditional system. The traditional *Dorbars* were said to be congregations of people of the community who carry on debates for as long as is necessary to arrive at a consensual decision. But now the Laitumkhrah *Dorbar* rules provide that in the event of a tie in the *Dorbar* executive, the Chairman has a casting vote. Constitutional representative democracy has definitely made inroads into the tradition. There is no doubt that the newly emerging educated middle class brought in the values of the liberal democracy that governs the state of India in to the traditional systems of governance.

This new leadership, as the present chairman explained, consists of retired government officials. During the interview he maintained that there is a change in the profile of the incumbent chairpersons:

"In the past ordinary persons became *Rangbah Shnongl/Rangbah Dongs* but in the recent years many government servants have been performing these functions."

Of the 3 *Raghbah Shongs* of the *Dorbar* understudy, one was retired, and two were serving, government servants. In the fourteen *Dongs*, ten *Rangbah Dongs* belonged to the category of retired or serving government servants. In terms of education, of these seventeen key functionaries, thirteen were qualified (graduate or above). It is quite natural that the government servants brought the culture of Indian bureaucracy to the *Dorbar* too. The



examination of Laitumkhrah *Dorbar* and scrutiny of some of its records has already shown that through a series of steps, these key functionaries are formalizing this traditional, non-formal system of governance. The wide-ranging powers that the *Rangbah Shnong* of Laitumkhrah held are not in conformity with the traditional Khasi *Dorbars* because all authorities point out that the traditional Khasi chiefs were not supposed to exercise any significant powers without consultation with their *Dorbar*. Hamlet Bareh for instance says, "The *Syiem* had limited powers...The *Syiem* could not legislate, impose taxes, and issue ordinances himself without the consent of the full state *Dorbars*."<sup>65</sup> The same appears to be true of the village *Dorbars* because Bareh maintains that the traditional village *Dorbar* had the same kind of powers as the *Dorbar Syiem*. He says that the village *Dorbar* had the power to legislate and decide cases.<sup>66</sup> If the *Syiem* could not act on his own then the *Rangbah Shnong* obviously could not act on his own. This break with the tradition and concentration of powers in the hands of the *Rangbah Shnong* need not necessarily be seen as a deliberate deviation and a mere corrupt practice. It may as well be reflective of the values of the new bureaucratic tribal elite. These powers sound more like that of a district magistrate than that of a traditional Khasi Headman.

The rules clearly state that the only connection the *Dorbar Shnong* has with the District Council is recommending applications for granting of trading licenses to non-tribal traders. In that sense the *Dorbar Shnong* is not a constitutional institution under the District Council established under the Sixth Schedule of the Constitution of India. However, these *Dorbars* are issued a *Sanad* by the *Syiem*, the traditional Khasi chief. The requirement of the *Sanad* from the *Syiem* seems to establish a connection with the District Council because the *Syiem* is appointed by the District Council under the United *Khasi-Jaintia* Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act of 1959. This act, while

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<sup>65</sup>Bareh, Hamlet. "Ancient Khasi Polity," in *Social and Political Institutions of the Hill People of North East India*, edited by J.N. Sarkar & Datta B. Ray. Calcutta, Anthropological Survey of India, 1990, p. 72

<sup>66</sup>Ibid. p. 76

defining the Headman says:

"Headman means a Myntri, a siem Raid, a Basan, a Lyndoh Raid, a Matabor, Elector, a pator, a Sangot, a *Sordar Shnong*, Sordar Raid and *Rangbah Shnong*."<sup>67</sup>

Yet, Laitumkhrah *Dorbar* rules categorically deny any connection with the District Council. This resistance to the authority of the District Council needs to be understood in the context of the strong resentment expressed by a section of the educated *Khasi* against the interference of the District Council in matters of the traditional system of governance. L. S. Gassah says, after a close examination of the relationship of the District Councils and the traditional institutions it may be concluded that, under the new constitutional set up, the Chiefs are pushed "behind the line of leadership. They are to keep themselves content with whatever powers and functions that were left to them by the District councils (emphasis added)".<sup>68</sup>

Those who harp on the theme of the position of the traditional chiefs being threatened by constitutional authorities do not seem to question whether it is advisable to keep their power and position intact in contemporary *Khasi* society, with its integration into what is often called, in North East India, a "modern world". The coming of the British to the area in the nineteenth century, and the introduction of Western education, Christianity, a money economy, market and modern administration, set the tribal societies on a course that led them to a stage that B. Pakem, the best known political scientist of Meghalaya, described as preparing to attain the status of a post-industrial society.<sup>69</sup> It is necessary to examine what purpose the chief (*Syiem* or *Rangbah Shnong*) serves in a modern context. What services does a *Syiem* offer to his people? It is surprising that no one in the community is trying to examine the issue of protecting the traditional authorities in terms of the general public interest. As letters

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<sup>67</sup>United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959, Section 2(K)

<sup>68</sup>Gassah, L. S. "Effects of the District Councils on Traditional Institutions." *Autonomous*. New Delhi, Omsons, 1997, P. 215

<sup>69</sup>Pakem, B. "Introduction to Pynshai Bor Syiemlieh," in *The Khasis and their Matrilineal System*. Shillong, Published by the Author, 1994, pp. 9-17

to the editors of local dailies and recent news reports over the illegal toll-gates erected by some *Syiem*s show, there is very little that these authorities do for the people.<sup>70</sup> There is no evidence to show that an overwhelming majority of the Khasi wants traditions retained at any cost.

News reports in the local dailies about the recent suspension of two *Syiem*s show that the Khasi community now is divided over the tussle between the traditional authorities and institutions and the constitutional authorities. In the case of the *Syiem* of Myllem, the District Council suspended the *Syiem* and appointed an acting *Syiem*. But when the acting *Syiem* went to take over he was prevented by some myntries (ministers) and other supporters of the deposed *Syiem* on the grounds that the *Syiem* must be elected by his *Dorbar*, effectively rendering the acting *Syiem* appointed by the District Council without legitimacy.<sup>71</sup> But a few days later he could take over without much resistance. The educated elite of the Khasi Hills have been divided over the issue of adjusting to the process of political reforms on constitutional lines.<sup>72</sup> However, the reformists seemed to have gradually gained ground, sometimes under the cloak of protecting tradition. Even now the process of accommodating the values of constitutional politics into a traditional form of governance is evident.

The influence of constitutional democratic governance on tradition becomes clear from various interpolations of constitutional procedures in the functioning of traditional governance. Margaret Mawlong narrated to us the story of formalising the rules of election in Laitumkhrach *Dorbar*. She said that in 1998, when the *Dorbar* met to elect its functionaries, one member was elected to conduct the election proceedings, which were carried out by voice vote. Some members proposed the name of the election officer himself and the proposal was carried. Mrs Mawlong, with

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<sup>70</sup>Letter to the Editor. "Check Gates in RiBhoi," Narleng, Don, Acting *Syiem* of Raid Marwet. *The Shillong Times*, 9 August 2002

<sup>73</sup>Supreme Court Upholds *Syiem* of Myllem's Suspension." *The Shillong Times*. 11 August 2002. See also "Hima Myllem fails to take decision on Supreme Court order." *The Shillong Times*. 17 August 2002

<sup>72</sup>Chaube, Shibani Kinkar. *Hill Politics in North-East India*. New Delhi, Orient Longman, 1973, pp. 62-105

her long association with the higher bureaucracy, found it difficult to accept this and quoted from the rules governing elections to the State Assembly to prove the point that the election officer cannot be a candidate. Because the motion was already carried the person was allowed to accept the office but in the following year the election rules for the *Dorbar* were formalized on the lines of the state rules. The serving or retired government servants, leading the *Dorbar* could not think of challenging her attempt at introducing non-traditional norms to *Dorbar* matters. Such attempts at integrating modern democratic practices to tradition are rather common. **As a result, the tradition is undergoing changes and values enshrined in the Constitution of India are finding their way into traditional *Dorbar Shnongs*.**

The *Dorbar* rules do not specify the composition of the *Dorbar Shnong*. They merely states that all executive members will be aged eighteen years or more. The powers and functions of the office bearers, and all other provisions, are like the powers and functions of the office bearers of the institutions governed by the Societies' Registration Act. The *Rangbah Shnongs* and the *Rangbah Dongs* told us during interviews that though traditionally, the *Dorbar* is composed of adult Khasi males and Khasi women do not participate in public affairs, in Laitumkhrah some women are attending the *Dorbar* and some are in the executive too. During our interviews with five prominent women familiar with Laitumkhrah *Dorbar*, Margaret Mawlong narrated the story of how women came to participate in the *Dorbar* as a result of their attempt at prevailing upon the youth not to take the law into their own hands.

The story she narrates is that of a hotel called Orion that was suspected of shady activities. The reputation of the hotel attracted protests from the young people of the locality and one day they gathered near the hotel to close it down. Mawlong claims that she and the wife of the then MLA, Peter Marboniang, intervened to convince the youths not to take the law into their own hands. Hurriedly a *Dorbar* was called and with the *Dorbar* crowd some women walked to the house of the Minister of Law. With the intervention of the women the problem was solved. According to Mawlong, following that episode the *Seng Kynthei* was formed and it demanded representation in the *Dorbar*. The men recognized the organization

and two representatives were accepted into the *Dorbar*. A new tradition seems to have started.

The issue of women's participation is not very simple. In the Khasi Hills there is a lot of resistance to proposals for gender justice. The community has been matrilineal and matriliney, as we have shown elsewhere, has been giving Khasi women a better deal in the society than in most other communities in India<sup>73</sup>. But from the beginning of the twentieth century, a major section of the Christian Khasi-Jaintias began to attack the system on the grounds that it renders the men totally powerless. These sections might have been greatly influenced by the patriarchal and patrilineal values of Christianity and the Church.<sup>74</sup> Reports and writings published in *U Lurshai* in 1914-21, and quoted in the *Meghalaya Land Reforms Commission Report*, show that there was a determined effort on the part of the educated among the newly converted Khasi Christians to undo the perceived injustices men suffered under matriliney.<sup>75</sup> But the efforts did not bear much fruit because at that time large sections of ordinary people were not sufficiently exposed to the patriarchal values of the new culture that came with the new rulers and the new men of God. This trend did not wear off. A section of the educated elite pursued it, leading to the formation of *Ka Syngkhong Rympei Thymmai*, which argues that matriliney was an aberration.<sup>76</sup> Margaret Mawlong's reluctance to continue as the Chairperson of the New Colony Dong should be understood in the context of this resistance to women's participation in public life. Laitumkhrah *Dorbar* remains dominated by men. Even the *Seng Kynthei* representatives to the *Dorbar*

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<sup>73</sup>Baruah, Apurba K. & Sharma, Manorama. "Matriliney, Land Rights and Political Power in Khasi Society," in *Indian Journal of Human Rights*, 3:1-2 (1999), p. 220

<sup>74</sup>Lalrinchhani has shown how Christianity reinforced patriarchal Values in Mizo society. In matrilineal Khasi society Christianity might have helped at least the resistance to matriliney, see Lalrinchhani, B. "Christianity and Women in Mizoram," Unpublished MPhil Dissertation, North Eastern Hill University, 1998

<sup>75</sup>*The Report of The Land Reforms Commission For Khasi Hills*, Shillong, Government Press, n.d.

<sup>76</sup>For a statement on the main arguments of this organization, see Syiemlieh (1994), Op.cit. pp. 9-17

are not elected by the *Kynthais*. They are selected by the male dominated *Dorbar* executive of whom all the key functionaries are men.

### **An Arm of a Modern State**

The present executive of the *Dorbar* is composed of three *Rangbah Shnongs* of whom one is the chairman, fourteen *Rangbah Dongs*, two representatives of the *Seng Kynthai*, two representatives of the *Seng Samlah*, and two representatives of the Laitumkhrah Sports Club. The local MLA is a co-opted member of the executive. The composition of the *Dorbar* executive provided for in the rules of the *Dorbar* and followed by it are more in conformity with modern day legally constituted socio-political organizations that accommodate the compulsions of popular democracy than with Khasi traditional institutions. Six executive members, coming from the *Seng Kynthai*, *Seng Samla* and the Sports club, could not be called representatives under traditional institutions. The MLA's inclusion as a co-opted member is a deliberate break from tradition, an attempt to keep in close touch with the democratically elected state government. As we have noted, by significantly changing its composition, the *Dorbar* has been trying to come closer to modern constitutional politics. Even the responsibilities it carries out are not of a traditional kind. In our perusal of the Lumshora papers we have noticed that the *Rangbah Dong* functions more as an unpaid government servant than as a tribal headman. The normal governmental activities at a local level, like allotment of public distribution outlets, assignment of contracts under developmental schemes, municipal duties like looking after parking rules in lanes and sanitation, are carried out by him. Government departments looking after such functions have fully paid officials for the work, but they merely pass it on to the *Dong* Headman. This raises a major issue about accountability of authorities of both the modern Constitutional governance and the traditional authorities. We found a letter written by the secretary of *Dong* Lumshora on 19 July 2001 to the Secretary, *Seng Samla Shmong* Laitumkhra, stating that two schemes to repair road drainage and covering drains were to be implemented. The Secretary of the *Dong* informed the Secretary *Seng Samla* that it was decided that the work should be implemented by the

*Seng* under some guidelines. We also noticed completion certificates being forwarded by the *Dong* to the Chief Executive Officer of Shillong Municipality with a request for making final payment.<sup>77</sup> Such allotment of work is normally to be made by the Municipal Officer. Supervision and issuing completion certificates should only be done by such officers. However, in Laitumkhra these municipal functions are carried out by the *Dong*, which is not accountable to the Government that spends the money. **The State and the Central government departments are supposed to be governed by the rules and regulations provided for by the Republic of India, which cannot discriminate between citizens on the basis of caste, creed or religion. By passing on their responsibilities to *Dorbars*, the ethnocentricity of the tradition is also being introduced into the functioning of the constitutional authorities.** As we have pointed out, the *Dorbar* rules do not specify its composition, but our discussions with the Chairman, Margaret Mawlong, and the ordinary citizens confirmed that non-Khasis are not allowed to participate in the *Dorbar* proceedings. They are not even allowed to witness these. There seems to be a minor exception in Lumshora where non-Khasis can attend the *Dorbar* of the *Dong* but cannot speak. But all *Dorbar* decisions are binding on them. This is a clear case of rule without consent. That raises serious questions of exclusivist tendencies and ethnocentric politics that characterize "traditional" institutions spilling over into constitutional politics. The question is not merely theoretical, because by allowing an organization like the *Seng Samla*, which bars all non-Khasis from becoming members, to monopolize government contracts under the MLA and MP schemes, the benefits of these schemes are being restricted to the unemployed young men of the Khasi community in a locality where Khasi and non-Khasi population are almost equal. Such responsibilities carried out by the *Dorbar* have no legal basis. What is more, the unauthorized transfer of responsibilities of the state to the *Dorbar* is also a source of patronage. Opportunities of patronage are making the *Dorbar* positions rather attractive and that makes us wonder if competitive politics are making an entry into the traditional

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<sup>77</sup>Letters Dt.19.7.01 and 11.5.01

institution, that hitherto claimed to be based on consensual democracy. The episode of the election officer being nominated and elected, narrated by Margaret Mawlong, therefore need not be viewed only as an instance of unfamiliarity with norms or inability to appreciate a sense of propriety.

If the Laitumkhrah *Dorbar* is not following the traditional norms then two questions regarding legitimacy need to be raised. First, do the tribal people owe their voluntary allegiance to the *Dorbar*? The answer to this question became clear when we interviewed the tribal and non-tribal vendors and shopkeepers about their compliance with prohibitory orders issued by the *Dorbar*. Out of these 34 respondents, 22 were tribal men and women and all of them violated the *Dorbar* decisions and pretended that they were unaware of these. It is interesting to note that all the 12 non-tribal respondents in this category showed a deference to the *Dorbar* and maintained that they always obeyed the *Dorbar* orders. Another non-tribal businessman, we tried to interview, refused. He simply folded his hands and requested us to leave him out of these controversies. It was obvious that the non-tribal shopkeepers and businessmen held the *Dorbar* in awe. In contrast, the Khasi vendors were quite candid. They maintained that some of the orders of the *Dorbar* were such that compliance would adversely affect their business and therefore they ignored them. They also maintained that the *Dorbar* did not try to implement its decisions, at least not the ones that affected them. A Khasi fish vendor vehemently criticized the *Dorbar* and told us that the *Dorbar* sends volunteers mainly to collect donations, "you know from whom?" she said. The implication was clear - it is the non-tribal shopkeepers on whom the *Dorbars* writ ran. The Khasi shopkeepers and vendors knew that, but when the community is mobilized and uses the *Dorbar* as a vehicle to pursue its interests, it could not enforce its decisions on them. But once communal frenzy has begun the *Dorbar* becomes a potent weapon, particularly against non-Khasis.

For the ordinary Khasi in Laitumkhrah, the *Dorbar* is considered with some deference because the contemporary narrative of tradition glorifies it, inducing a public demonstration of respect, and also because it is run by government servants. In India's North East the babus (bureaucrats) exercise hegemony. The fact that all government privileges and facilities are channeled



through the *Dorbar* prompts some allegiance. In the communally divided setting of Laitumkrah, in the fierce competition for government patronage and share in the market, the *Dorbar's* presence gives an edge to the Khasi middle class. That should be reason enough for this class to hold it in high esteem, at least in public. But it is the fear of the bureaucratic leadership that seems to force the ordinary citizen, particularly the educated middle class, to pay obeisance to it. An episode involving a fairly well placed educated Khasi lady and the fish vendor we referred to above led us to this conclusion. The day we interviewed the vendor she was very frank and told us in the market in the presence of other Khasi fish vendors that, we could quote her and that she wanted the *Dorbar* leadership to know her views. The next day we interviewed a highly educated professional and during our visit, sitting in front of her computer, she narrated her bitter experiences with her *Dong* leadership. She spoke of a case in which residents had to go to court because the *Dorbar* was cutting off the water supply to a particular locality. She urged us to look for the records of the case to see for ourselves how atrocious the *Dong* leadership was. However, she kept reminding us that we should not mention her name because if the leadership came to know about her views she and her family would be in trouble. We eventually found the case, despite the vague references offered by her, and found that it had been filed against the government and not the *Dong*. It is, of course, possible that the government agencies function under the *Dong's* guidance. We told her about the vendor and mentioned that she wanted to be quoted. She said that the vendor was being unwise. The same evening, we received a phone call from the lady informing us that the vendor now wished to remain anonymous. The well-meaning lady professional might have made the lowly vendor wiser.

The information we collected of some other *Dorbars* confirmed that the professional had good reason to be careful. The traditional leadership at times becomes ominous. It is this fear that must have forced almost all our middle-class informants, both Khasi and non-Khasi, to hand out a standard narrative about the authority of the *Dorbars*. The responses of almost all residents interviewed sounded almost tutored. For instance, in whatever form we asked the respondents as to whether they could differ

with the *Dorbar*, all except the lone brave fish vendor told us that it was unthinkable to differ with the *Dorbar* because tradition does not permit that. **We have seen that the *Dorbar* is no longer functioning as traditional institutions. It is not tradition that is commanding respect in Laitumkhrah. It is the power derived partly from the ethnically mobilized community and partly from acting as an arm of the state with its apparatuses of coercion and patronage that results in the de facto legitimacy that it enjoys. As an arm of the state the *Dorbar* does not only distribute patronage; it uses the coercive machinery of the state effectively.** Our scrutiny of the general diary of the Laitumkhrah police station showed that it takes prompt action on any request from the *Rangbah Shmong*.<sup>78</sup> The Indian police are known for their lack of respect towards ordinary citizens. Their prompt response to *Dorbar* requests shows that it represents very powerful political forces associated with the constitutional authorities or real politics.

## Conclusion

Our study of the Laitumkhrah *Dorbar* and the socio-political setting in which it exists indicate that the traditional institutions based on tribal values of authority of age, tradition, supernatural qualities and exclusiveness have undergone major changes because of the introduction of Western education and Christianity. We have noticed that non-traditional organizations of youth and women were created as extensions of church and were given important roles in the functioning of the *dorbar*. However, it is the new system of administration, introduced initially by the British that seemed to have had a direct impact on the Khasi traditional institutions. Though in the early years, the British administration adopted policies of excluded and partially excluded areas, they eventually established a system of governance which weakened the tribal practices of those non-formal institutions. This new system emphasized rules, rights of individuals and impersonality. This was followed by the system of constitutional governance

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<sup>78</sup>Our luck in scrutinizing ran out soon because the Officer-in-Charge refused our researcher access to these dairies on the pretext that her presence created problems for the staff.

introduced by the Constitution. There is no denying the fact that the values of the new system are based primarily on the principles of liberal democracy. Despite the promise of constitutional guarantee under the provisions of the Sixth schedule of the Constitution of India, for protection of tribal customs and traditions, this system brought in values of liberal democracy which went counter to the ideas of tribal institution built on kin protection and consensus building. Bureaucratization of the *Dorbar* has virtually converted the Laitumukhra Dorbar in to an arm of the Indians state. Therefore, state processes have crept in to the traditional tribal system of governance and in a sense changed its core values. This actually was made possible by the emergence of the new educated elite which occupied important positions in the modern system of governance. The most important point is that the conflicts of tribal values with the liberal democratic values seems to have affected each other and, in this interface, both seem to have undergone major transformations with serious significance for governance, particularly maintenance of law and order.

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# CONFLICT EMANATING FROM MIGRATION

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Medusmita Borthakur

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## Introduction

Migration is not a new phenomenon for Assam, as it has seen different kinds of migration since the ancient period. But, the bedrock of the Assam movement lies in the threat posed by immigration from today's Bangladesh or from erstwhile East Pakistan. After annexing Assam, the British brought tea laborers from Bihar, Orissa, UP and Tamil Nadu and solved the problem of labor shortage. Colonial policies induced migration of this group of laborers, who later settled down in Assam. But their migration stopped soon after 1940-41. The second kind of migration during the British rule was of educated Bengalis from Bengal to facilitate office work. During the same period there was a need to earn more revenue by espousing cultivation in the wasteland or in the low riverine tract because of which the British brought farmers from East Bengal. Thus, this group of migrants was brought by the landlords and colonizers to increase agricultural revenue. It was also one of the steps taken by the Colonial Government to repopulate<sup>1</sup> the State, in order to make the state a surplus yielding one. It was the migration of these two groups which has become a major source of conflict in Assam both pre-

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<sup>1</sup>Population of undivided Assam significantly declined due to Black fever, several foreign invasions and by Moamoria rebellion that torn apart the social fabric of the state (Devabrata Sharma, 7-8)

and post-Independence. Third, the Bihari peasants were brought to Assam, which was encouraged by national leaders as they feared about growing numbers of the Muslim population and the religious imbalance which might convert Assam into a Muslim majority province<sup>2</sup>.

Soon, Nepali migrants followed suit. From the start of the Colonial rule, the Assamese-Bengali divide started deepening and by the 1920s onwards, the Hindu-Muslim rift started growing due to the demographic change occurring because of immigration<sup>3</sup>, occupational imbalance and cultural supremacy of the Bengali speaking Hindus and inclusion of Sylhet to Assam that further accentuated the crisis. The matter was so complex and was lucidly articulated through the arguments regarding the abolition of the Linesystem<sup>4</sup> in the Assam Legislative Assembly (Misra, 2017; Guha, 1977). With the improved communication with other parts of the country, Marwari migrants came to Assam and played an important role in Assam's transition to a market economy (Baruah, 1999, pp. 61). The fourth type of migration was from East Pakistan after the Independence when a large number of Hindu migrants fled the country and came to India as refugees (Dass, 1980). This wave of migration continued till 1971. The fifth type of migration was from Bangladesh from 1971 onwards<sup>5</sup>.

Assam has always been a receiving economy of migrants, starting from the colonial rule. But the recent crisis emanating from migration is the result of prolonged migration pre and post partition and the consequences of demographic change due to the migration of erstwhile East Bengali Hindus and Muslims that continued even after partition. Therefore, the first section of the paper will try to examine whether migration is a hoax or a fact. The

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<sup>2</sup>Walter Fernandes. *Land in the Northeast and the Liberalisation Scenario*. Unpublished Article. Interview with Walter Fernandes, 6 October 2017

<sup>3</sup>Interview with Walter Fernandes on 6 October, 2017

<sup>4</sup>Line system was first introduced in 1920 as an administrative measure to protect indigenous people's land from Bengali Muslim immigrants in certain districts such as Kamrup and Nowgong. Appendix VIII Immigration Timeline 1900-50 in Misra, Udayon. *Burden of History: Assam and the Partition Unresolved Issues*.

<sup>5</sup>Abdul Mannan's *Infiltration, Genesis of Assam Movement* and Devabrata Sharma's keynote address *Migration and Assimilation a Historical Perspective* presented in a National Seminar

second section analyzes the politics of the state which is primarily linguistic and delves into how linguistic politics (related to the role of Bengali Hindu migrants) has pervaded to the other communities, particularly with reference to the East Bengal origin Muslim peasants who are always at the receiving end of this rift. Third, the paper also analyzes the present "contestation" of citizenship in light of the Citizenship Amendment Bill 2016 and Section 6A of the Citizenship Act which is reflective of the fact of "failed-partition" (Baruah, 2008) or "unresolved-issues" of partition (Misra, 2017) and also reflect the progressive character of Indian Citizenship Law. The article concludes by suggesting the possible solutions to deal with these two groups of partition affected migrants.

### **Migration: A Hoax or a Reality ?**

Before delving into the complexity of migration, it is imperative to discuss the dynamics and meanings of migration. Migrants refer to those persons who migrate freely by their individual choice and concerns without any external intervention across borders in search of a better livelihood opportunities and a standard of living and this make them different from forced migrants who are refugees, displaced people due to developmental activities or natural disaster, asylum seekers etc<sup>6</sup>. They are forced out by governments or social groups hostile to their existence from their respective countries.

As per the Citizenship Act 1955, "illegal migrant" is a foreigner who has entered into India without a valid passport or other travel documents or any other document or came to India with a valid passport or other travel documents and such other documents but stayed beyond the permitted period of time"<sup>7</sup>. In Assam, most illegal migrants came to the country from East Pakistan and later Bangladesh. So, migrants who came before the formation of East Pakistan were not illegal migrants. But those who came post 1947

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<sup>6</sup>"United Conventions Convention on Migrants' Rights." UNESCO, pp. 25  
<http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant>

Hazarika, Sanjoy. *Rites of Passage*. p. 7.

<sup>7</sup>Citizenship Act 1955 ss 5- 6A



were termed as "illegal migrant" (Kumar, 2011, p. 107). Post-Independence migrants from East Pakistan or Bangladesh came to be categorized as irregular migrants who are undocumented or illegal migrants who came to India or in Assam in search of better livelihood opportunities<sup>8</sup> or they can be categorised as forced migrants. Madhumita Sarmah in her thesis "A study of Migration from Bangladesh to Assam, India and its Impact" has mentioned findings of her field study, stating several reasons of migration from Bangladesh to Assam. Firstly, 48% of the respondents said that they migrate to Assam because of familiar socio-cultural environment that exists here along with the help they get from near and dear ones who had already migrated to Assam. Secondly, for 38% of the respondents the 1971 War was the sole reason for their migration. Thirdly, for 53% of Hindus from Bangladesh and 17% of Muslims, the reason for their migration is social acceptance and freedom in India. Fourthly, 23% of the respondents stated that famine in Bangladesh and possibility of financial gains in the border was the cause of their migration. After the Bangladesh liberation War in 1971, a famine followed in 1974-75 that resulted in the migration of a large number of population<sup>9</sup>.

Because of the increase in number of illegal migrants from the neighboring country (Bangladesh), Assam saw a mass movement against the foreigners. The Assam movement (1979-85) or *Asom Andolan*, was the culmination of civilian opposition against the rise in the number of voters in the electoral rolls. The movement was spearheaded by the All Assam Students' Union (AASU) and the *All Assam Gana Sangram Parishad* (AAGSP) which led the movement stated that the movement was against undocumented immigrants and demanded their expulsion. In 1978 Hiralal Patwari MP from the Mangaldoi Lok Sabha constituency passed away and to fill the vacancy an election was conducted in the constituency. The Election

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<sup>8</sup>Hazarika, Sanjoy. *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*. Chapter 1. Sanjoy Hazarika in his seminal work "Rites of Passage" observed that migration from Bangladesh is the result of series of factors and some of the multidimensional factors includes - land degradation, devastating floods, population density, land pressures, erosion of river banks, religious anxieties amongst the smaller groups, etc.

<sup>9</sup>Sarmah, Madhumita. *A study of Migration from Bangladesh to Assam, India and its Impact*. Thesis submitted for the Degree of Doctor of Philosophy, Department of Geography, Environment and Population Faculty of Arts The University of Adelaide, Australia, 91

Commissioner in 1979 reported high rise in the number of voters in the electoral rolls (Ahmed). In popular discourse, this increase in the number of voters was perceived to be the sole reason for the mass movement against outsiders in Assam which was an outcry against the entry of illegal immigrants from Bangladesh. Whether it is the sole cause of such a mass movement is debatable. Scholars and non-state actors have pointed out that there were many issues, which were unresolved by the Indian state that were responsible for the mass movement. Such issues were -the exploitative character of the center in dealing with the state's economy and natural resources (Misra, 1980), growing domination by migrant communities i.e. non-Assamese people, land alienation of the Tribal etc<sup>10</sup> and electoral rolls of 1979 was the proof of settlement of large number of settlers whose identity was questionable.

One of the ongoing debates in the state of Assam is whether illegal migration is a hoax or a reality. If we go through the decadal growth rate of the state and compare it with all India data on the decadal growth, it is evident through the census data that decadal growth of Assam was higher than the country as a whole from 1901 to 1991. There was a decline in 1921-31, 1941-51 and there has been a decline from 1971 onwards as shown in the table below. From 1941-51 the decline was related to the partition of Sylhet which was the second most populous district of un-divided India thereby losing one-third of the entire population (Dass, 1980, pp. 850-59). From 1951-1961, there was a drastic surge in the population which was related to the natural rate of growth of population, heavy influx of Bengali Hindu Refugees from Sylhet district (Dass, 1980, pp.852), communal disturbances in East Pakistan in February 1950 and 1965 saw the entry of the refugees and also because of increase in the entry of Hindi speaking

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<sup>10</sup>Land alienation of the tribals happened because of the settlement of East Bengal origin Muslim peasants in the wastelands (done by the British to earn more agricultural revenue). The wastelands where they were settled in belonged to the tribals. Tribals in Assam did not like the presence of unknown people near their inhabitation, so when they found people different from them in terms of ethnicity, language, and religion as occupants in the nearby land then they moved out from their villages and moved deeper in the hill areas. There are occasions when migrant settlers occupied land by force. As a result, tribals had to live their home and hearth (D.N Bordoloi).

population that saw the rise of this population to 54.09%. Similarly, in Assam, there was the voluntary repatriation of Bengali Muslims to East Pakistan between 1947-51<sup>11</sup>.

#### DECADAL GROWTH OF POPULATION IN ASSAM (1901-2011)

DECADES	DECADAL GROWTH OF ASSAM (in %)	DECADAL GROWTH OF INDIA (in %)
1901-1911	16.99	5.75
1911-1921	20.48	0.31
1921-1931	19.91	11.00
1931-1941	20.40	14.22
1941-1951	19.93	13.31
1951-1961	34.98	21.6
1961-1971	34.95	24.80
1971-1981	23.8	24.66
1981-1991	23.8	23.85
1991-2001	18.85	21.34
2001-2011	16.93	17.64

Table 1: Source: Basic statistics of North Eastern Region, NEC, Shillong, 1992 and Census of India, 1981-91, Series- I of 1992, India, Final Population Totals cited from H.N Sharma and B.K Kar. <http://www.census2011.co.in/census/state/districtlist/assam.html>, <http://pib.nic.in/prs/2011/latest31mar.pdf>, <http://www.educationforallinindia.com/page159.html>

The Government of India, Census Reports cited from Gurinder Singh article on Illegal Migration, Insurgency and the Political Economy of Assam, page 307-308. *Strategic Analysis*

<sup>11</sup>Two tables of Census 1951 Table 1.10-A and 1.10-B, show the decline of population in certain tracts of Goalpara and Karnrup as a result of communal disturbances of February-March 1950. Dass, SK. *Economic and Political Weekly*. pp. 852.

In 1971, when the new nation-state of Bangladesh was formed, another wave of influx followed due to the Bangladesh War of liberation in 1971 and due to the terror unleashed by the Pakistani military, about 10 million people came to India by crossing the border. Not all of them returned and are now assimilated into the lifestyle of Indian mainstream (Kumar, 2009, pp.64-65). However, the census of 1971 does not reflect the reality of heavy influx. Nonetheless, the electoral rolls of 1979 showed the sudden rise of voters which ultimately spearheaded a mass movement against the foreigners. With the death of Sheikh Mujibur, Islamism started to deepen in Bangladesh. In 1965, the Enemy Property Act was passed and acted as an instrument to create fear and insecurity in the minds of the minorities (Hindus and other tribal communities) leading to persecution and migration of these communities (Medhi, 2018 pp. 31). This act also regarded India as an enemy country (Kumar, 2009, pp. 69). The enemy property act should have been repealed (ibid) after Bangladesh formation. However, the Act continued to exist in its reincarnated form of - The Vested Property Act. This Act is considered to be the primary cause of migration of the religious minorities (ibid 69). In 2001, after the national elections at Bangladesh, the grassroots workers of Bangladesh Nationalist Party suppressed Hindu minorities as they voted for the rival party i.e. the Awami League. The Hindu population in Bangladesh has substantially declined from 30% to less than 10% (Kumar, 2009, pp.72). Hence, the decline of the population in 1971 Indian census lies in complete paradox to the then India's Chief Electoral Commissioner S.L.Shakdhere statements in 1978 as he had publicly spoken about "large-scale inclusion of foreign nationals in the electoral rolls" (Baruah, 2008). The statement which has come from a constitutional authority of India acted as a 'lightning rod' for the mass movement in Assam (ibid).

Thus, with the creation of an international border the predicament of the past did not change as what Assam confronted was the legal opening of land for new settlements among the immigrants. What changed after Partition was the addition of a prefix "illegal" to describe one set of migrants. The Partition only saw the increase of migration from erstwhile Eastern Bengal or Eastern Pakistan and today's Bangladesh. Hence, a similar kind of issue continued even after partition because when the locals started realizing the impact of

demographic change they started revolting and politicising the entire issue of migration from today's Bangladesh. As observed by scholars of the region post-Independence, is the politics in Assam about the failure of 1947 partition or is it the burden of history? This will be discussed in the subsequent paragraphs<sup>12</sup>.

This paper is based on field study conducted in the border char areas of Dhubri district. One of the observations during the course of the field work in the border areas and in conversation with the various stakeholders was the illegal migration which has happened post-1971 that has substantially reduced over the years. The Army Chief's Statement about demography change caused by the influx of illegal migrants from Bangladesh leading to the faster growth of All India United Democratic Front (AIUDF) than Bharatiya Janata party (BJP), has to be dealt in depth taking into account several elements leading to that population growth<sup>13</sup>. One of the reasons in 9 districts (mentioned in the Table 2 below) is related to the fertility rate of the Muslim population and it is not solely the result of illegal migration (Manan, 2017). Dhubri, which has the highest chars (Chakravorty, 2012), is often in the news because of its riverine border with Bangladesh and is thought to be the home for illegal Bangladeshis.

Table 2: NINE DISTRICTS WITH HIGHEST MUSLIM POPULATION CONCENTRATION

Barpeta	70.74%
Bongaigaon	50.22%
Darrang	64.34%
Dhubri	79.67%
Goalpara	57.52%
Hailakandi	60.31%
Karimganj	58.36%
Morigaon	52.65%
Nagaon	55.36%

Source: 2001 Census data cited from Akhil Ranjan Dutta

<sup>12</sup>Misra, Udayon. *Burden of History*. Baruah, Sanjib. *Assam confronting a failed partition*.

<sup>13</sup>Bhusan, Amar. "About time we took up Illegal Migrants Issue." *The New Indian Express*, March, 2018 <http://www.newindianexpress.com/magazine/voices/2018/mar/10/about-time-we-took-up-illegal-migrants-issue-1784149.html>.

However, though the district has the largest concentration of Muslims it is difficult to ascertain it as a district comprising of illegal Bangladeshis, keeping into account the high density of the population<sup>14</sup>. No line is drawn in the riverine border and it is the river that delineates the border. With the change in the course of the river, the border keeps changing. During the field visit to Dhubri Chars, we were acquainted with the development-related work in the char areas. One such development undertaken by the Government is the construction of a bridge at River Brahmaputra that still lies half constructed (Shown in the Picture below). This is because the river has now changed the course and it flows in the other direction. This picture also draws our attention to the fact that it is the river that constructs the border.



**Half constructed bridge of the River Brahmaputra and the unfenced riverine border near Ghewmari at Dhubri (Indo-Bangladesh Border area)**

Another important fact that needs to be highlighted is that most of the border area is still unfenced despite repeated promises made by the Government. Nonetheless, border surveillance has definitely increased and the Border Security Force (BSF) constantly monitors the movement of people with a number of Border Security outposts and forces, which are already deployed in the border areas. Movement of residents in border char areas

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<sup>14</sup>Observation from the field visit

(such as Sialdah, Pathamari, Takamari) is restricted as they are supposed to return home by 6 pm and their identities are regularly checked. Though most of the area is unfenced, it is not easy to infiltrate, given the tough topography, increased surveillance, or the whole updating process of National Register of Citizens (NRC) and downstream friction caused by the river when it flows towards Bangladesh. Although it is not easy for a person to come through the river against the flow, cows can be smuggled easily from India to Bangladesh along with the flow of the river.

However, the presence of one or two illegal migrants cannot be ruled out due to the porous border. People with similar ethnicity reside on both sides of the border with no proper demarcation of border and police presence in the char areas. In the border char areas 99% of the people are Muslims and because of the similar socio-cultural background, the possibility of movement of people cannot be ruled out. Due to the insufficient capacity of physical barriers, technological barriers (such as Sensors, DAN camera, UABs) are going to be implanted in the near future, stated by the BSF commandant<sup>15</sup>. Nonetheless in contemporary days, India's North East has become less attractive destination for Bangladeshi migrants. In terms of the levels of development and economic growth the region lags behind Bangladesh today. The most recent figures of GDP in 7 North-Eastern states of India is \$58 billion while GDP of Bangladesh is \$221 billion. This is the reason why Bangladesh is now move to Arabian Peninsula or move to the more developed states of India (Sobhan, 2018).

### **Linguistic politics**

Migration into the densely populated region or a country can result in conflict over resource sharing, put strain on living conditions, health and sanitation (Weiner, 1995 cited from Sarmah). This is one of the reasons why migration has become a source of conflict. While looking at the migration of Bengali refugees post-independence, the flow of Bengali Hindu refugees from Bangladesh have deepened the rifts between Assamese and Bengalis which existed from the colonial days due to the allocation of power and

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<sup>15</sup>Interview with BSF commandant

resources as speakers of Bengali language already had larger share in Government jobs (Guha, pp. 166). In addition the increase in the number of Bengali speakers from census to census due to migration from East Bengal, Sylhet inclusion and launch of the movement by Goalpara Zamindars for transfer of Goalpara to Bengal during 1920s and 1930s etc., control of migration from East Bengal emerged as a serious political issue<sup>16</sup>. The question which emerged with the prevailing situation in the 1920s and 1930s is that if migration continued unabated then would Assamese people become a linguistic minority in their own homeland? This question plagued the minds of not only the urban middle class but also peasant masses (ibid, pp. 166). Thus, this section discusses the various rifts between the Assamese and Bengalis which has pervaded into other communities.

One such rift was the inclusion of Sylhet into Assam that was opposed by the Assamese right from its incorporation as they viewed their state as a homogenous homeland for Assamese (Misra, 2017, pp. 106). Induction of Sylhet from 1874 to 1947, changed the demographic composition of Assam adding more Bengalis into it. Bengalis constitute 45.67% of Assam's population in 1911 which is more than double the number of Assamese speakers<sup>17</sup>. Assamese fear of being outnumbered kept plaguing their minds since the colonial rule. Assam during the colonial day's state power was occupied by outsiders, i.e. Bengali people. For instance, in 1918, the Assam Legislative Council had 25 members and amongst them, 13 were British, 12 Indians which include 6 Bengali members, 5 Assamese and one Parsi. What was even more disappointing to the Assamese was that out of 39 members in 1910, 21 were Europeans, 16 were Bengalis and only two were Assamese<sup>18</sup>. This is another cause for the divide between Assamese and Bengalis where state power was dominated by the Bengalis, also hinting towards the fact that the Bengalis were many steps ahead of the Assamese.

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<sup>16</sup>Ibid 32, page 166

<sup>17</sup>Abalakanta Gupta, Congress legislator from Sylhet said, "Assam was a province of several distinct "tribe" and "communities", of which Bengalis form the single largest community" (Baruah, Sanjib. *India Against Itself*.p.292)

<sup>18</sup>Guha, page 79 borrowed from Sanjib Baruah book *India Against Itself* page 218



At the time when Sylhet was included with Assam, the English educated Bengali people were present in large numbers who were easily employed in the Government jobs<sup>19</sup>. The occupation of the government jobs by the Bengali speaking community was strongly resented by Assamese. In contrast to Bengal, open manifestations of political rivalry in terms of Hindu-Muslim communalism was subdued because in Assam each community was divided in terms of language and valleys (Guha, p. 165). Though people like Saadulla and anjumans argued in favour of separate electorates for Muslims even before the birth of Muslim League in Assam, they never created riots or deadlocks (Guha, p. 165). Amalendu Guha opines that the main contention is still not between the two valleys as much as the two major linguistic groups (Assamese and Bengalis) regarding the allocation of power and resources because speakers of Bengali language already had a larger share in government jobs.

Partition politics in Assam has been dominated by the transfer of Sylhet through the 1947 Referendum, the referendum was opposed by the Bengali Hindus who viewed the transfer as betrayal by the Assam Congress. They wished Sylhet to be part of Assam whereas the Assamese Hindus were elated by the transfer because they never accepted Bengali speaking district which was included to Assam in 1874 because of its linguistic composition in the beginning and religious composition towards the partition (Misra, p. 131).

In early 20th century, it was seen that both Bengali Hindus and Muslims supported Sylhet's transfer to Bengal<sup>20</sup>. As days passed by, a large segment of Muslim leadership opposed Sylhet separation from Assam while Sylheti Hindus stick to their previous position. Sylheti Muslims changed their position with the increasing interaction among the Assam Valley Muslim leaders who wanted Sylhet to be part of Assam as with the transfer of Sylhet Muslim population in Assam would decline which would mean loss of 16 lakh Muslim population leading to the weakening of the Muslim Community in Assam (Misra, p. 110). Even after the Lahore Resolution of All India Muslim League (AIML), Muslims supported the retention of Sylhet in Assam while the Assamese and Bengali Hindus opted for its

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<sup>19</sup>Baruah, Sanjib. *India Against Itself: Assam and the Politics of Nationality* Chapter 2, pp. 40-43

<sup>20</sup>In 1917, several deputations in Surma Valley demanded transfer of Sylhet to Bengal

transfer<sup>21</sup>. The equations changed completely at the time of partition when the Sylheti Muslims voted in favour of the transfer of Sylhet to Pakistan, and Bengali Hindus voted for Sylhet's retention in Assam. Thus, when the referendum was held on 6 and 7 July, 56.6% of Sylheti Muslims voted in favour of the referendum and 43.3% of Bengali Hindus voted to stay back in Assam or in India. As Bengali Muslims were in majority it was evident that it would become part of East Pakistan (Misra, pp. 23, 117). The politics were shaped by both linguistic and religious factors and Assam Congress was blamed for its indifferent role of not retaining Sylhet in Assam. For the Assam Congress, it was a priority to construct a unilingual state. Nonetheless, it is incorrect to entirely blame the Assam Congress for the transfer because the referendum was decided by the Sylheti Muslim's votes and the decision for a referendum was taken by the Indian Government as part of Lord Mountbatten Plan and not by Assam Congress (Misra, p. 117). After partition, Sylheti Hindus had to live like second-class citizens in East Pakistan and were forced to leave their homeland (Misra, 2017 p. 128). Hence, even after partition, migration of a large number of refugees, who were the victims of religious persecution and riots taking place in erstwhile East Pakistan, continued till 1971. The 1951 census pointed out that 2,75,455 Bengali Hindus crossed the border after partition<sup>22</sup>.

Post Partition and with the separation of Sylhet there was the resurgence of Assamese nationalism. The Assamese thought the changes in their objective of creating a homogenous homeland was somewhere accomplished (Misra, p. 128). Separation of populous Bengali speaking district of Sylhet and adoption of Assamese by large numbers of Muslim immigrants in the 1951 census, made Assamese the majority language<sup>23</sup>. The Asom Sahitya Sabha, under the leadership of Ambikagiri Roy Choudhary, pressurised the government to declare Assamese as the official language (Misra, p. 128).

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<sup>21</sup>Saadulla's stance was to retain Sylhet, as for him separation from Assam was a demand of the educated Bengali Hindus of Surma Valley (Misra, pp 111 and 133)

<sup>22</sup>Census of India, 1951, cited from Kimura "The Nellie Massacre of 1983: Agency of Rioters"

<sup>23</sup>Misra, Udayon. "Little Nationalism Turned Chauvinistic: A Comment." *Economic and Political Weekly*, vol. XVI, no. 8, 1981, pp. 290-92.

Ultimately, in 1960, after a gap of ten years the Assam Legislative Assembly passed the official Language Bill which made Assamese the official language (Misra, p.128). Heterogeneous character of the state was not accepted by certain Assamese nationalists as they failed to realise that Assam is made up of two valleys and many tribes that follow their own language and cultural traditions. The move to make Assamese the official language of the state was met with fierce opposition from the hill tribes and from Bengali Hindus. In Cachar district, resistance to the official language act saw the killings of 11 persons, most of them students, in police firing on 19 May 1961 (Misra, p.129). Nonetheless, because of the bilingual character of the Official Language Act, the movement in Cachar lost its significance as there was a Provision in the Assam Official Language Act, 1960 that safeguarded the use of Bengali language in Cachar district. One of the provision of the Official Language Act was that Bengali language shall be used for administrative and other official purposes at the district level in the district of Cachar until the Mohkuma Parishads and Municipal boards of the district<sup>24</sup>. This provision of the Assam Official Language Act, 1960, is related to the State Reorganisation Commission Report of 1955, which mentioned that if in a district, 70% of the total population is comprised of a group which is the state minority, then the language of the minority group and not the state language should be considered as the official language in that district<sup>25</sup>.

The State Reorganisation Commission report which was the solution devised for the nation-building process to form linguistic states in India led to fragmentation of linguistic identities in Assam. Post-Independence, Dar Commission was appointed on the recommendation of the Drafting Committee of Constituent Assembly. It was concluded that a state should be considered "unilingual" only when one linguistic group comprises about 70% or more of its entire population<sup>26</sup>. And, when there is the presence of a substantial minority constituting of 30% or so of the population, the state

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<sup>24</sup> Assam Official Language Act, 1960

<sup>25</sup> Report of the State Reorganisation Commission, 1955, p. 212

<sup>26</sup> Report of the State Reorganisation Commission, 1955, p. 212

should be considered as a bilingual state<sup>27</sup>. Nonetheless, the same principle was incorporated at the district level, i.e. if 70% of the total population of a district comprises a group which is the state minority then the language of the minority group and not the state language should be considered as the official language in that district as is the case with Cachar district in Assam. Also, in the bilingual districts, municipalities or other smaller units, where the minority group constitutes 15% to 20% of the population, must print public documents such as Government notices, electoral rolls, ration cards etc. in both languages. Filing of documents in the minority language is considered permissible and candidates seeking election to any local bodies are required to have knowledge of minor groups<sup>28</sup>.

When the State Reorganisation Commission came out with its report, it acted as a catalyst for linguistic conflict between the Assamese and Bengali and also among the other local communities of the state. To maintain the unilingual character of the State and in order to get rights and benefits, the state declared Assamese as the official language of the state in 1960. The Assamese speakers benefited from the assimilation of Bengali origin Muslim population, i.e. in the 1951 Census people in Goalpara district recorded their mother-tongue as Goalparia. As there was no such Goalparia language, these persons were recognised as Assamese with the direction from Registrar General, after consulting the state government<sup>29</sup>. Further, during 1931 census, the percentage of Bengali speakers declined substantially because of the identification of Bengali Muslim immigrants as Assamese, thereby increasing the number of Assamese speakers from 22% in 1921 to 32% in 1931 (Dass, 1989, pp.20-21; Baruah, p. 48 and 218). However, from 1961-71 Assamese speakers declined by 3.18% which indicates a relative increase of Hindi and Bengali speaking population as a result of migration of the former group followed by the latter's refugee influx from East Pakistan (Dass, 1980, p. 857). Assamese speakers saw further decline of their population and the rise of Bengali speakers. One important question raised by the Assam Movement

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<sup>27</sup>Report of the State Reorganisation Commission, 1955, p. 212.

<sup>28</sup>Report of the State Reorganisation Commission, 1955, p. 212.

<sup>29</sup>Dass, Sushanta Kishore. "Immigration and Demography Transformation of Assam". *Economic and Political Weekly*, 1980, p.857

was- "do linguistic groups in India have rights to preserve their own cultural political identity in India's constitutional framework?" (Baruah, 1986,p. 283) What will the Punjabis, Tamilians do if the linguistic-cultural character of the respective states gets transformed because of the demographic change produced by immigration? What will Punjab do if they get a Bengali or Assamese Chief Minister? Will they bow down to the juggernaut of historical inevitability? These are some questions which are reflected in Sanjib Baruah's article on "Lessons of Assam," where he says that this frontier state going through a transformation in the 20th Century did not accept historical inevitability' (Baruah, 1986, p. 284).

One of the biggest fears of Assamese becoming a minority is further falling into place with the drop of Assamese population in 7 districts (Barpeta, Darrang, Sonitpur, Morigaon, Bongaigaon, Lakhimpur and Dhemaji<sup>30</sup>) of Brahmaputra Valley in contrast to the Bengali speakers whose population has increased from 1991-2001<sup>31</sup>. In these seven districts, a significant number of Muslims of East Bengali origin, who have settled in pre-partition days have adopted Assamese as their mother tongue, along with Bengali speaking Muslims migrating from East Pakistan<sup>32</sup>. However, to categorise the Muslims settlers in these districts as illegal migrants from Bangladesh is fallacious.

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<sup>30</sup>In 2001, in the Barpeta district, the number of Assamese speakers decreased from 8,68,199 to 7, 74,229 according to the 1991 census. Whereas, the number of Bengali speakers increased from 3,95,063 to 7,35,845 in 2001. In Darrang, Assamese speakers declined to 5,89,006 in 2001 from 8,69,477. It recorded a substantial increase in the number of Bengali speakers - from 1,82,007 to 4,62,676. In Sonitpur, Assamese speakers decline from 7,79,521 to 5,62,048 in 1991. The number of Bengali speakers rose from 1,87,438 to 3,15,840. In Morigaon district also, number of Assamese speakers declined from 5,29,239 to 5,15,274 in 2001. The Bengali population increased from 67,001 to 2,19,039. In the upper Assam district of Lakhimpur, the population of Assamese speakers decreased from 4,88,070 in 1991 to 4,73,427 to 2001. The Bengali population recorded rise from 73,829 to 1,34,616 in 2001. In 2001, the Bengali population became almost equal to the indigenous Mishings as this district has been witnessing a huge inflow of settlers from lower Assam districts (<http://www.thehindu.com/todays-paper/tp-national/Decline-in-Assamese-speaking-population-in-7-districts/article15276523.ece>).

<sup>31</sup>Accessed 5 December 2017 <http://www.thehindu.com/todays-paper/tp-national/Decline-in-Assamese-speaking-population-in-7-districts/article15276523.ece>

<sup>32</sup>Accessed 5 December 2017 <http://www.thehindu.com/todays-paper/tp-national/Decline-in-Assamese-speaking-population-in-7-districts/article15276523.ece>

The consequences of stereotyping East Bengal origin Muslims as illegal Bangladeshis were severe with incidents like the Nellie Massacre when the movement against the foreigners actually pervaded in a malicious manner to the East Bengal origin Muslim population.

During the course of my field study, various stakeholders have spoken about how the media portrays the East Bengal origin Muslims residing in lower Assam, as Illegal Bangladeshis. It was said that when labourers from Lower Assam go to upper Assam for work, they are at first caught by the AASU on suspicion of being illegal migrants from Bangladesh and handed over to the police. The local police, through interactions with the labourers, got to know that they belong to Dhubri or Barpeta. The police consulted with the local Government officials of Dhubri or Barpeta and are informed of these inter-district migrants and then after verification of the identity they release these migrants from the jail. However, by the time it is established that they are inter-district migrants, the media already projects them as illegal migrants. There is an ample number of incidents when these workers groups are profiled as illegal migrants. One such incident is when the Chiring Chapori Yuva Manch launched a campaign against the Bangladeshi nationals in April 2005<sup>33</sup>. This organisation requested the local people to economically boycott the "Bangladeshi" nationals in any economic activity<sup>34</sup>. This action of the Chiring Chapori Yuva Manch led to the fleeing of several hundred Bangladeshi people from Dibrugarh district and also from other parts of the state. It also affected some people in the parts of Meghalaya (Upadhyay, 3002). The Government later declared that these people are not Bangladeshis but inter-district migrants hailing from Lower Assam who had gone to Dibrugarh and other places in search of livelihood (Ahmed). Similarly, in October 2017, it was reported that more than 50 labourers were apprehended by the AASU in Phulani Chariali in Majuli, who were suspected to be illegal migrants from Bangladesh<sup>35</sup>. The workers were handed over to the police who later released the workers on

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<sup>33</sup>Workers of Bangladeshi origin, most of them were labourers working in Brick kilns, rickshaw pullers and construction workers (Upadhyay, Archana. *Economic and Political Weekly*, p. 3002)

<sup>34</sup>Abu Nasar Saied Ahmed, *Introduction*, p. 18

<sup>35</sup>"Migrant on Island Radar." *The Telegraph*, October 2017, <https://www.telegraphindia.com/states/north-east/migrants-on-island-radar-181431>

being able to produce voter identity cards issued in 2014<sup>36</sup>. The move of the police was criticised by Prabajan Virodhi Manch for releasing the migrants without any proper verifications and Convener of the Manch allege that the previous Congress Government had included them in the voter list as a vote bank. Though this is a common perception widely held among people in Assam, however, till date this stance of any Government has not been proven. In the field study conducted with the residents from Takimari, Pathamari char at Dhubri, it was observed that most of the respondents diversify their livelihood activities during rainy season by migration to the towns and cities<sup>37</sup>. These char dwellers often get labelled as illegal migrants<sup>38</sup>. Unfortunately, the mainstream media also does the same and fails to trace the root cause of their migration from Char areas. In a nutshell, the Bengali speaking Muslims are the prime suspects because of both religion and language as both these features are common to the Bangladeshis populace<sup>39</sup>.

In addition to the above, there has been a sense of resentment for the Bengalis in the Brahmaputra valley and it is still a part of the public memory of how Bengali was declared as the official language (Hazarika, p. 28) by Colonisers. All these complexities played a big role in the Assam Movement and continue to play a significant role in shaping Assamese nationalism. Now the task ahead for the Government is to differentiate citizens from non-citizens because of which the bureaucratic exercise of preparing a National Register of Citizens (NRC) for Assam has been undertaken (Roy, 2016, pp. 26-27). This leads to the next section where present day contestation of Citizenship is explored in detail.

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<sup>36</sup>"Migrant on Island Radar."The Telegraph, October 2017, <https://www.telegraphindia.com/states/north-east/migrants-on-island-radar-181431>

<sup>37</sup>During the field visit to Dhubri chars, I have interviewed 6 male respondents, who said during raining seasons they move to towns and cities in Assam and are generally engaged in construction related work

<sup>38</sup>Observed during the field work, also cited "The "Ubiquitous" Bangladeshis", by Gorky Chakraborty, EPW, Vol. 47, Issue No. 35, 1 September 2012

<sup>39</sup>Hazarika, Sanjoy. *Rites of the Passage*. pp. 28

## Contestation over Citizenship

Citizenship refers to the substantive membership in a political community (Roy, 2009). The most commonly referred definition of Citizenship is provided by T.H. Marshall in *Citizenship and Social Class* (1950) as "full and equal membership in a political community" that implies equality and integration within the political community<sup>40</sup>. However, the notion of equality does not necessarily apply in all contexts as societies are entrenched in hierarchies of caste, class race, religion rather than equality of status and belonging. Becoming a citizen at different epochs either enmeshed extension of citizenship to include more persons or meant wrecking of existing structures of oppression<sup>41</sup>. One of the citizenship extension models is the Graded model of citizenship which originated from Greek City States. This Model was extended to included non-Romans by also adding a second-class category of *civitas sine suffragio* (which means citizenship would be granted without voting rights). In the context of Assam, the model of Citizenship followed in the State is similar to the graded model of citizenship that is ingrained in Section 6A of the Citizenship Act.

Citizenship of Assam is governed by Section 6A of Citizenship Act that was incorporated through an amendment in the Citizenship Act of 1955 in 1986 which was the product of Assam Accord. The positive aspect of Section 6A of the Citizenship Act is that it provides for a particular cut off. According to Section 6A if a person has come to Assam from a specified territory and that specified territory is Bangladesh, then their descendants and they will be eligible for citizenship. But this is subjected to the proviso that they should have come before 24 March 1971. There are two cut-off sets for acquiring citizenship, i.e. if a person has come on or before 1 January 1966 shall be full-fledged citizens, but those who came in between 1 January 1966 and 24 March 1971 will have limited citizenship as they will get passports but not voting rights for a period of 10years of the period from the date of registration<sup>42</sup>. This kind of graded citizenship (Roy, 2016) reflects the

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<sup>40</sup>Anupama Roy, 'Citizenship' in *Political Theory an Introduction* Rajeev Bhargava & Ashok Acharya (Pearson, 2009).

<sup>41</sup>Anupama Roy, 'Citizenship' in *Political Theory an Introduction* Rajeev Bhargava & Ashok Acharya (Pearson, 2009).

<sup>42</sup>Citizenship Act 1955, Interview with Prateek Hajela on 28 August 2017



progressive, accommodative character of India's democracy where citizenship laws change and evolve due to the changes in the society. But as the constitutional deadline for acquiring Citizenship is 19 July 1948 for the whole country excluding Assam, Section 6A has been challenged through PILs in the Supreme Court, such as PILs (Assam Sanmilita Mahasangh, Assam Public Works and All Assam Ahom Association v. Union of India, Writ Petition (Civil) no. 562 of 2012) challenging the validity of Section 6A.

In India, citizenship is not only defined by the place of birth but also in terms of ethnicity which means that a Bengali staying in Assam is only the resident of the state but is not an Assamese. For Bengali speakers to become Assamese, it would mean adoption of Assamese way of life (Weiner, 1978, p.300). An individual cannot be both Assamese and Bengali as both are mutually different terms. After the State Reorganisation in Linguistic terms in the mid-1950s, each state got an "official language" of a dominant ethnic community. Hence, ethnic minorities in each state identify themselves in ethnic and not territorial terms. This is because of the benefits and safeguards attached to both the minority and dominant communities. By defining identity in ethnic terms, communities assert their political power and identity (Weiner, p. 302). Though the Assamese have accepted the assimilation of migrant communities such as tea labour community, East Bengal origin Muslim population, who are now called Na-Ahomia, this is not the same with the Bengali Hindus. They have never assimilated because of which fear about the increase in the number of Bengali speakers is rising. In addition, if the Citizenship Amendment Bill 2016 grants citizenship status to the Bengali Hindus, the possibility of another conflict remains as the Bill changes the linguistic composition of the state and the older fear of the increase in the numerical strength of Bengalis in Government run entities still persists. This would be disadvantageous for the Assamese people in putting forward their claims.

The main fear continues to come from the Bengali Hindus as it is the Bengali Hindus who have migrated in large numbers due to the political change in Bangladesh than the Bengali Muslims after 1971. This might be the reason for an increase in the Bengali population in 2001 Census. Even the 1971 census showed the fragile nature of Assamese majority. In 1971,

the percentage of Assamese speakers was slightly more than 60%<sup>43</sup>. Rather, the Cachar district recorded a numerically homogenous block with a population of 78%, while in the Brahmaputra Valley only Sibsagar recorded 85.76% Assamese speaker (Prabhakar, p.33).

The pertinent question which arises is whether Assam will become a multi-lingual state? The Population of Assamese speakers in 2001 census already dropped in contrast to the rise of the Bengali speakers. 2011 census has not declared the Linguistic composition of the state. With the recent development, reviving the old issues of language and identity of 1920s, 1930s, 1940s and 1950s is the Citizenship Amendment Bill 2016. It is tabled in the Parliament and focuses on the 6 religious minority communities who came from Afghanistan, Bangladesh and Pakistan and entered India without valid documents, rendering them to be not considered as illegal migrants. It is proposed to make them eligible for citizenship<sup>44</sup>. If the Bill materialises, it would mean granting of citizenship status to the undocumented Hindu migrants who came in post-1971. It will also relieve those people whose citizenship was questioned or doubted several numbers of times and also those who are staying at detention centres<sup>45</sup>. The Bill sought to make illegal migrants eligible for citizenship on religious lines and is deeply harming the secular content of the Indian Constitution. This is a major point of contention between the BJP and several ethnic organisations along with the AGP. Citizenship Amendment Bill 2016 has become a point of contention between the BJP and AGP as the latter held that it will never accept the Bill<sup>46</sup>.

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<sup>43</sup>Prabhakara, M.S. *Looking Back into the Future: Identity & Insurgency in North East India*. Chapter 3, pp 32-33

<sup>44</sup>CITIZENSHIP (AMENDMENT) BILL, 2016

<sup>45</sup>According to the Citizenship Amendment Bill 2016 citizenship would be provided to illegal migrants belonging to Hindus, Sikhs, Buddhists, Parsi, Christians and Jains, thereby amending the Citizenship Act, 1955 to make the stated communities eligible for citizenship. Under the Act, one of the requirements for citizenship by naturalisation is that the applicant must have resided in India during the last 12 months, and for 11 of the previous 14 years. The Bill relaxes this 11 year requirement to six years for persons belonging to the same six religions and three countries. Accessed 5 December 2017. (<http://www.prsindia.org/billtrack/the-citizenship-amendment-bill-2016-4348/>)

"Will do all to defeat Citizenship Bill: BJP Ally." *The Economic Times*, 2017

If the Bill materialises, there is the possibility of Assam becoming a multi-lingual state. The tea-garden labour community has returned Assamese as their second language indicating their acceptance of Assamese language in 1971. But the same trend did not continue in the 1991 Census in light of the militancy of this section of the population who are now trying to reaffirm their original mother tongues (Prabhakar, p.35)<sup>47</sup>. Even several organisations of the plain tribal communities through formal resolutions, have directed their followers to return their respective tribal language as their mother tongue (Prabhakar, p 36). Such an approach by the plain tribals would lead to the emergence of separate people in both ethnic and tribal status and also in terms of speakers of new language, which will definitely lead to the decline of Assamese speaking population<sup>48</sup>. In these circumstances, where tribal communities are thinking of returning their own tribal language as their mother tongue and Bengali Hindus who have never adopted Assamese as their mother tongue, if the citizenship Amendment Bill is passed, in official terms Assam would be turning into a multilingual state. These are the consequences of migration and demographic change in a society. Though tribals in Assam are the indigenous people of Assam, passing of the Citizenship Amendment Bill 2016 will mean change in the linguistic composition of the state as it would be the Bengali Hindu migrants (post-1971) who will not be identified as "illegal migrants" but would be regularised as citizens. There is also the fear of Bengali Hindus and Muslims coming together to assert their linguistic identity which is a long continuing fear of the Assamese people (Ahmed) and needs to be seen in the current scenario of Bengali-Muslims assertion through "Miyah" poetry where they are embracing the term Miyah (given by the Assamese populace)<sup>49</sup>.

What will be the consequence of Citizenship Amendment Bill 2016 is a question that needs to be pondered upon by the State, in order to avoid clashes between communities. The Citizenship Amendment Bill 2016 has

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<sup>47</sup>Prabhakara, M.S. *Looking Back into the Future: Identity & Insurgency in North East India*. Chapter 3, pp 35

<sup>48</sup>Prabhakara, page 36

<sup>49</sup><https://www.firstpost.com/living/for-better-or-verse-miyah-poetry-is-now-a-symbol-of-empowerment-for-muslims-in-assam-3007746.html>

already caused violence with the incident at Silapathar where the President of Nikhil Bharat Bengali UdbastuSamannay Samiti (NBBUS<sup>50</sup>), Subodh Biswas, led a mob to attack the office of AASU in Silapathar town of Dhemaji district on March 6, 2017<sup>51</sup>. Biswas along with some other leaders of NBBUSS demanded Indian citizenship for Hindu Bangladeshis as per the Citizenship (Amendment) Bill, 2016, tabled by the Narendra Modi Government in July 2016<sup>52</sup>. The bill once again revived the old issues which the Partition have failed to resolve.

The Bill also challenges the validity of the Assam Accord which fixed the date as 24th March 1971 for identifying illegal migrants. It has received severe backlash from the public and several organisations such as AASU, Krishak Mukti Sangram Samiti (KMSS), Asom Sahitya Sabha, Prabajan Virodhi Manch, Sadou Asom Garia Chatra Parishad, Sadou Asom Goriamoria Deshi Jatiya Parishad, Char Chapori Sahitya Parishad and Asom Jatiyatabadi Yuba Parishad, Indigenous Tribal Sahitya Sabhas<sup>53</sup>. As per these organisations, if citizenship is granted to Hindu refugees, the demographic balance will change and eventually turn the Assamese into the minority. Upamanyu Hazarika, by renouncing the citizenship amendment Bill 2016 has criticised the present Government for its rhetoric of providing protection to jati, mati, bheti to the indigenous people, which is unfortunately compromised by the present Government.

The genesis of the Citizenship Amendment Bill 2016 lies in the Immigrant Expulsion Act from Assam Act, 1950. Section 2 of the Immigrant Expulsion Act stated that "*power to order expulsion of certain immigrants: if the Central Government is of the opinion that any person or class of persons, having been ordinarily a resident in any place outside India, has or have, whether before or after commencement of this Act, come into Assam and that the stay of such persons or class of person is detrimental to the interests of general public or*

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<sup>50</sup>A little-known refugee group

<sup>51</sup>Protestors attacked the martyrs' columns at the AASU office and they also damaged the portraits of Assamese cultural icons of Bhupen Hazarika and Jyoti Prasad Aggarwala

<sup>52</sup><https://thewire.in/118141/absconding-hindu-bengali-outfit-chief-subodh-biwas-arrested-west-bengal/>

<sup>53</sup>Congglomeration of 8 literary groups of indigenous communities

*any section thereof or of any Scheduled Tribe in Assam, the Central Government may by order: a) direct such person or class of persons, to remove himself or themselves from India or Assam within such time and by such route as may be specified in the order; and b) give such further directions in regard to his or their removal from India or Assam as it may consider necessary or expedient; provided that nothing in this section shall apply to any person who on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been displaced from or has left his place of residence in such area and who has been subsequently residing in Assam"*<sup>54</sup>. After the passing of the Immigrants (Expulsion from Assam) Act, 1950 by Parliament on February 13, 1950, there was a concerted move to throw out the East Bengal origin Muslims from Kamrup, Cachar and other regions of Assam (Roychoudhary, 1981). Thus, the Citizenship Amendment Bill 2016 is the reincarnation of the Immigrants Expulsion Act 1950 which also replicate the model of bounded citizenship as the Bill indicates excluding one section of the population.

Assam Movement as stated above was against undocumented immigrants which demanded detection, disenfranchisement and deportation of foreigners from Assam. According to the Foreigner Act 1946 the burden of proof of whether a person is a foreigner or not lie upon such persons. However, in Assam, the Illegal Migrants Determination by Tribunal (IMDT) Act 1983 was implemented to identify illegal Bangladeshis where the burden of proof did not lie with the accused but with the accuser. Though the Act aimed at identifying the illegal migrants from Bangladesh, it also provided protection to the minorities as the Act was implemented after the Nellie Massacre. But the Supreme Court struck down the Act and considered it unconstitutional<sup>55</sup>. The famous case of Sarbananda Sonowal v. Union of India stated that Foreigners Act 1946 and the Rules made thereunder would be applicable to the state of Assam<sup>56</sup>. All cases which were pending before the Tribunals under the IMDT Act shall be transferred to the Tribunals constituted under the Foreigners Tribunal Order, 1964 and shall be decided in the manner provided in the Foreigners Act

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<sup>54</sup>The Immigrant (Expulsion from Assam) Act, 1950.

<sup>55</sup>"SC Strikes down IMDT Act as Unconstitutional." *The Economic Times*. 13 July 2005

<sup>56</sup>Sarbananda Sonowal v. Union of India on 5 December 2006

1946 (ibid 104). Thus, the Supreme Court by striking down the IMDT Act have replicated the bounded citizenship model where the Court sanctified the territorial protection of the nation's population from infiltration as they posed a threat to national security (Roy, p. 46).

### Way Forward

In Assam, there is a special category called "D" voters. This is for the doubtful voters who are identified during electoral rolls revision as "D" voters. The category is a product of the Assam Movement when the Government was asked to carry out intensified revision of the voters list for Assam<sup>57</sup>. Dvoter's cases are still pending with the Foreigners Tribunals or might be declared as Foreigners by the Tribunals. They can apply for inclusion of their names in the updated NRC only with the clearance from the Foreigners Tribunals. Children of the D voters who have legacy data can also apply for inclusion<sup>58</sup>. In February 2017, Assam's Parliamentary Affairs Minister, Chandan Mohan Patowary stated that 4, 44,189 cases are referred to the Tribunals and 2, 01,928 cases are still pending with the Tribunals<sup>59</sup>. The question still remains as to what is the Government planning to do with the D Voters? It is to be seen whether the D voters are deported considering deportation is not a unilateral decision as it has to follow international protocol. Though the Supreme Court has directed the Union of India to take the matter into bilateral discussions with the Bangladesh Government for implementation of the process of deportation<sup>60</sup>, till date, there is no discussion in any bilateral meetings, provided Bangladesh have always denied illegal migration to Assam.<sup>61</sup>

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<sup>57</sup>Abdul Kalam Azad. 2017. The Struggle of 'Doubtful Voters' Has Intensified in BJP's Assam. *The Wire*

<sup>58</sup>Accessed 15 November 2017. [nrcassam.nic.in/faq09.html](http://nrcassam.nic.in/faq09.html)

<sup>59</sup>Abdul Kalam Azad. 2017. The Struggle of 'Doubtful Voters' Has Intensified in BJP's Assam. *The Wire*

<sup>60</sup>Baruah, Sanjib. "Stateless in Assam." *The Indian Express*, 2018

<sup>61</sup>Hasanul Haq Inu, Bangladesh Information Minister in October 2017, stated that there is no unauthorised migration from Bangladesh to Assam. He emphasised that illegal migration has never been part of any discussion between the two Government. Baruah, Sanjib. "Stateless in Assam." *The Indian Express*, 2018

The Possibility of India discussing the matter of deportation with the Bangladesh Government is unlikely. At the same time, the process of deportation done through bilateral agreements for the readmission of nationals to relevant countries is an expensive exercise. For instance, the European Union by an agreement with Libya has reduced the flow of migrants for large sums of money (ibid 122). Even the deportation of unauthorised migrants of Mexico from the US has been expensive as the US pays Mexico \$1,000 for each person to be deported (Ibid 122). However, Customary International Law obliges one's own country to take back its nationals. In practice, it is a difficult exercise. In the context of Assam, it is unlikely that India will take up the matter of deportation to the Bangladesh Government, provided the "neighbourhood first" policy of the current Government (Ibid 122).

Hence, if the Citizenship Amendment Bill is passed, and after the NRC is updated<sup>62</sup>, it is uncertain as to what procedures to deal with the Muslims illegal migrants from post 1971 will be feasible. For Myron Weiner, one approach of dealing with the problem of illegal immigration is accommodating the chunk of illegal immigrants by which economic benefits in terms of cheap labour can be utilized (Singh, pp. 111-112). This option is based on neo-classical economics which might be valid option to deal with the identified illegal migrants, either through NRC or Foreigners Tribunals. As both Bengali Hindus and Bengali Muslims are the communities affected by the partition, it is imperative to take a holistic and a more inclusionary approach. Instead of providing citizenship status to the 6 religious minority communities, we need to determine if other kind of citizenship models, such as limited citizenship, be replicated to both sets of migrants from erstwhile East Bengal. The Government can also find out whether it is possible

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<sup>62</sup>Assam is the only state in India that prepared an NRC in 1951 following the 1951 Census and has also become the first state to get the first draft of NRC. The NRC is updated with the names of applicants whose names appears in the NRC 1951, any electoral rolls till March 24 1971 and their descendants. NRC is also going to contain the names of all Indian citizen who moved to Assam post 1971. First draft of NRC is already published in the midnight of 31st December 2017. It has published the name of 1.9 crore applicants out of 3.29 crore applicants. (Sushanta Talukdar, 2018, First Draft of NRC recognises 1.9 crore people as citizens. *The Hindu.*)

have a different immigrant law for the state of Assam to deal with the Post 1971 migrants which may grant labour rights and basic minimum right to live with dignity by excluding the voting rights for a certain period of time.

For instance, in December 2005, Wisconsin Congressman, James Sensenbrenner, in the US, convinced the law makers to pass the immigration proposals that were considered to be one of the most repressive proposals by criminalising 12 million undocumented immigrants in the US from Mexico<sup>63</sup>. However, the fact remains that family of this Representative benefits from the labour of these migrants and they create conditions that facilitates their migration. Kimberly Clark, one of the world largest paper companies is started by Sensenbrenner's grandfather. Yet he is the one who fulminated against undocumented immigrants. He was criticised by others arguing that labour of migrants was needed in the economy of the US and the economy would receive a severe set-back if the undocumented immigrants returned home, as the country's largest corporations are dependent on the labour of immigrants (Bacon, p. 58). Similar is the story of undocumented migrants from Bangladesh that, who have made their presence in the informal labour market of Assam. Now to deport this group is not a viable option due to India's Foreign Policy. Their deportation will mark a major crisis in the economy where they undertook work at menial wages. If they are illegal migrants their exclusion from social welfare policies can be considered as one of the options along with their right to life should be protected in all form. In the US Congress, for example, the lawmakers argued in favour of granting permanent residence visas to the people who were already there. Those visas would give them a chance to come and go to work, study or take care of their family. Similar kind of attempts can be made in Assam through Work Permits. Proponents of work permit in Assam also propose to grant them to groups of 15-20 persons. The permits should be issued for a limited period of time depending upon the nature of work. The permits should act like passports with the details of individuals, their employers and the length of stay of the group in India. So, once the NRC is updated, non-citizens can

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<sup>63</sup>David Bacon, The Political Economy of International migration, *New Labor Forum*, Vol. 16, No. 3/4 (Fall, 2007), p. 57.



also be given work permits by disenfranchising them and allowing them to stay and work and after some point of time they should be allowed to apply for citizenship through naturalisation<sup>64</sup>.

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<sup>64</sup>Sangeeta Barooah Pisharoty. Policy for Those Found Non-Citizens After NRC Update in Assam Still Undecided. *The Wire* <https://thewire.in/external-affairs/policy-found-non-citizens-nrc-update-assam-still-undecided>

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# CONFLICTING CONCORD : THE ASSAM-NAGALAND BORDER DISPUTE

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Shradhanjali Sarma

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## Introduction

The state of Nagaland<sup>i</sup> is, located in the north-eastern part of India, bounded by Assam, Arunachal Pradesh and Manipur to the west, north and south respectively. The demand for a separate state of Nagaland and the insistence on sovereignty and self-determination was based on the belief that this area was different from the rest of India.

The growth of nationalism in Nagaland and the perpetual state of conflict in the state owes its origin to the distrust and discontentment that the Nagas harboured against the Indian Government. The frequent conflicts in the region and disagreements over the demarcation of borders are rooted in history. It was repeatedly stated that the Nagas, who were isolated from mainland India during British administration, by identifying the areas in which the different Naga tribes resided as 'backward tracts', 'excluded areas' and 'inner line', could not be governed by the Indian Government, as it was oblivious of the issues faced by them. The assertion of individual identity by the Nagas, a sense of self-determination and territoriality are the reasons why every initiative towards a solution proved to be futile. While the allegation of the Government being step-motherly towards the state was raised by Nagaland, the Central Government believed that Nagaland was provided with sufficient autonomy by the Constitution of India.

It is in this strong emotion of discontentment that both the issues of border demarcation and self-determination in Nagaland found points of convergence. The re-telling of history becomes important at this point of time, especially when the Framework Agreement is being enthusiastically discussed.

This paper was being written while, the Governments of India and Nagaland were engaged in negotiations, which reflected a shift from the self-determination model to a model of autonomy within the Indian Union. This development in ideology is of immense importance as the Naga political movement from the beginning was firmly rooted in not giving in to the demands of autonomy within the Indian Union. With the border demarcation dispute being sub-judice in the Supreme Court and the Framework Agreement in the news, it becomes important to look at the six decades of struggle in Nagaland, especially when both the issues are played out in the same geographical area.

In the first section, the border dispute between Assam and Nagaland and the existence of a flexible border between the two states till 1963 will be discussed. The division of Nagaland into several parts for administrative convenience and the frequent shifting and re-shifting of boundaries during the British rule are portrayed as some of the root causes for the complexity of the problems in Nagaland.

The second section will provide an overview of the Naga political movement as an anchor for explaining the peace interventions, and its connections with the border issue. The landmark peace agreements and commissions have always seen the twin cry for self-determination and transfer of territories along the border, thus providing us with a sketchy evidence of the interrelatedness of both these issues.

The third section of the paper will provide an overview of the Framework Agreement, and its importance in the demand for Greater Nagalim and its impact on the ongoing border dispute in the Supreme Court.

The Framework Agreement comes at a moment when the repeated trial and error methods of bringing peace to Nagaland have proved futile. Therefore, the Agreement is hailed with high amounts of optimism and also because it is believed to be the solution for the long struggle of the Nagas.

## I

The growing militancy in the state of Nagaland during the 1980s, led to instances of encroachments in the border areas, especially in the reserved forests. The growing confrontations between the two states led to various instances of violence, with Merapani<sup>ii</sup> being the one which created sufficient discontent. This was preceded by the incident at Chungajan in 1979, where there was large scale attack on one of the villages near Chungajan Tiniali, Chungajan Mikir village and Uriamghat.<sup>iii</sup> The Merapani incident was followed by another violent attack in Rajaphukuri village, near Sarupathar in 1989. The three villages which were attacked were inhabited by Muslims and Adivasis, and tensions were already building up in this area as there were attempts to oust the 'immigrant' Muslim (Kindo and Minj). On 7 April, 1989 the villages were attacked by Nagas, which was followed by another attack on the next day by the Non-Nagas (Kindo and Minj). According to official records, the death toll was 25 with 15 injured and 178 houses burnt down (Kindo and Minj). The incident escalated due to the issue of land along the border. After the series of such conflicts on the border, in 2014 there was another such incident of conflict between the Nagas and Adivasis in Uriamghat and Golaghat regarding 25 bighas of land (Misra, 2014). The frequent clashes on the border and the involvement of the militants in it goes back to the emergence of the problem of border demarcation between Nagaland and Assam, and the sixty decades of struggle for self-determination in the state.

The boundary dispute<sup>iv</sup> between Assam and Nagaland is based on the claim for the same areas by the two states on the Disputed Border Area or DAB, where Assam demands areas along the border based on the constitutional boundary while Nagaland demands it on the basis of a historical boundary. The ambiguity of a medium and the inability to reach a consensus on demarcation led to the long-standing dispute on the Assam-Nagaland border. After the 1985 firing between the Assam and Nagaland, an area known as DAB was formed (Kikon, 2017. 72-75). The DAB<sup>v</sup> is an administrative name given to the 10 kilometers stretch and is recognized as a neutral zone where the Central Reserve Police Forces (CRPF) monitor the movement of people, vehicles and



resources between the hills and the plains (Kikon, 2017. 72-75). The demand for a constitutional boundary, which was marked according to the British 1925 Notification<sup>vi</sup> was strongly opposed by Nagaland, while resting its claim on the historical boundary, also called the ethno-ecological boundary (Agarwal, Ankush. Vikas Kumar, 124).

According to the Report of the Adviser Sri K.V. Sundaram Committee on the Assam-Nagaland Boundary, Government of India, the area claimed by Nagaland includes

- ◆ whole of North Cachar Hills covering 1,889 square miles
- ◆ more than half of Mikir Hills District and a small part of Nagaon district covering an area of 2,368 square miles.
- ◆ About 718 square miles of Sibsagar district covering all the reserved forests adjoining Nagaland and also a number of tea estates along with the number of tea estates lying on the border.

The boundary line drawn through 1925 Notification was not verified, and it was for administrative convenience that the British issued a Notification regarding it. During the period 1867-1923, there were 15 boundary notifications and 6 Inner line notifications on Sibsagar District alone abutting the Naga Hills territories, for which the discharge of administrative responsibilities have become difficult. Also, the drawing and re-drawing of boundaries culminated through the 1925 Notification, and finally in 1937 the Naga Hills District, the North-Eastern Frontier Tract, Lushai Hills and North Cachar Hills were termed as 'excluded areas', and no legislation of British India were extended to these areas. Therefore, the 1925 Notification was held to be an effective order for removing the complications of the past (Mannen T.N *Eastern Mirror*). According to the Report of the Adviser Sri K.V Sundaram Committee on the Assam-Nagaland Boundary, Government of India the claim amounts to a total area of 434 kilometers of boundary. The claim of Nagaland is based on the argument that these areas were part of British administered Naga Hills District, and goes further to mention about the history of the Nagas and Ahoms to validate this claim. Four Commissions were appointed to resolve the matter namely, Sundaram (1971), Shastri (1985), Pillai (1997) and Vairava (2006), the last being a local commission. The Sixteen Point Agreement (An Agreement signed between Government

of India and Naga People's Convention) and the Nine Point Agreement (An Agreement which was signed between Government of India and Naga National Council) tried to resolve the problem of border demarcation, along with the Naga's demand for self-determination. The attempt at bringing in peaceful solutions was being made, but the extent to which these attempts were productive remains questionable. The precision of peace solutions and its impact is one of the most significant features of the struggle in Nagaland, as some of these efforts have turned out to be counterproductive rather than productive for the state.

Along with the external interventions, the Naga society has contributed towards peace-building in the state, both for the border demarcation dispute and the conflicts that arose during the Naga's struggle for self-determination. The traditional Naga village system has contributed towards the maintenance in the border areas.<sup>vii</sup>

The dispute has been taken forward by the State of Assam as a matter of litigation in the Supreme Court. The State of Assam filed a case in the Supreme Court in 1988 on the long standing issue of border demarcation. The case subsequently led to the formation of a mediation commission to resolve the matter, consisting of senior advocates Sriram Panchu of the Madras High Court and Niranjana Bhat of the Gujarat High Court as the mediators in the dispute. The report submitted by the three-member mediation commission submitted a report which stated that the matter needs to be resolved by the people belonging to the two states. The roots of the border demarcation problem and the changing nature of the political process in Nagaland, and that of the peace processes are entwined with each other. As new resolutions commenced and broke off, the issues grew profound, with majority of the solutions leading to incidents of conflict.

The fluidity of border between the two states is etched through historical records. The advent of the Ahoms and their relationship with the Nagas was the first instance of the creation of a border. During the Ahom rule a demarcation was made between the Ahom and Naga territory which extended from the Disang in the north to Gabru Parbat in the south, till Desoi River. (Mannen, T.N. *Nagaland Post*,) During the Ahom period there was a traditional system known as '*Khat*'. (Pathak, 105)

According to the '*Khat*' system Nagas residing in the foothills were granted space or land for cultivation as well as for other activities. The Ahom-Naga boundary was well demarcated by creating raising '*bunds*' with soil also known as Didor Ali, Ladaigarh or Naga Bund (Mannen, T.N Nagaland Post) Officials known as *Kakoties* were appointed to receive rent-free land or remission of revenue. Some of the Naga within Assam were used by the Nagas to procure revenue which was soon discontinued by the Assam Government after the formation of Nagaland in 1963 (State of Assam v. Union of India, Writ Petition (Civil) 2 of 1988) This boundary between the Nagas and the Ahoms was flexible, and the Ahom kings allowed the Naga and other hill chiefs to collect *posa* tax from the foothills (Das, 53-55). Alexander Mackenzie has mentioned that Ladaigarh was the most natural boundary between the Ahoms and Nagas, which started from Dikhu River near Naganimora and extended to Nakachari.

When the British started their administration in the Naga Hills, Ladaigarh was demarcated In Letter No. 186 R dated Fort William, 4<sup>th</sup> August 1874, which was exchanged between the Government of India and Chief Commissioner, by mentioning certain points for reference. This boundary differed from the one of the Ahoms and was demarcated into four sectors.<sup>viii</sup>

The Naga lived in isolation for a long period of time, with distinct clans and tribes. The isolation of the Nagas ended to some extent when they came in contact with the Ahoms. With the interaction between these two groups, the conflict grew, with frequent raids being conducted by the Naga tribes on the Ahoms. The brutality of the Ahoms towards the Nagas kept them under control for some time, but it did not dampen the feeling of independence among them. (Misra, 2013.) The mutual agreement between the Nagas and the Ahoms, and the policy of non-interference of the Ahoms helped in maintaining cordiality.

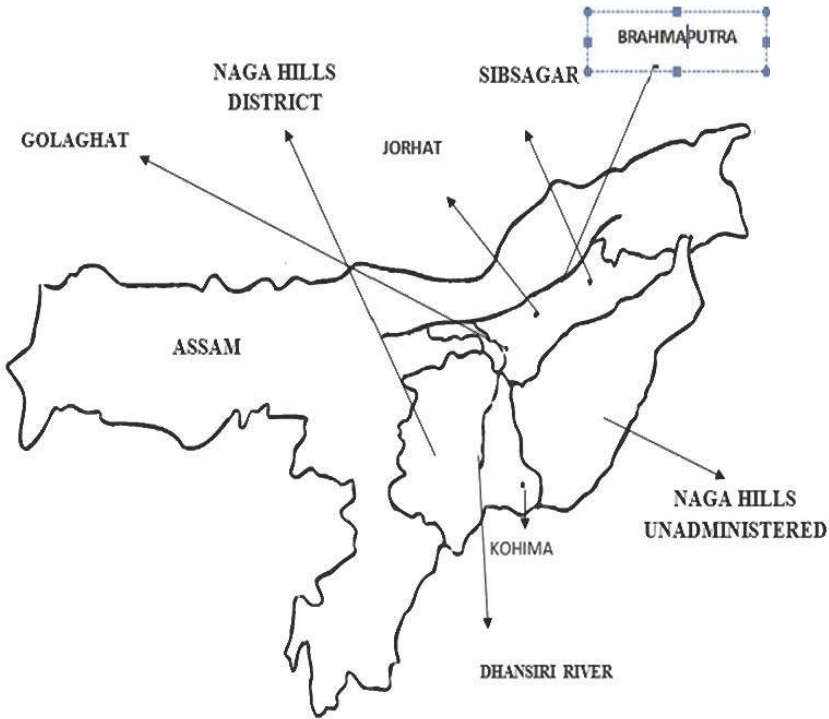
With the advent of the British administration, the demarcation of boundaries was done officially, with the British using borders to alienate the hill people from mainland India. During the period of East India Company, power was transferred to the Crown, and for administrative conveniences a new district for the Nagas with headquarters in Saamgooting

was formed. This district was formed in 1866, through a process of taking full administrative control of the Nagas in the hilly areas in Assam and was demarcated in 1867. In 1867, the boundaries on the North, South and Western limit were mentioned, but the Eastern boundary was not defined accurately. It mentioned the eastern boundary as being that of Rengma or Doyang, without making an effort to understand that both the rivers were different. In 1875, another notification was issued (Notification dated 24 December 1875) which chose to exclude the eastern frontier unless a proper survey was being done (Bhattacharyya). The western part was demarcated, and included part of North Cachar subdivision of Nowgong. The area bounded by the Langting and the Diyung on the south and west and the Lumding on the east and north (now NC Hills) and area south of Jamuna and north of Lumding (now in Karbi Anglong) was included not because Nagas resided in these areas but because it was easier to govern these areas from Samgooting. An important feature of the changing boundary demarcation during the British rule was the introduction of the Bengal Frontier Regulation Act, 1873 which introduced the Inner Line. According to Alexander Mackenzie, the Inner Line was formulated as a summary legislation for backward tracts (Mannen, T.N *Nagaland Post*) The legislation also isolated the backward tracts under colonial rule, and the British required permits to enter these areas. The intention of introducing the Bengal Frontier Regulation Act in 1873, was to bring the commercial relations with the frontier tribes under stringent control. Mackenzie also mentioned that the extension of tea-gardens in the tribal areas created problems between the tribal and non-tribal communities, and therefore it was necessary that some amount of regulation was introduced for proper administration of these areas. The Inner Line Regulation was therefore introduced by the Lieutenant Governor, with the consent of the Governor General in Council. The Lieutenant Governor was given the power to demarcate the line. The Inner Line hardened the gap between the hill tribes and the people living in the plains. The difference between the modern and the primitive increased during the British administration (Suykens, 6-10).

The Inner Line was not extended into the un-administered areas, and thus exempted it from the British laws. This was not a border for the

districts, and was used only for revenue survey. The first inner line was drawn in the Sebsaugor (Sibsagar) district, and was drawn between two points extending from Disang River to Diyung River (in present day Dima Hasao). Thus, Inner Lines or any other ramparts were meant only for strategic military and economic considerations, and was not meant to define the boundaries between the Naga Hills and Sibsagar (Das 53-55) The Inner Line allowed the natives in the areas enclosed by it to acquire interest in land or any product, but the non-natives were not allowed to. (Bhattacharyya). While fixing the boundary between Naga Hills and Sibsagar, the southernmost revenue boundary of Sibsagar was made coterminous by erecting triangular pillars. The Inner Line of 1876 was altered through a Notification on 24 February, 1882, extending it from Doyang River to Disang River. The 1882 Notification also shifted the headquarters from Samgooting to Kohima, and in 1890 Mokokchung was added as a subdivision to the Naga Hills District. This notification altered the Inner Line once again and the northern boundary of Mokokchung sub-division was up to Dikhu River. Subsequently, another notification was passed on 9 December, 1898 which transferred western part of Naga Hills District to Sibsagar and Nowgong, but it was nullified by the court in 1901. But the transfers were notified by on 24 February, 1903. In 1901 the portion of the territory belonging to Mokokchung Subdivision from Desoi River to Geleki was transferred to Sibsagar (Bhattacharyya).

Therefore, between 1866 and 1925, on formation of the Naga Hills, there was an alteration of boundaries, which later led to the issue of boundary demarcation between Assam and Nagaland. It is often argued that the Naga Hills District was originally formed with non-Naga dominant areas of Nowgong district, and it was only later that the Naga areas were added. The transfer of Dimapur Mouza in 1913 is considered to be the transfer of land belonging to Assam to Naga Hills District



**FIG: Assam-Nagaland 1878 and 1898**

**Source: Violence on the Margins: States, Conflict and Borderlands edited by Benedict Korf and Timothy Raeymaekers, 2013.**

The total reserve forests of the Nagas are calculated as being 22. Nambor Reserved Forest was constituted in 1972, and was notified within the Naga Hills District. However, according to Bhattacharya the Nambor Reserved Forest was actually a part of Nowgong district a part of which transferred to Naga Hills District in 1866. Subsequently, the Abhoypur and Desoi Reserved Forests were constituted in 1881 and 1883 within Sibsagar District. This was followed by the constitution of Rengma and Diphu Reserved Forests in 1887 within Naga Hills District, and these again were a part of erstwhile Nowgong District which was transferred to the Naga Hills District in 1867. Another reserved forest was added to Sibsagar in 1888 known as the Doyang Reserved Forests, and along with it

the inner line demarcation in 1882 was shifted further to the south of Desoi and Jhanji rivers.

In 1898, huge areas of reserve forests in Naga Hills were transferred to the adjacent districts of Nowgong and Sibsagar. Doyang Reserve Forest which was constituted in 1888 and the revenue boundary were shifted from time to time. The Doyang Reserve Forest was transferred from the Naga Hills District in 1884 and later constituted in 1888. Major areas of Doyang Reserve Forests fall mostly to the south of the Southern Revenue Survey Boundary which runs almost all along the traditional boundary between the Nagas and Ahoms before the annexation of Assam by East India Company in 1826. The Inner Line formed through the 1876 notification also runs along this area. There was a demand for modifying the Inner-Line Permit in 1901 and 1902. In 1925, for administrative convenience, the British demarcated a boundary, on the basis of which the present state of Nagaland was formed. In 1937, the Naga Hills District, the North-Eastern Frontier Tract, Lushai Hills and North Cachar Hills were termed as 'excluded areas', and no legislation of British India were extended to these areas (Bhattacharyya).

In 1963, Nagaland was created based on the 1925-Notification and was a consequence of the Sixteen-Point Agreement. With the formation of Nagaland as a state within the Indian Union, the issues with border demarcation grew intense. The encroachments in the border area were the prime reason for escalation of the dispute of border between the two states. The primary reason for the conflicts in the DAB is land. *Pattas* were not being issued to the people. There is no administrative sanction in resolving the problem of land, and most of the time the peace coordinators resolve the land disputes on the DAB (Suykens). Land disputes in the DAB cannot be referred to the state and therefore has to be solved by directly negotiating between the *gaon-buras* or village heads..



**FIG: Assam-Nagaland 2010**

**Source: Violence on the Margins: States, Conflict and Borderlands edited by Benedict Korf and Timothy Raeymackers, 2013.**

Parallel to the upsurge of the border dispute, grew the Naga National movement demanding self-determination and sovereignty. The Naga political process and the border disputes which are understood as isolated events, are deeply rooted in the history of being dissatisfied with the Government and the failure of the peace interventions in the state. The influence of Christian missionaries led to the emergence of the Naga middle class, who took the initiative of contributing substantially to the society (Srikanth and Thomas). This group of people formed the Naga Club, which submitted a memorandum to the British to exclude the Nagas from the political process of India. During the process of Independence, the Nagas were against the proposal to join India. The Naga National Council (NNC) was formed in 1946 under the leadership of Angami Zapu Phizo. The NNC had two divisions, the Kohima Central Council and Mokokchung Central Council.



While the former was dominated by the Angamis the latter was dominated by the Aos. The Aos were in favour of autonomy within the Indian Union, while the Angamis were uncompromising. Phizo o asked the British to grant them Independence. Their argument rested on the fact that they were politically, culturally and racially different from the rest of India (Srikanth and Thomas).

The Akbar Hyderi Agreement or the Nine Point Agreement was signed between the Governor of Assam and the members of NNC (Aliba Imti and T. Sakhrie). The Agreement's most controversial clause which mentioned that the Nagas will be free to decide their future after ten years became the subject of contention. The Indian Government during this period was occupied with the Independence movement and paid little heed to the Naga's demands. The Government went ahead with the drafting of a Constitution, and also established a separate committee known as the Bordoloi Committee, whose constitution later led to the formation of the Sixth Schedule. The Naga leaders rejected the Sixth Schedule, and declared a plebiscite in 1951. The NNC appealed to the government to provide them Independence, and refused to participate in the Assembly and Parliamentary election in 1952 (Srikanth and Thomas). While Aliba Imti agreed to the Agreement, the extremist session did not agree, especially with Article 9. The Government was not willing to take in the interpretation provided by the NNC, and reiterated that the Nagas could suggest administrative changes according to the Agreement but cannot ask for secession (Misra, 2013).

Soon, under the leadership of Phizo, NNC transformed from a middle-class organization to a militant group, demanding for a separate homeland for the Nagas. It was in 1952 that Phizo formed Naga Federal Government (NFG) and Naga Federal Army (NFA). The Government responded to this and there was a crackdown on the NNC in 1953 and soon after the Assam Maintenance of Public Order (Autonomous Districts) Act, 1953 was passed (Misra, 2013). The Assam Disturbed Areas Act, 1955 was passed, which introduced in North-East a different era of law and order situation, where power was handed over to the armed forces.

The Centre banned NNC in 1971, and Nagaland was transferred to the Ministry of Home Affairs, contrary to the Sixteen-Point Agreement. In

1975, National Emergency was imposed in Nagaland. Soon after in the same year, the Shillong Accord was signed between the Government of India and representatives of the NNC, which led to the formation of the National Socialist Council of Nagaland (NSCN). (Nuh) The group was able to bring about reforms in the field of culture, economy and politics, thus emerging as one of the most popular militant groups in Nagaland. But this was followed by a division in the group which led to the formation of NSCN-IM led by Issac Swu and Thuingaleng Muivah and the other being NSCN-K led by Khaplang. Due to ideological differences, there was further division which led to four factions of NNC (Adino), NNC (Panger), NSCN (IM) and NSCN (K). Due to ideological differences, the years that followed saw clashes between these groups.

With these, confrontations were building up in the border areas of Assam and Nagaland regarding police stations, territories and harassment of the Assamese people by the Nagas and the Nagas by the Assamese. The border area is occupied by encroachments from the surrendered revolutionary groups, whose settlement is not disputed by the Assam Government (Phukan). This seems to be the point where the demand for sovereignty, territoriality, self-determination and the issue of border demarcation coalesce.

## II

In the past there were various initiatives taken by the Centre to resolve the problems of the Nagas. The historic Akbar-Hydari Agreement proved to be a bone of contention both for the border demarcation issue and the Naga Nationalism process in Nagaland. The memorandum of NNC (19 February, 1947) stated that they wished for an interim government for a period of ten years which will be able to provide them with financial provisions and by the end of ten years the Naga people will have the choice of ruling themselves. The Agreement through Clause 9 asserted that the Governor of Assam as the agent of the Indian Union will have a special responsibility for a period of ten years to ensure due observance of this agreement. In his discussion during the Peace Negotiations (October 1, 1964 in Chedema) Y.D Gundevia, Foreign Secretary, Government of Assam stated that the Government tried to incorporate the 9-point agreement, and the parts that

they were unable to include became the Constitution of India. He also stated that the tribal people were given greater autonomy in the Constitution (Nuh).

On the other hand Clause 6 of the agreement ensured that the existing administrative divisions should be modified so as (1) to bring back into the Naga Hills District all the forests transferred to the Sibsagar and Nowgong Districts in the past, and (2) to bring under one unified administrative unit as far as possible all Nagas. All the areas so included would be within the scope of the present proposed agreement. No areas should be transferred out of the Naga Hills without the consent of the Naga National Council. NNC was given the full authority over customary law, ownership, land and taxation but it was not truly a representative of the Nagas at that time. But the NNC considered itself to be the sole organized voice of the Nagas. The Agreement was signed with the belief that the boundaries will not be altered or modified. The Naga Hills-Tuensang Area (Administration) Regulation, 1957 was enacted for the Governor to act as the agent of the President for the administration of the area.

While, Clause 9 of the Agreement created sufficient chaos, with Phizo interpreting it to be one for providing independence to Nagaland, the involvement of the NNC in the border demarcation issue provided witness to it being part of the greater political movement of the Nagas.

The joint demand for self-determination and boundary demarcation can be deduced from the memorandum submitted by T. Aliba Imti and Sakhrie. It was stated that the people who had drawn the Constitution were unaware of the conditions of the State, and therefore it was unacceptable to the Nagas. Along with the right for self-determination the demand for restoration of the boundary according to the ancient boundary of Ahom kingdom and the restoration of the transferred forests from Naga Hills was put forward. The memorandum also pointed out the necessity of setting up a Boundary Committee to demarcate the border. The Memorandum pointed out that the Naga Hills was carved out for administrative convenience and was hence an arbitrary measure. It also stated that all the Naga areas should be brought together, as this was the desire of the people. The need for an Interim Government would ensure a fair and reasonable share which the Naga people should not be deprived of. (Memorandum page 75)

The Sixteen Point Agreement of 1960 led to the formation of Nagaland, which was against the Nagaland's demand for self-determination and also complicated the process of border demarcation. The Agreement explicitly stated that the Government is not committed to increasing the area of the state and was of the opinion that the alteration of the boundaries should be according to Article 3<sup>ix</sup> and 4<sup>x</sup> of the Constitution. In reply to the Sixteen-Point Memorandum it was stated by Nagaland Chief Minister that the agreement can be found only through two points. The Naga territories which have been alienated by the successive Assam Governments from the areas south of the traditional Ahom-Naga Boundary from the time when the British took over Assam in 1823 should be restored. The Naga view point is that the British did not have the right to overrule their ancient boundary of Ahoms-Nagas (K.V Sundaram Report). The Sixteen-Point Agreement was a watershed moment. The Naga Hills Tuensang Area and the North-East Frontier Agency was placed under the Ministry of External Affairs, which implied that the idea of self-determination was accepted to some extent (Misra, *India's North East*). This was acceptable to the moderates, but was considered to be a compromise by the federal government with a slight satisfaction of being included in the Ministry of External Affairs. This was a win-win move for the Centre because state of Nagaland was created successfully, and it was easier to accommodate the moderates into the fold of this move. The accommodation of the interests of the Nagas partially through Clause 6 and 9 can be considered to be strategic move. But soon in 1975, Nagaland was transferred to the Ministry of Home Affairs, contrary to the agreement which fueled the movement among the Nagas again.

The Peace Mission negotiations continued from 1964 to 1968, where the NNC agreed for ceasefire (Srikanth, H and C.J. Thomas). The Peace Mission was led by Jayprakash Narayan, Rev Michael Scott and BP Chaliha, and was initiated after a period of 9 months after formation of Nagaland. But the peace process did not bring out any results, because the Government wanted to bring out solutions within the framework of the Constitution. It was in the Naga Peace proceedings<sup>xi</sup> dated October 1, 1964 that Isak Swu, Foreign Secretary (Naga Federal Delegates) mentioned to the Indian delegates that 'today we are here as two nations- Indians and Nagas, side by side. If we

continue fighting against each other for another 10 years, what will happen to us?' The differentiation explicitly stated between Indian and Nagas implied the Nagas' desire to be included in the peace process with the ultimate fulfillment of a separate nation.<sup>xiii</sup>

With the failure of the peace process,<sup>xiii</sup> came in another initiative of the Government to resolve the conflict in Nagaland in the form of Shillong Accord in 1975, which called for the surrender of arms and acceptance of the Constitution (Nuh). While the Peace Mission Proposals (1964) and the Shillong Accord (1975) were seen by some as the reason for the birth of NSCN, and all the initiatives undertaken towards peace unsuccessful (Dutta, Akhil Ranjan) Others believed that these initiatives were instruments that would bring peace to the State.<sup>xiv</sup>

While peace initiatives with the Centre for a separate state continued, the issue of border demarcation crept up in every discussion of self-determination. The debate on the restoration of areas that belonged to the Nagas historically remained debated contested area, with the Centre initiating resolution through appointment of committees such as Sundaram Committee, Shastri Committee, Pillai Committee and Vairava Committee.

K.V Sundaram was appointed in order to discuss upon the border demarcation issues. The Sundaram Committee (1973) did not provide a formal report and instead provided a factual report. Another Committee was appointed to decide on the border dispute that is the Shastri Commission in 1977. After the appointment of the Sundaram Committee, four interim reports were signed to maintain the status quo of DAB till the outcome of the Sundaram Committee. In an effort to maintain the interim status quo, Nagaland Government ended up creating two-subdivisions in 1999, Niuland and Kohobotu in Diphu Reserved Forest (Suykens).

K.V Sundaram's factual report stated that the demarcation of the boundary between Sibsagar and Nagaland is clearly defined in the 1925 Notification, and since most of the borders including the southern and the eastern boundaries were the same, therefore there was no problem in demarcating them on the ground. The report focused more on the encroachments in the reserved forests rather than the actual demarcation of the boundaries.

In 2006, two more sub-divisions were created in Rengma Reserved Forests namely Uriamghat and Hukai. Both Assam and Nagaland Governments presented claims before the Shastri Commission, where Assam based its claim on the changes made by the British administration in 1901. The Shastri Commission made two kinds of recommendations- short-term and long-term. The Short-Term recommendations included the implementation of interim agreements of 1972 to decide upon the status of the two states and the areas governed by them. Another recommendation that was made was to provide Assam Government with administrative control of the areas within the existing constitutional boundary. The long-term measures wanted the settlement of the boundary problem and the establishment of peace and tranquility between both the states.

In a meeting between the Chief Ministers of Assam and Nagaland on 8 October, 1968 it was agreed that the border which would be defined in the State of Nagaland Act, 1962, should be determined from Kakodonga and Tiru Reserve Forests. But this decision remained in a stagnant position and encroachments in the border area continued. It was decided that a survey would be carried out, and hence Survey of India initiated it in 1969. But they were unable to complete the survey due to lack of co-operation from the Nagaland Government (Bhattacharyya).

In 1970s, the newspapers drew attention towards the rising tension in the border areas. Responding to the tensions on the border, the Nagaland Government wrote to the Central Government and submitted a memorandum in this regard. A high-level committee was constituted in 1979 by the Chief Ministers of both the states. The discussions did not yield any positive results, and instead displaced 17,000 persons and around 50 people were killed. Simultaneously, another round of discussions was held in 1979 in Delhi and was convened by the Union Home Minister HM Patel and was attended by Governor of Assam and Chief Minister of Nagaland. Yet again, the discussion failed, but the Government at the Centre asked the Government of both the states to study the Sundaram Committee report and to revert with their comments. The Government of Nagaland refused to accept the recommendations of the Sundaram Committee Report, and labeled it as being biased. Government of Assam accepted the Report, but

with reservations (A Fact Finding Visit to Assam-Nagaland Border). The Assam Government accepted the Sundaram Committee report in respect to the Desoi Reserve Forest, but also stated that the Government is not willing to accept a solution in a piecemeal manner. The Shastri Commission was asked to find out the sequence of events leading to the conflict, the extent to which loss of life and damage could have been averted, the role of both the states in deploying guards, any lapses or dereliction of duties and the defects in the police setup in both the states (State of Assam v. Union of India, Writ Petition (Civil) 2 of 1988)

The deadlock between Centre and Nagaland continued for almost 50 years, and with passing years it is believed that Nagaland have understood the complexities and also the problem of a military solution. Even though the Sixteen Point Agreement and Peace Mission was not accepted by the Naga leaders back then due to the absence of any provision for territoriality or sovereignty, today the leaders are referring to the former for discussing a framework of autonomy. (Misra, *India's North-East*) In 1997, NSCN (IM) and Government of India agreed on a ceasefire agreement to further the dialogue process. This was followed by another ceasefire agreement with the Government of India by NSCN (Khaplang).

The border-dispute was referred to the Supreme Court in 1988 on the issue of stationing polling booths in the area for the general elections to be held on 21 January, 1989 of the Legislative Assemblies. The Defendant, i.e., the Union of India wanted to maintain the status quo ante of the 1987 elections, by stationing the polling stations according to the earlier settlement. The Union of India in order to carry out peaceful elections decided to decrease the number of polling stations from 40 to 34 and to shift 14 polling stations to the chosen area (State of Assam v. Union of India, Writ Petition (Civil) 2 of 1988). The election was peacefully completed. But the problem arose when there was a question regarding the inclusion of particular areas in the said constituencies, as the ambiguity due to the problem in border line demarcation perdured.

After State of Nagaland was formed, the Chief Minister of the defendant state i.e., Nagaland wanted the settlement of the dispute according to the Sixteen Point Agreement. When the Home Ministry asked state of Nagaland

about the situation in the border, it wrote about the extinguishing rights of the Naga people due to settlement of 'outsiders'. Such action was considered contrary, as these Reserve Forests land was for Government use and was not to be encroached by other people, and was hence considered outside the purview of Article 371-A of the Constitution.

The inter-state constitutional boundary between Assam and Nagaland has been depicted without any ambiguity by the Survey of India, and was based on the 1925 Notification, based on which, Nagaland was formed in 1963. It was contended that there is no higher authority than the Survey of India, and hence their demarcation should be agreed to. It is also pertinent to note that Nagaland is not disputing the validity of the 1925 Agreement. It was also stated by Bhubaneshwar Bhattacharya that Nagaland's dispute is not related to the 1925 notification, but to those areas which were a part of the Naga Hills during British administration. But the Survey of India has not yet released the maps because these have not yet been consented by the Government of both the states. It was also submitted by the plaintiff that the delimitation problem was due to the frequent inclusion of villages inside the reserve forests and also because of frequent encroachments. It is because of the locational shifting of villages, carrying the old villages name to the new locations that has created confusion. It was also stated that the demarcation of the boundaries is not difficult if we look at the topographical maps and the existing constitutional boundaries between the states (*State of Assam v. Union of India, Writ Petition (Civil) 2 of 1988*). In 2015, the Supreme Court said that the issue can be solved whether by referring it to arbitration or by deciding the case by itself. The Court asked the Counsel for Assam to submit the final list of witness, as it cannot delay the case any further. While the Nagaland Government has sought time, the Solicitor General of India clarified that the maps of the Surveyor General of India (SGI) cannot be used as the same has not being authenticated by the Government of both the states.

The literature has frequently pointed out that Nagaland's conflict with Assam on the border demarcation is based on the encroachments rather than the 1925 Notification. The rising militancy in the border and the



encroachments by the surrendered militants reflects the impact of it on the border, which from a long time was viewed as an isolated dispute.

The four sectors i.e. Sector A, B, C and D along the border has seen attacks by NCSN on the Assamese people, especially in the Golaghat region (Das and Sarma). Sector A which extends from Tiok River at Arunachal-Nagaland border to Taokak River to Jhazi River and the southern part of Ladaigarh, is under NCSN dominance. Moreover, the presence of NSCN militants during the Merapani incident made the border dispute inseparable from the Naga political process.

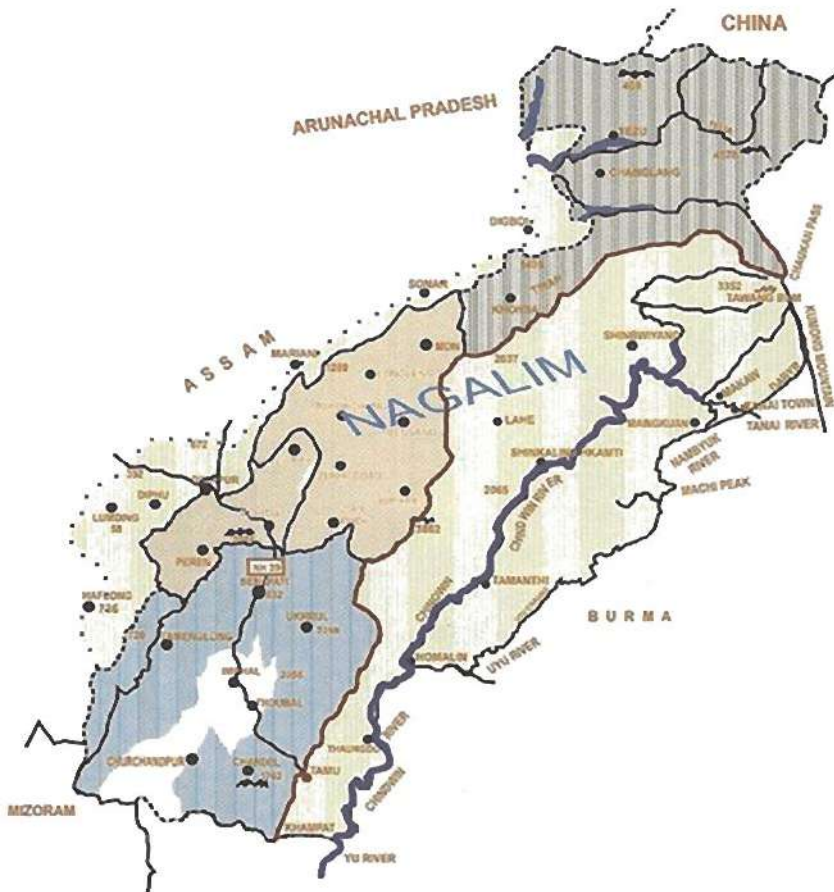
In the border areas, the presence of militants has led to collection of taxes from the inhabitants (Sukyens, 2013). The inhabitants are victimized on one hand by the militants and landlords who collect taxes, on the other hand there are also accusations from that the security forces deployed in these areas are not as neutral as they are portrayed as to be. The different factions of the NSCN are very active in the DAB. They clearly defy the authority of the Assamese government in the Naga-controlled areas of the DAB. The Assamese state officials enter the southern borders only with help of CRPF, as they fear that they will be ambushed by NSCN operatives. The NSCN factions have entered into a peace agreement with the Indian state and are officially not allowed to enter the DAB, but securing the DAB is considered a first step in securing the whole of Nagalim, and in unifying of all Naga-inhabited areas. A peace committee, with members from both Nagaland and Assam negotiated directly with the NSCN to stop taxing the non-Naga in their area. In return for these taxes, the insurgents support the claims to include the DAB in a Greater Nagaland and protect the Naga from harassment by Assamese state officials.

### III

The border-demarcation issue is in the news because of the probability of a solution to the problems in Nagaland. RN Ravi, who was appointed as the interlocutor in 2014, is in talks with various stakeholders, primarily the Nationalist Socialist Council of Nagaland (IM) and the Government of Nagaland to reach a solution for demarcating the boundary. Since his

appointment in 2014, he had met the stakeholders of the dispute in an informal manner so as to gain their confidence. R.N Ravi has also sat down in talks with the stakeholders of Assam, Arunachal Pradesh and Manipur. The Framework Agreement which was signed on 3 August, 2015 between Government of India and NSCN purports to establish two concepts, one being 'shared sovereignty' and the other being 'Pan-Naga Hoho'. The Pan-Naga Hoho according to the Framework Agreement will be a statutory body which will comprise of members from all Naga tribes. The Pan-Naga Hoho will be provided with the role of politically administering the area under dispute. There is also a proposition for setting up of autonomous areas in the areas claimed under Greater Nagalim, which also encompasses within it the areas under the border dispute.

It is at this juncture that the interconnectedness of the two issues becomes important, probably because of the claims on common geographical areas. The border demarcation has resulted in the conflicts between the people inhabiting these areas. The Assamese side of the border, the Adivasi group is dominant. These people were brought to the tea gardens by the British and they continued to live in these areas. The other groups are the Bodos, Nepalese, Muslims, Assamese, Garos and Manipuris.<sup>1</sup> The other side of the border is the home to Naga tribes, primarily the Lotha tribe, followed by the Sema Nagas. Golaghat shares a boundary with Wokha, and it is in this boundary that such a mixture of ethnic groups is found. (NESRC) The border between Assam-Nagaland consists of six sectors namely- A, B, C, D, E and F, and it comprises primarily of the reserve forests. (Sema) These sectors include the areas of Sivsagar, Golaghat, Karbi-Anglong and Jorhat. On the other hand, the area termed as 'Greater Nagalim includes Assam (Sibsagar, Golaghat, Karbi Anglong, Jorhat, part of erstwhile Nowgong, Tinsukia, NC Hills, Cachar), Arunachal Pradesh (Tirap, Dibang Valley, Changlang and Lohit) and Manipur (Senapati, Ukhrul, Tamenglong, Chandel). The demand under Greater Nagalim, thus encompasses the areas under the border dispute which the Nagas have been claiming since a long time.



**Map of Greater Nagalim<sup>27</sup>**

The concept of sovereignty in Nagaland from the very beginning meant both external and internal sovereignty. While external sovereignty meant that the Nagas cannot be subjugated by anyone, internal sovereignty implied that the Nagas will have full right in determining the matters of the state in accordance with their customs (Phyobentung). In this context, it is pertinent to understand the meaning of 'shared sovereignty' in the Framework Agreement, as instances of misinterpretation in the past have been one of the reasons behind the perpetual state of conflict in the state. Moreover, it is

important to clarify whether the term shared sovereignty in the Agreement meant governmental or state sovereignty (Phyobentung).

Shared sovereignty will mean sharing of all powers, even the ones vested on the Union. In such a case there is a need to re-look at the provisions of the Constitution of India, where Article 246 and Article 248 mention the powers of the Union and the residuary powers.

Another significant point that the Agreement raises is regarding the laws which will be applicable to the autonomous councils which are proposed to be set up in the areas claimed under Greater Nagalim. Land has always been a matter of dispute between people, and in the present case too, provides a ground for such contestations. Both the states have different land laws, and Nagas have always given primacy to their customary laws. Therefore, the ambiguity in the application of laws in these areas, especially the land laws needs to be clarified to prevent misinterpretation of the Agreement, and also from preventing the states from coming into loggerheads with each other on the question of land.

Another important question that the current situation raises is the validity of a Supreme Court judgment in the border dispute, keeping in consideration the Framework Agreement. In case, the Framework Agreement comes into force as proposed before the Supreme Court delivers a judgment, then the latter will stand infructuous. There is a need to find a balance and to clarify the particular situation, as this would put into perspective the future of the dispute.

While non-cooperation in controlling encroachments is being complained of by the Assam Government, the responsibility of coming to a conclusion on this issue is being placed in the Supreme Court. The failure to take into consideration the alternate voices in the Naga struggle, or rather the delay in taking them into account also led to escalation of the issue. Bitter clashes between the two factions of NSCN i.e. NSCN (IM) and NSCN (Khaplang), is also a reason that the peace initiatives never worked. An agreement by GOI only with the NSCN (IM) will not be acceptable to the people of Nagaland, and therefore there is a need for both the groups to come together for the discussion (Misra, *India's North-East*)

The Agreement will be made public in August as stated by the Chief Minister of the state. The changing ideology from separate statehood to autonomy, and the six decades of struggle in Nagaland will officially be decided in August, amidst hopes and optimism of a final resolution. The test of effectiveness of the Agreement is a matter of utmost importance, as it will be a conclusive factor in sealing the whirlwind of interventions, solutions, peace treaties and conflicts in the region.

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State of Assam vs. Union of India & Ors, Original Suit 2 of 1988 (Supreme Court of India)

Untold Story of Merapani.

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i. <sup>1</sup>The state consists of fourteen Naga-indigenous tribes and four non-Naga indigenous tribes which are recognized by the State government. The population of indigenous and non-indigenous Nagas accounts for 89 percent of the total population according to the 2011 Census. The Nagas are found on both side of the hills of India and Burma, covering the areas of Assam, Nagaland, Manipur, Arunachal Pradesh and the Sagaing Division in Kachin state of Myanmar.

ii. The incident took place on June 3, 1985 when there was installation of check gates in violation of agreements that was entered between both the Governments.



- iii. Phukan, Debojit. *Assam-Nagaland Xima Xomoishya*. Phukan Grantha Prakashan, 2001.
- iv. The important medium of demarcating a boundary in most Asian countries is the river. Most of the boundary dispute resolution is arrived at by demarcating an area by a river, which divides two different geographical areas. In case of Nagaland, river as a medium of border demarcation fails to prove effective due to its geography, where the rivers runs in a vertical direction to the horizontal stretch of the state landform.
- v. The whole area of 434 kilometers is not declared as disputed area, and only the stretch consisting of A,B,C,D,E,F sectors is declared as the disputed area.
- vi. According to Bhubaneshwar Bhattacharya, Nagaland claim is not based on serious doubt on the legal validity of the Notification of 1925 but on territories which once used to belong to them. It is a claim of those areas which once were a part of Naga Hills district during British administration, and which goes back to the traditional Ahom-Naga boundary also knows as the Naga Areas.
- vii. The Nagas have two kinds of villages, which were basically isolated villages. The villages of the Konyaks and Semas are governed by the village chiefs. But in case of Konyak villages, ten or twelve village will be governed by another chief who will be called an *aung*. The village systems of the Lothas, Angamis and Aos are governed by a council. There exists a democratic system. The chief of the council can be recalled within six months but the *aung* cannot be recalled. In case of Ao, the village council is called *putumenden*. The tenure is not fixed. In case of *panchayats*, there is no system of recall. In case of Angamis and Aos, 75% should attend the meeting of the council. They meticulously maintain minutes of the meeting on a board
- viii. Sector A which included Mon district, and the boundary extended from Tran-Teok River on Arunachal, Nagaland border to Tizit River (Tawkok).
- ix. The second boundary extended from Tawkok to Dikhu River. From Dikho-Jhanzi (Milak) River had all clearly followed the traditional Ladiogarh Line making it coterminous with the southern Sibsagar revenue boundary pillars erected by the British administration.
- x. Sector B- The boundary extended from Jhanjee to Desoi (Tsurang) the boundary line followed the Ladiogarh line up to Gabruparbat and from there up to Desoi River by Naga Bund, Naga-Bat supported by the southern revenue survey boundary pillars of Sibsagar District. It also extended from Desoi crossing Kakadanga upto Doyang and further up to the confluence of Dhansiri River is demarcated by Nagabund supported by the southern revenue boundary pillars of Sibsagar District (present day Jorhat).
- xi. Sector C: Under this sector, maximum Naga areas were transferred out of the Naga territory including the best forests. It covers eastern block of Mikir Hills district (Karbi Anglong) and part of North Cachar Hills District.
- xii. Sector D: North-Eastern part of North Cachar Hills District is the habitat of the Zemi Naga. Prior to 1866 this area had formed the first Naga Sub-Division with Asloo as HQ under Nowgon District
- xiii. <sup>4</sup>Formation of new States and alteration of areas, boundaries or names of existing States: Parliament may by law
- xiv. (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;
- xv. (b) increase the area of any State;
- xvi. (c) diminish the area of any State;

- xvii. (d) alter the boundaries of any State;
- xviii. (e) alter the name of any State; Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired
- Explanation I In this article, in clauses (a) to (e), State includes a Union territory, but in the proviso, State does not include a Union territory
- Explanation II The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory.
- xix. <sup>41</sup>Laws made under Articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters
- xx. (1) Any law referred to in Article 2 or Article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary
- xxi. Mission initiatives failed once 'the Federal Group started violating in terms of the stoppage of operations' (White Paper issued by Government of Nagaland, 31 August 1972). It was alleged that the Federal Government sent groups of its cadres to Communist China both for military training and also for modern sophisticated arms. The Indian Parliament also enacted 'The Unlawful Activities (Prevention) Act. On 31 August 1972, the Governor of Nagaland suspended the practice of extension of suspension of military operations and declared NNC, NFG and Naga Federal Army (NFA) as unlawful associations within the Unlawful Activities (Prevention) Act of 1967.
- xxii. <sup>42</sup>It was stated by Y.D Gundevia, Foreign Secretary, Government of India stated that 'we are not living as two nations side by side. History tells us that Nagaland was a part and parcel of India. Boundaries are drawn slowly and we cannot re-draw boundary unless there is a war'. This was stated by Gundevia as a response to Isak Swu's statement of 'two nations'.
- xxiii. During the peace talk, Zashei Huire who was leading the delegation of the Nagas, stated that he wants the Government of India to take some steps for the closure of the concentration camps, release Naga political prisoners and withdraw the Indian Armed forces from Nagaland. Gundevia was not ready to accept new terms to the process and stated that peace could be restored if arms were deposited in a safe place, and there will be no need for the Indian Army to be in Nagaland.
- xxiv. Kenneth Kerhuo, President Naga Peace Council stated that the Shillong Accord had to some extent led to normalcy and peace in Nagaland, and also stated that it is up to the Nagas to make use of this climate of peace.
- xxv. NSCN-IM. (2010). Nagas: Their pilgrimage for self-existence and quest for dignity and peace. Oking: Ministry of Information & Publicity, Government of the People's Republic of Nagalim (Nagaland)

# IMAGINED HOMELAND, CLAIMS AND COUNTER CLAIMS

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Sujata Buragohain

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## Introduction

*Society is impossible without conflict. But the society is worse than impossible without control of conflict.* - Paul Bohannan.

Every conflict especially in North East India is seen as a law and order problem. The only answer that the state seems to have while dealing with the dynamic range of conflicts here is to either sign ceasefire agreements or true pacts (Sengupta 2011:86). Peace accords are basically signed between the state and the other adversaries involved in some form of discord, in an attempt to bring about peace. The outcome of these attempts to mitigate conflicts sometimes results in more difficulties. As John Lederach Paul has pointed out, "Peace accords often become an agreement that represents the process for continuing the conflicts under new definitions." Contrary to the genuine expectations that peace accords will bring peace, in many cases that have actually leads to new conflicts.

The paper mainly deals with the issues that have come up after the formation of the BTAD area. For the people who are historically sharing the same space along with the Bodos, there is always a fear of exclusion. In a contemporary period, the conflict between the Bodos and Non-Bodos has become more vicious and contested, as has the political mobilization. There are few discussions around the paradoxes in a scheduled area. This paper

seeks to understand the post-2003 phenomena, the stories from the field of BTAD region, what happens to those staying on those homelands. The study is based on qualitative research, including field visits to displaced villages and interviews in the different parts of BTAD areas, Kokrajhar, Gosaigaon, Fakiragram, Moinaguri, Bijni and Goreswar and on secondary materials including books, articles, local newspapers. As a part of this, we attended different protest demonstrations of the stakeholders in Lakhidhar Bora Khetra, Dighalipukhuri and the Golden Jubilee celebration of the All Bodo Students Union in Dhekiajuli. Interviews were conducted by utilizing the snow ball sampling which includes the conflict-affected people, public figures, members of the BTC, and stakeholders and local NGO workers. Such an intense field visit helped to understand the issue in depth, rather than merely exploring it through secondary literature.

The objective of this paper is to look into how state-initiated institutions create unintended consequences to those staying in the same space, and how they often create another form of inequality among the residents. Why is there continuous form of violence in the BTAD region? How is the federal structural arrangement of local government not able to address the problems of all parties staying in the new arrangement?

### **Asymmetrical Federalism and its pros and cons**

Normatively and empirically considered, the debate on asymmetric federalism is primarily about the politics of recognition that undergird multinational state's responses to competing nationalist claims of territorially concentrated sub-nation states. Granting differential constitutional status and powers to territorially concentrated sub-state nations under this rubric as a means to recognize their distinctiveness and to extend "self-rule" within the framework of "shared rule," as Jan Erk and Lawrence Anderson have reminded us in a different context, an inherent paradox, that is; it can be both "secession-inducing" and "secession-preventing" (Hausing 2014:87-111). On the other hand, another group of scholars have considered that recognition and accommodation of distinctive nationalist claims of sub-state nations through asymmetric federalism help in regulating conflicts and stabilize multinational federation. Normatively, asymmetric federalism is considered to promote

not only "what is good and valuable in society" (Gibbs 1999:73-93) but also to have "secured the conditions of an enlarged democratic setting" by leveraging group equality, inclusive participation and justice.

In North East India, asymmetrical federalism under sixth schedule was initially envisioned to primarily accommodate Nagas and other tribal groups in the hill areas of Assam at the time of writing the constitution. When the report on the sixth schedule, drafted by the Bordoloi Committee,<sup>1</sup> was debated between 5<sup>th</sup> and 7<sup>th</sup> September 1949, Brajeshwar Prashad opposed the placing of tribals under this arrangement. To him, doing so would be the surest way of inviting chaos, anarchy and disorder throughout the length and breadth of this country (Constituent Assembly Debates, Official Report, Vol 9, page 1009, 1949). Kuladhar Chaliha argued in the same debate that he saw an "old separatist tendency" in the proposed sixth schedule. He said that it may lead to "Tribalistan" or "Communistan" and to misrule, to a primitive rule. BR Ambedkar has justified the rationale of having a "different sort of scheme" for the tribal North East India by averring that unlike other tribal people, who are more or less Hinduised, more or less assimilated with the civilization and culture of the majority of the people in whose midst they live, tribals in Assam have their roots in their own civilization and their own culture" (Ibid).

Under the sixth schedule, district councils were given the powers to make laws with respect to: land use and allotment (not override the compulsory acquisition of land for public purpose by the government); forest management; irrigation, regulation of shifting cultivation; establishment of village or town councils; inheritance of property; marriage and social customs. Autonomous District Councils (ADC) have some rights to raise revenue, and to regulate moneylending and trading by non-tribals, but overall rely heavily on State governments for their finances.

The sixth schedule was not unanimously embraced by members of the Constituent Assembly either, some of whom expressed their desire for a more assimilationist approach, highlighting concerns that special provisions

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<sup>1</sup>Bordoloi Committee was a subcommittee of the Constituent Assembly's Advisory committee on the Rights of Citizens, Minorities, Tribals and Excluded areas.

exacerbated the likelihood of separatism. Kuladhar Chaliha, a member from Assam, averred, "If you see the background of this schedule you will find that the British mind is still there. There is the old separatist tendency and you want to keep them away from us". Later, plain tribal, Bodo also sought constitutional recognition of their community rights within Assam through the Bodoland movement, which resulted in the Bodo Accord of 1993 though it was not able to fulfill the aspirations of the Bodo people due to some of limitations in the Accord itself, for example, it left the question of its precise territorial jurisdiction open and provided that the government will "scrutinize the list of villages submitted by the Bodo activists having 50 percent and more tribal population which will be included in the BAC. For the purpose of providing a contiguous area, even villages having less than 50 per cent tribal population shall be included" (Memorandum of Settlement, Bodo Accord, 1993). The state assembly passed the BAC Act in the same year, which provided for a General Council to be constituted by 40 elect members including 30 seats reserved for the scheduled tribes. The Act also provided for functional autonomy to the BAC over a total 37 subjects (Sarmah 2002:87).

Though an interim BAC was formed later that year, elections for BAC could not be held because of the disagreement and confusion over the territorial jurisdiction of the new body. The BAC however could never exercise limited autonomy that was provided by the Act mainly because of insufficient financial powers and overwhelming domination of the state government over most of the transferred subjects (Nath 2003:533-545). However, the state-initiated process of a peace accord did not work out. The government of Assam unilaterally demarcated and declared the boundary of the BAC in the later part of 1993, which was rejected by the ABSU and BPAC and this resulted in large scale violence in different parts of Bongaigaon and Kokrajhar and the gruesome massacre of Barpeta in 1994. In July 1994, ABSU launched an agitation against the non-implementation of the Accord and in 1996, it revived its demand for a separate state. The Bodo Liberation Tiger (BLT) was formed with an aim to create a separate state. Another group of youth formed the National Democratic Front of Bodoland (NDFB) to create a sovereign Bodoland through an armed struggle.

On 10 February 2003, the central government, the BLT and the state government signed a new accord for the creation of a "Bodoland Territorial Council" (BTC) under modified provisions of the sixth schedule of the Constitution. Under the sixth schedule, the BTC will have control over 10 major socio-political areas. These include land, any forests other than reserved forests, any canal or water course for the purpose of agriculture, any form of shifting cultivation, establishment of village and town committees, all matters relating to village and town administration, appointment of headmen for villages and towns, inheritance of property, conducting marriages and divorces and other social customs. The laws made by the Council in all the areas under its control must have the assent of the Governor of Assam. The governor also has the power to dissolve a council on the recommendation of a committee appointed by him for the purpose of reporting on its functioning. It can be seen that in the whole administrative set up, the Governor has all the authority. In the name of a local government, Governor, who is liable to the Center has been granted so much power and responsibility. This creates other problems during the legislation process at the local level in the Council. Thus, it can be argued that state-initiated arrangements brought these challenges and confusion which led to unintended consequences over the region. The next section of this paper discusses the new problems and issues in the post BTAD formation process.

Despite the inclusive participation of the tribals in the scheduled area, the federal order has created unintended consequences in respective areas. Sanjib Baruah argues that this order has propped up a problematic two-tier citizenship regime of privileged tribal "citizens" and deprived non-tribal "denizens" specially on de jure ownership of land and resources. This order which he termed as *cosmetic federal regional order* also sits uncomfortably with the existing political economy in North East India as the attempt to protect tribal land and identities through this order has been made ineffectual by the insidious nexus between the "foxy" tribal elites and non-tribal migrant "outsiders," thereby making the latter de facto land owners (Baruah 2003:44-66). The same scenario is being observed in the BTAD area. The non-Bodos are facing problems in transaction of ancestral land due to non-mutation into their own name. The space which was historically shared by both of

these communities, have become much contested. The region was created by incorporating four districts of Assam (Udalguri, Baksa, Chirang, Kokrajhar). Though some parts of the region were in the tribal belts and blocks, as a result of whole-sale inclusion many non-tribals also come under the scheduled areas. Inclusion of such areas has created a paradoxical situation in the autonomous region in contemporary period.

Mahanta has argued that the crisis in Bodoland is a reflection of the abdication of responsibility by the Indian state. First, the state has not addressed the structural issues that confront indigenous tribes like the Bodos since the dawn of Independence in 1947. Second, it has failed to address the multicultural, multilinguistic and multi-ethnic composite culture of the region; rather, it has continued with the policy of insularity and ethnic homeland followed by the colonial rulers. For him, instead of the appeasement policies towards the ethnic and religious minority groups, the state needs to promote an all-inclusive policy that ensures justice, fairness and representation to various communities living in the BTAD. The recommendation of the Bhupinder Singh Committee which was appointed by the Center to look into the autonomy issues of the plain tribes of Assam in 1991 must also be implemented (Mahanta 2013:49-58). The Committee suggested a structural framework of autonomy which will be more suited to the North Plain. The framework conceived of a three-tier politico-administrative structure for both the West-Central and Eastern sectors of the north plain. At the bottom, is a village council, known as Gami Jothum in the Bodo West-Centered area and Dolung Kebang in Mishing Eastern section. Above the village bodies, is a regional council is called Bodod Gudi Jothum, and Mishing Banke Kebang in the two sectors. So, the Committee conceived two Apex councils in the north plain, one for the west central sector and other for east sector. Based on the traditional pattern, they should be capable of exercising both legislative and executive functions.<sup>2</sup> It can be seen that administrative structure suggested by the committee is decentralized and seems to be participatory in nature. However, the state intervention in

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<sup>2</sup>Chapter X, Summary of Recommendations, Bhupinder Singh Committee Report on BTAD



the BTAD can be seen as little problematic. The approach towards the resolution of the conflict seems to be driven by electoral and political benefits. Without addressing the structural issues, any strategy of conflict resolution is not going to work out.

Bethany Lacina argues that the Center's support for localized autocracy to maintain political stability has become a generalized pattern of governance in North East India. In the long term, this pattern of governance leads to the negative consequences. Due to the absence of institutionalized solutions, violence among intra-group rivalries and conflicts persists (Lacina 2009:998-1020). Thus, the potential for reemergence of severe insurgency continues, which can be observed from the formation of Kamatapur Liberation Front (KLO) and Adivasi Cobra Militant Force in the region.

What happens to the other ethnic groups within the autonomous region? The new arrangements may end violence between the state and the guerillas but will later turn their guns on the other groups in the area. (Wilson 2016:287-307). Wilson argues that the creation of the BTAD has ended the Tigers' struggle against the state and the central governments but not violence against other communities in the area. Indeed, these attacks have become more frequent and deadly since 2012. As will be seen, police investigations and other evidence demonstrates that the main perpetrators of these killings have been militants closely linked to the ruling BPF.

Therefore, it can be said that objective mechanism for peace building is not very fruitful. In the name of autonomy, power is transferred to only those who were once militant groups. It simultaneously allowsthem to retain weapons and monopolize political power in the new region. Two accords had been signed between the Bodo stakeholders and the state. But the non-inclusion of other communities in the area impactsefforts to bring peace to the region. In fact, the non-inclusive pre-agreement talks, and sidelining stakeholders are believed to contribute to the failure of the ultimate goal of the state in bringing peace to the region. For example, during the 2003 Bodo Accord, the Central government arranged 21 round table discussions with the BLT groups, whereas the organization which represents the other people residing in the region had not been invited. Though an invitation was sent to the Sanmilito Janagusthio Samgram Samiti, it was withdrawn by the Center. Such an exclusionary

agreement or peace talk agreement was not successful in bringing sustaining peace to the region.

## **The Bodo-Non-Bodo Conflict, story from the field**

### **Picture1**

Sarkar Murmu was not at his home in the Adivasi village of Kabrijuli on the evening of 23 December 2014. He had gone to Saralpara, the farthest village in the Ultapani forest along the India Bhutan border in lower Assam's Kokrajhar district, to mill paddy harvested from his fields. When he heard that there was trouble in his village, he rushed back, harvested from his village, only to run his life into the nearby jungle. He said, "As I reached my village I heard rattling sounds of firing and ran into the jungle and hide there. I came out around 8 pm, only when army personnel arrived. When I reached my house, I found my sons Cornel and Antony lying dead. Some villagers told me that militants dressed in black, came just as the sun had set and fired indiscriminately. Twelve persons, including my two sons, were killed in the attack." Sarkar Murmu could not find time to mourn the death of his sons as he and other survivors of the militant attack were moved to a relief camp at Saralpara the next morning.<sup>3</sup>

### **Picture 2**

The president of All Bodoland Minority Students' Union (ABMSU) and a popular minority leader in Kokrajhar, Lafikul Islam, was gunned down on the afternoon of 1<sup>st</sup> August 2017 by unidentified assailants, who police said could be known to him. Islam was shot from point -blank range inside a hardware store at Titaguri, about 3 kilometers from the Kokrajhar town, at about 4:30pm. He had stopped there while returning from an ABMSU meeting in a nearby town. The two assailants came on a bike and fled after shooting him. An eyewitness said both wore helmets covering their face.<sup>4</sup>

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<sup>3</sup>Talukdar, Sushanta. Killing Fields. *Frontline*, 2015  
<https://www.frontline.in/the-nation/killing-fields/article6756707.ece> accessed on 21st June, 2018.

<sup>4</sup><https://indianexpress.com/article/india/cbi-to-investigate-lafikul-islam-murder-case-4817773/> accessed on 21st June, 2018

"My brother took the lead role in getting a non-Bodo elected to Lok Sabha in 2014, he was threatened that time," Mahijul Islam, younger brother of Lafikul told to NTDV. "Lafikul was the prominent anti-establishment voice of Bodoland area. His voice has been silenced," said Rezaul Karim Darker, General Secretary of All Assam Minority Students Union.<sup>5</sup>

These two pictures construct a picture of the present BTAD, right after the formation of the BTC under sixth schedule. The conflict has manifested in more violent ways nowadays. Though the initial hope was peace in the "Killing fields" of Assam, as time flies the instances of violence have also been increasing in the region.

### **Picture 3**

On 2 February 2018, a notification from the Land Revenue & Disaster Management department regarding the transfer of land in BTC area arrived. It has been notified that "As per the spirit of the Bodoland Territorial Act, 2003, no tribal could sell his/her land to any non-tribal and no non-tribal could sell his or her land to any non-tribal in the BTC area without the permission of the Council Authority, included in the tribal belts and blocks of BTC area created by Chapter X of Assam Land Revenue Regulation, 1886. As per the Sixth Scheduled Act of 2003 creating BTC area supersedes the State Act, therefore the protected class of people as defined in Chapter X of Assam Land Revenue Regulation 1886 would not be applicable in the BTC area and these protected class of people would be treated as nontribal people in the BTC area."<sup>6</sup> Though the notification was withdrawn by the BTC chief, it still created a fear among the non-Bodos staying in the region which was reflected in the protest rally and demonstration in Udalguri and other parts of the BTAD where the slogans "We want our Land," "Dissolve BTC," and "No Conspiracy with the new land law" were heard.

The last picture shows the insecurity of the non-Bodo population staying in the region who once shared the same space along with the Bodos. The

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<sup>5</sup><https://www.ndtv.com/india-news/student-leaders-killing-leaves-assams-kokrajhar-once-again-on-the-edge-1732734> accessed on 21st June, 2018

<sup>6</sup>The Land Revenue & Disaster Management Department of Bodoland Territorial Council issued this notice in January, 2018 and later withdrew it

attempt to remove Nath Yogi, Koch Rajbanshi, and Santhals from the protected class reveals the insecurity in the region. The recent attempt of the BTAD Council to remove the protected classes from the Clause X of the 1886 Land Revenue Act can be looked as an attempt to regain the land rights of Bodo people over their imagined or real homeland that they have lost gradually over a century due to their pre-modern land use practices as well as politically motivated government policies.

The denial of sixth scheduled status for the Bodos, which would have provided constitutional protection for their land and identity when they needed it the most, can be seen as one of the primary causes leading to the alienation of tribal land in the post-Independence years. The Bangladesh war added to the changing demographic scenario of the state, with several lakhs of immigrants, mostly Bengali Muslims, staying back in the Brahmaputra Valley (Mishra, 2012). Going deeper into this issue, the reason of land alienation has its roots in other causes also. The Bodos were the Jhum cultivators, who didn't settle in a particular place for a longer period of time. As a result of their shifting cultivation, they routinely lost their land to the other settler communities. Without proper, formal land documents, they were unable to stake their claim over a particular land. As a result, land alienation took place at their own areas. In ninetieth century most of the Bodos were still under the influence of shifting cultivation and some of them were also practicing intermediary forms like plough-based agriculture with shifting modalities (Choudhury 2007:48). Amalendu Guha, who makes an intensive investigation into the problem after consulting almost all extant records comes to the following conclusion: (Guha 1991:69)

- (1) The Bodos continued with their shifting hot cultivation as late as the nineteenth century
- (2) Where they went for the plough cultivation, they continued semi-nomadic habits and opted for a settled habitation at a later stage
- (3) It is not possible to say when actually the transition to plough cultivation began but evidence shows that Bodos were "going through a process of learning the use of plough till late nineteenth century"

As Prabhakara argues that the land question in Assam is extremely complicated. Even more than the identity and ethnicity, it was the land question that invested the Assam agitation with a measure of legitimacy. Vast areas of the state have for years, and even decades, been settled upon and cultivated by people who have no formal claims on the land (Prabhakara 2012:212). Under the Saadulla's scheme of "Grow More Food" the grazing areas were opened for the settlement of the East Bengal origin peasant population. As the land is the exclusive identity for the plain tribal in Assam, they started losing it, i.e. land to the settlers of the region. In August 1943 the Saadulla ministry adopted a new resolution on land settlement which provided for the opening up of grazing reserve areas and wastelands in the districts of Nowgong, Darrang and Kamrup to immigrants from Bengal as part of the "Grow More Food" programme aimed at helping the war economy (Mishra, 2012:36-42). Referring to the scheme of settlement and opening up the reserved grazing areas for peasants from East Bengal, Amalendu Guha writes, "S P Desai, a senior ICS man, was appointed Special Officer to ascertain what portion of professional grazing reserve could be declared as surplus, available for settlement. Desai reported that the forcible occupation of grazing lands by immigrants had already taken place on a large scale, even in predominantly Assamese and tribal areas. He concluded that there was no surplus land available for new settlement. Ignoring the report, Saadulla's Muslim League Coalition government threw select professional grazing reserves open for settling immigrants (Guha 1977:281-282). As a result of these schemes, the tribal land alienation continued and vast areas of Western and Central parts of Assam were opened for the migrants. Speaking at the budget session of the Assam assembly in March 1945, Gopinath Bardoloi put up a tough fight against this policy of the Saadulla government. Referring to the anti-tribal policy of the Saadulla government, Bardoloi said: The government resolution makes no provision for Tribal Blocks in areas other than places which have been termed as Tribal Blocks. This will make tribal people move to the hills if they require land for settlement and cultivation (Mishra 2012:38). The tribal people are spread all over the state, apart from the designated 45 tribal belts and blocks demarcated formally as areas where transfer of land to non-tribal is not permitted. But the on-ground reality is

that few of these tribal belts and blocks are exclusively for the tribal people. Despite not having formal legislation, alienation of the tribal land has been ongoing, pushing tribals to remote forest areas. Once there, they become encroachers because existing legislation protects forest land. (Prabhakara, 2012). Though the State Congress had created a number of "tribal belts" and "tribal blocks" in the 1950s, which could be owned only by scheduled caste and tribes, encroachment from pre-colonial period and the ongoing land grabbing continues. Due to the mass encroachment, eviction from these tribal belts and blocks is impossible today. Bodo leaders alleged that besides the encroachment, the state government has taken six lakhs acres for the government project, while a maximum number of Bodos remain landless today. Thus, the reduced land holding size ultimately forced them to enter in the reserve forest.

On the one hand they are alienated from their own land and on the other hand, they have become the victims of various government schemes in the name of protection of forest areas, rendering them encroachers. This has marginalized them not only from the mainstream societies but also made them more vulnerable in their own spaces. For example, the AGP government after coming to power for the first time, passed a law legitimizing the eviction of the "unauthorized persons" staying in the forests and other reserved lands. As a result, the tribals were forcefully evicted, beaten mercilessly and their houses were burnt. The Bodos have taken the lead in raising their voices against such inequities, charging that AGP is anti-tribal and that its main target is the tribal population of Assam (Dash 1989:335-342). It can be seen that Bodo land has its roots in the opening up of the wasteland schemes and is the source of misery of all problems in the regions.

Contested ideas of belonging and citizenship have always been woven into the complex history of Bodoland Territorial Area Districts in Assam. The creation of Bodoland Territorial Council in 2003, as well as the continuing movement for a separate state of Bodoland have become the points of conflict between Bodo and non-Bodo groups. The idea of citizenship has always been debated in different public engagements. The stakeholders of the non-Bodo group always claimed that they receive second-class citizenship in the region. Once again, we see a dilemma related to identity, and the formation of BTAD

raises some conflicts in the area. The conflict is seen between the Bodos and non-Bodos over issues of ethnicity and language. Jogeshwar Kalita<sup>7</sup> said that, the non-Bodos lead a life of second-class citizens in their own area, where they are treated as beasts by the Bodo militant groups. Nowadays even the ration cards and NRC procedures are being done in the Bodo language, he argued.<sup>8</sup> There is an attempt to impose the Bodo language on the communities such as the Adivasi, Koch Rajbanshis and Rabhas. Though the Bodo movement emerged as a opposition to the 1985 peace accord, the activities of the Assam movement have interestingly become their reference point. The strategies and the practices of mobilization are unlike the same with the Assam movement.

Creation of the terms "*Boro and O Boro*" were the reflections of the conflict after the BTAD formation. People were divided on ethnic lines, under these two umbrella terms. O Boro Surakshya Committee, All Koch Rajbanshi Students Union, All Assam Adivasi Students Union, Nepali Students Union and All Assam Muslim Students were some actors which represented the interest of the non-Bodo people. The rise of the Kamatapur demand by the Koch Rajbanshi in the region is seen to be a counter movement to the demand for a separate Bodoland in the region.

### **Land Transfer Issue**

One reason for conflict between the Bodos and other minority groups is also the difficulty faced in the land transfer issue. In a scheduled area, it is difficult for non-tribal people to buy and sell their land. In different interviews, it was reflected that people were scared of thinking about their future as they could not transfer their forefather's land to their own name. As a result, a process of *Land Alienation* has started to take place in the BTAD areas and the land holding size of the non-tribal families has been decreasing. The issue of land transfer has been raised by all the stakeholders of the non-Bodo organizations. They face a problem when they need to transfer this land.<sup>9</sup>

<sup>7</sup>Jogeshwar Kalita is the General Secretary of O Bodo Surakshya Committee, a non-Bodo organization of Assam

<sup>8</sup>The writer attended a public meeting organized by O Boro Surakshya Committee at Lakhidhar Borah Khetra, Dighalipukhuri in Guwahati

<sup>9</sup>Interview with Chand Mohammad, member of O Boro Surakshya Committee, 30 November 2017, Goreswar

On the other hand, the non-Bodo people in some parts of Goreswar had started to sell their land to the Bodo people, as nobody is ready to buy such land due to the difficulties in transferring it at a later stage.<sup>10</sup> People don't want to stay in the conflict prone areas where violence and threatening from the NDFB has become normalized. Hence, they just want to sell their land in the BTAD area and try to buy it in the other parts of Assam. This process of *passive land alienation* has started in the BTAD area among non-Bodo people of the area. In the 2012 violence, the people from the Titaguri village were affected and displaced. After the situation reverted to normal, people were not willing to return to their own villages because of the fear of violence at the hands of NDFB militants who usually come to their villages and collect tax for residing in the village.<sup>11</sup> As a result, they have lost property and agricultural land in the Titaguri village of Kokrajhar. Repeated violence in the region sometimes affects the question of citizenship among these villagers of Titaguri after losing the land and property in the violence. We have met those displaced by the violence in Fakiragram, Monaguri and Bodagaon near Khasipara, which is located in the west of Kokrajhar, where they used to stay in houses provided by the Azmal Foundation in collaboration with the Zamiat-E-Ulame-E Hind.

A land where nobody is majority and only the rights of a particular group are ensured, has created the most suspicious situation after the BTC accord. The non-Bodo population of BTAD believes that the accord brings the political right and constitutional rights of the Bodos but does not respond to the aspirations of the non-Bodos living in the territory.<sup>12</sup> The organizations such as ABMSU(All Bodoland Minority Student Union), AKRASU(All Koch Rajbanshi Students Union), AASU(All Adivasi Students Union) started uniting themselves under the banner of non-Bodo

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<sup>10</sup>A discussion with the members of the O Boro Surakshya Committee, 30 November 2017, Goreswar

<sup>11</sup>Interview with Annuar Hussain of Azmal Model Village, 28 November 2017, Vodagaon, Khasipara in Kokrajhar district

<sup>12</sup>Interview with JugeswarKalita, President of O Boro Surakshya Committee, 30 November 2017, Goreswar



which resulted in the demonstrations and counter demonstrations against the BTC accord and the making of an ethnic homeland, that is exclusively for the Bodos.

### **Issue of Boundary Demarcation**

The O Boro Surakshya Committee wants the government to review the BTC accord and remove all villages such as Bhogpur where there is no Bodo people in the village, and Kanuhar, where there are less than 2% Bodos in the village from the BTAD area.<sup>13</sup> Sonmilito Jatiya Okaya Mancha conducted a huge protest against the formation of BTAD area by including 9 villages where there is less than 2% people area from the Bodo community.

### **Accessibility to public office and employment opportunity:**

They are in demand of Xomo Adhikar<sup>14</sup> for all people in the region. Prodip Roy the President of All Koch Rajbanshi Students' Union (AKRASU) said that the ex BLT leaders have benefitted from the BTC accord, and that nothing much has changed after the formation of the BTAD. "We want all the communities to be developed and get all the equal rights under the Council", he said. He even raised the security issue of the general people, who believe murder cases have become a common phenomenon in the region. The illegal arms of the ex BLT leaders should be taken away by the government, so that the people in the area can live peacefully. Any job interview and advertisement comes only in the name of ST people. In BTAD area, Bodos were the dominant tribes. This is a clear *deliberate denial of opportunity* to the non-tribal people.<sup>15</sup> Thus it seems that this denial of opportunity to the non-Bodos adds to creating a discourse of others in terms

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<sup>13</sup>Interview with the members of O Boro Surakshya Committee, Goreswar, and attendance at their meeting in the Lakhidhar Bora Khetra, near Dighali Pukhuri, February 2018

<sup>14</sup>*Xomo Adhikar* means Equal Rights for all, along with the Bodos in the region. There are Koch Rajbanshi, Kalita, Rabhas, Muslims, Nepalis and the adivasi people in the region. According to the stakeholders, Xomo Adhikar refers to equal representation in the council, land rights in the region and right to access the public offices in the region

<sup>15</sup>Interview with Prodip Roy, 29 November 2017, Gosaigaon

of employment and other government facilities which might further lead to retardation in other communities progress. However, the idea of xomoadhikar has been raised by all of the stakeholders of the non-Bodo organizations. Eventually, the constitutional goal is to bring all such tribes (backward) to the mainstream of Indian life. To achieve this, the first step is to carve out a separate system of administration to take care of such tribes until they reach a stage where assimilation with the mainstream is possible (PIL NO 13 of 2004, 2018, Gauhati High Court). So, this idea of Xomo Adhikar has at times no value as it is going against the ethos of the constitutional validity of the country.

### Regional autonomy without a majority

As per the census of 2011, population pattern of four districts of BTAD are mentioned as below. Out of the total population, 33.30% belong to Bodo and other tribes and on the other hand, 66.70% belong to non-Bodo people.

District	Total Population	Bodo and other tribes	Percentage	Non Bodos	Percentage
Kokrajhar	8,86,999	2,84,213	32.04%	6,02,786	67.96%
Chirang	4,81,818	1,83,876	38.16%	2,97,942	61.84%
Baksa	6,53,773	3,39,825	35.63%	6,13,948	64.37%
Udalguri	8,32,769	2,42,686	29.14%	5,90,083	70.70%
Total	31,55,359	10,50,627	33.03%	21,04,732	66.70%

From the above table it is seen that a majority of the population in BTAD are non-Bodos. There is a larger conspiracy to drive out the non-Bodo people particularly the Muslims from the BTAD area to create a Bodo majority area as pointed out by the stakeholders of non-Bodo organisations. After the formation of BTAD, kind of Nrigusthio Safai Abhijan<sup>16</sup> has been going on as claimed by ABMSU leader, Jaidul Islam. To create a "Bodoland" the process of killings is underway under this council. This ethnic cleansing has been used as a method to increase the

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<sup>16</sup>For the stakeholders of non-Bodo organization Nrigusthio Safai Abhiyan means Ethnic cleansing.

population of the Bodos—a minority in this area—by reducing the population of other communities. This is going to change the demography of the region which may help the Bodos in making their own imagined homeland, i.e Bodoland.

### **Claim for separate homeland within BTAD**

The demand for ST status by the Koch Rajbanshi along with a demand for a separate Kamatapur encompassing the areas in both Assam and the West Bengal has been coming up more strongly after the formation of the BTAD. Though the issue was already there, it has gained a new dimension after the formation of the BTAD. One reason is the opportunities in the region. In the BTAD area, most jobs are advertised under the ST category.<sup>17</sup> One of the major ethnic groups residing in the BTAD area - the Rajbanshis - pose a distinct challenge to Bodo dreams of united homeland spread over both the Northern and Southern parts of the Brahmaputra. Forest rights should also be given to the Adivasi people, eviction has become a regular and normal phenomenon in the region. On the other hand, the Adivasi people in the BTAD are also demanding ST status for their development. As a result, the development is unequal.<sup>18</sup>

In order to check the sudden upsurge among the non-Bodo population within the Bodoland, Bodos have stepped up with their demand for a separate Bodoland state. To counter this, the Rajbanshi have been consistently demanding a separate state for themselves, while Adivasis too, in a recent move, have raised the demand for a separate homeland within the BTC.

Thus, the new federal arrangement or the state-initiated peace resolution process has created inequality among the residents of the same space along with generating similar demands from other mobilized groups. Post BTAD formation has witnessed an emergence of new tribal ruling elite and unprivileged tribal as well as non-tribal groups in the region. The whole

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<sup>17</sup>Prodip Roy raised this point during the interview during field visit, 29 November 2017, Gosaigaon

<sup>18</sup>Interview with Sanjay Marandi, the Ex Adivasi Cobra militant of Assam, 28 November 2017, Gosaigaon

BTAD region has now witnessed a Kokrajhar Centric Development which was not the objective of new federal set up. Jebra Ram Basumatary who was an activist of the Bodoland movement, said that good governance is very much needed within its own limits. Political power is being misused in the council. The leaders, after coming to power, forgot about their promises and responsibility towards the public. The structure should have some process which should hold them responsible and accountable.<sup>19</sup>

However, this study has observed some reconciliation initiatives during the field visit which are more beneficial in the peace building process compared to the state initiated peace talks. During the field trip to the Kokrajhar district, we went to the NERSWN office. NERSWN is basically an NGO who works for the youth for generating employments in the region. The initiative that was taken by the NERSWN seems to be the practice of reconciliation. The NGO mainly generated employment opportunity for the unemployed youth. The Adivasi and the Bodo girls were busy in weaving during our visit. Within a land which is volatile in the name of identity and ethnicity, the hostels of the NERSWN give another message of peace in the colorful hand weaving clothes that they have made. In the hostels in the NERSWN were girls from the Kokrajhar, Gosaigaon and the remote villages of Chirang.



Picture:At a weaving center of NERSWN during the field visit on 29th November, 2017

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<sup>19</sup>Interview with Jebra Ram Muchahary in the Bodoland Children's Home, 30 November 2017, Bijni

The coordinator of the NERSWN, Nakul Nazary informed us that the NGO holds the meeting in the conflict-prone areas by inviting both the communities which are engaged in the clashes. In 2012, after the violence among the Bodos and the Muslims, they organized a peace talk among the Bodo leaders, the Minority leaders, the civil administration and the local people in Gosaigaon<sup>20</sup>. Arnai<sup>21</sup> and the gamusa of Adivasi were being exchanged in the year 2014 between the Bodos and the Adivasis in the Kokrajhar where all the Adivasi and Bodo leaders were invited by the NERSWN<sup>22</sup>. Through these cultural exchanges, and as a process of peace talks, football matches between the Bodo and the Adivasi villages were organised. Recently in September 2017, a football match between the Bodo and the Adivasi girls were organized by in Kokrajhar where team of Joharibeel (exclusively Adivasi girls), Joharbari (Bodo girls) and Nilajura (a mix team of Adivasi and Bodo girls) participated. Thus NERSWN believes in a mix community approach to resolve the conflicts among the different communities. The cultural dialogue, living with each other and sharing opinions between all the communities residing in the area are taken as an initiative for bringing peace to the land.

Such a civil society response is always needed in a vulnerable society. It can be seen that the rate of violence in the nearby villages of the NGO, is comparatively less especially the inter community violence, in the region.

### **Conclusion:**

The creation of the BTAD has not been successful in mitigating the inter-ethnic and the anti-state violence in the region. The major episodes of interethnic and anti-state violence that occurred in 2008, 2012 and more

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<sup>20</sup>Interview with Nakul Nazary, co-ordinator of NERSWN, 29November 2017, NERSWN office, Kokrajhar

<sup>21</sup>Symbol of Bodo culture having equivalent status with Gamosa in Assamese culture

<sup>22</sup>North East Research and Social Work Networking (NERSWN) is a Non-profit organization in Kokrajhar of Assam. In the office of NERSWN, we met the co-ordinator and finance head, Uttam Narzary and spoke about the initiatives of peace building at the local level specially in the conflict-ridden areas of the BTAD region by organizing football match and cricket match among the different communities of the area and also by inviting stakeholders of various communities in the BTAD area

recently in 2014 have given the example of inability of this federal arrangement. The implementation of the sixth schedule in the form of BTAD has led to the emergence of several dynamics that undermine the effectiveness of this arrangement including the emergence of militarized Bodo ruling elites, competitiveness among the Bodo political elites, a new form of land alienation along with the issues of displacement, the non-Bodo assertion along with a threat of moving to the arm rebellion and communalism. The problem is not with the political autonomy, but the form of political autonomy that has given a new move in the conflicts, because this form of autonomy has not fulfilled the interest of a single community in the region. A satellite form of autonomy (suggested by Bhupindir Singh committee report) or multi layered autonomy is needed for the advancement of the people of BTAD so that everyone can get the xomo adhikar.

Land Issue in BTAD has been the cause or emergence of a major part of all troubles. Due to the failure of Line system along with the wrong implementation of land regulation in the tribal belts and blocks resulted in the presence of other communities in some parts of the region. The claim for an exclusive homeland for the indigenous communities is closely connected with the issue of exclusive land rights and control over the land. The issue of land alienation and loss of land of the tribals of the region to non-tribals has been discussed since the early decades of the 20th century (Pathak 2012:19-23). Leaders of the Bodo community during our field visit have raised their voice against the wrong implementation of the System of Tribal belts and blocks. Due to the state-initiated migration policy and colonization of the wasteland by the outsider in the tribal belts and blocks, the demography of the area has been started changing which leads to alienation from their land as well as culture.

The creation of BTAD (implementation of sixth schedule) was a means of mitigating the violence in the region along with the protection of land, language and culture of the Bodo people. But the contemporary picture of the BTAD does not reflect that. Now, it can be seen that the structure itself has created conflicts and it motivates the groups to engage in violence. In an aspiring dream of ethnic homeland, the militants as well as the aggressive activist have created clashes among the other communities in the region. All

the interviewees of non-Bodo organisations (Zaidul Hussain, the president and leader of ABMSU, Brazen Mahanta, Convenor of Sanmilito Janagusthio Sangram Samiti) termed this violence, especially after the creation of BTAD against the Muslim as well as other communities as "Nri Gusthio Safai Abhijyan" (Ethnic Cleansing), "Safai Abhijyan". This violence is being perpetuated so that they can create a minimum majority in the area for the creation of a separate statehood. *This kind of federal structure shows that how autonomy can again lead to conflict and segregate other communities in the region.* These are some of the unintended consequences of the state initiated federal arrangement.

The case of the **representation** of the other communities in the Council has become problematic. An interviewee argued that the Council is only for the development of the Bodo people. But what about the other communities who consisted more than 70% of the total population in the region? The self-autonomy to the community is not a problem for the others if the others (non-Bodo) are equally being represented in the federal structure. The political rights are being neglected along with social and economic rights of the region. The people belonging to the other communities are being charged for the "be-sarkari tax"<sup>23</sup> (fund is being collected by the militants) and they are afraid of share such things in front of others, because people have seen the brutal violence perpetuated by the militants.<sup>24</sup>

Identity politics in Bodoland revolves around issues concerning tribal identity (Adivasi and Kochs are also demanding ST status), access to public offices, tribal rights to land and anti-immigrant politics. These issues become the dominant political narrative in the BTAD on which Bodo political parties and organizations mobilize their co-ethnics. Even this model of federal arrangement actually leads to the crisis of citizenship of the "others" in the region which is really detrimental to the ethos of a democratic society.

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<sup>23</sup>The Non Bodo people living in the BTAD area have to pay taxes to the militant organizations specially NDFB. An interviewee during our field visit stated that all the village members have to pay the "tax" according to their status of living. If the villagers don't pay, the village head is being picked up by the militants.

<sup>24</sup>Interview with Brajen Mahanta, Co convenor of Sanmilito Janagusthio Sangram Samiti at Studio Nilima Office, Guwahati, on 11th February, 2018.

In BTAD it can be seen how the new local governance has turned into the localized autocracy. In the absence of institutionalized and rule-based means of politics, changes to the local distribution of power has led to a kind of autocracy. The absence of the local election for VCDC (Village Council Development Committee) has proved the dominance of the ruling cliques in the region. To form the committee of VCDC, the people are selected for the purpose of the fulfilling the interest of the ruling elites.

The discourse that starts with demand for homeland to the push back of non-Bodos as second class citizens has started the process of ethno-nationalism because they believe that nationalism is inherent, one can neither acquire it if one does not have, nor change it if one does; it has nothing to do with individual will. As Hussain observes (Hussain, 2012) learning to live harmoniously respecting each other's right to life and dignity in a historically evolved shared homeland is perhaps the fundamental condition for deepening democracy in the region. But the question whether the Bodo elites who have acquired a privileged position through years of struggle are willing to consider BODOLAND as a *historically evolved shared homeland* or will continue with their efforts to reclaiming their lost imagined homeland, still remains.

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# **A STUDY ON THE EFFECT OF ARMED CONFLICTS ON HOUSEHOLDS, AND THEIR COPING STRATEGIES IN VILLAGES OF BTAD (BODOLAND TERRITORIAL AREA DISTRICT), ASSAM**

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Roman Boro

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## **Introduction**

The land of undulating plains, lofty mountains, meandering rivers, serpentine roads, lush greenery, diverse cultures, innumerable dialects and colorful attires is Assam. The demographic landscape gives accounts of numerous communities living together from generations.

Yet, surpassing the beauty of this land is a vicious cycle of conflict that has robbed its people of peace and tranquility. Insecurity and uncertainty encompassing Assam and BTAD induce a mesh of varied social, political and economic issues. It comprises of more complex events where violence is perpetrated at multiple levels. In this environment any panic in each of the communities can demonstrate historical tensions which turn into larger confrontations.

The conflicts are of varying nature - within ethnic groups, between two ethnic groups or between ethnic groups and immigrants. While a majority of the conflicts are confined to the boundaries of the region; some of the conflicts are prolonged and have continued for years while some have taken a downward trend over the past years. The reason for the conflicts in the BTAD is multipronged and different terminologies have been used to describe them. Some are called insurgencies and separatist movements, others are termed ethnic conflicts and yet others entail an international angle.

Conflicts carry various direct and indirect implications which strongly affect the living conditions of households at the time of the conflict and for many years thereafter. Once conflict subsides, a new form of vulnerability and exclusion emerges, which may transpire into future outbreaks. Such a setting, followed by insecurity and fear may decrease the ability of individuals and households to rely on their human cognition to cope.

In spite of the past frequent conflicts, little research has been carried out to see its effects on households, and how distressed survivors cope in the aftermath. The question focuses on the factors that influence their choice of strategy when there is a degree of change or stability during the conflict.

Present literature about conflict in Assam focuses on the nature and causes of conflict, individual participation, peace building, displacement, and conditions of internally displaced persons (IDPs) staying in relief camps. Less is known how households are those directly affected. Less attention has been devoted to estimating the effects of conflicts on households and their coping mechanisms.

The study will focus on the factors determining the strategy of the affected households in BTAD during conflict and other effects permeating through various channels. It will explore the ways in which households respond to changes in their own characteristics and surrounding institutions.

## **Methodology**

The study is predominantly a mixed research in which both quantitative and qualitative data are used. Qualitative method was used to analyze data containing mostly semi-structured and open-ended questionnaires collected from the members of affected communities such as the *Muslims*, *Bodos*, *Assamese*, *Adivasis*, *Koch-Rajbonshis* and *Rabhas*. The data was collected to understand the effect of conflict on household irrespective of religion and their coping strategies.

## Study Sites

Area (District)	Sites	Sample Size
Kokrajhar	Haguma	15
	Howriapet-I	9
	Niloyjhora	4
	Dotoma	6
	Maktaigoan-II	6
	Goanchulka	10

For the household coping strategies both qualitative and quantitative methods containing structured and semi-structured, open-ended questionnaires to analyze the determinants of coping mechanisms.

The research study is modeled as explanatory in nature as weightage is directed in understanding the coping-mechanism adopted by the households in the conflict settings, The sources of data collection during my study were both primary and secondary.

A combination of two sampling methods was used for data collection. One was purposive sampling and the other was the snowball sampling method. The selected areas comprised equal numbers of mixed population in all villages. The selection of villages of both communities is done to understand the coping mechanism of the household in conflict-affected areas. A total of 50 respondents formed the sample size and information was collected from the respondents of six (6) villages respectively.

The data was analyzed by employing codes categorized around the discovered phenomena to simplify the large set of qualitative data and converting it into a quantifiable one. The emerging qualitative themes were supported by quantitative variables which helped to validate the findings of the study.

### **Kokrajhar: History, Its People and Conflict**

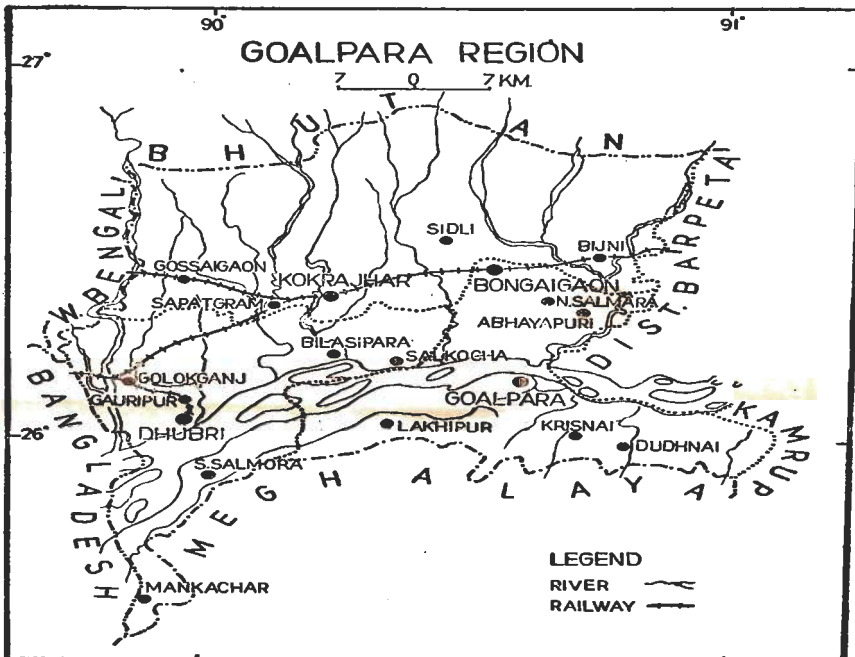
It is exigency of the research paper before positing on underlying factors of intra-community conflict in the region; much is to understand about the history, people and the conflict. The section will help in understanding the long existing social cohesion and strife within them and factors for existing tangible and intangible conflict. Also, the section will provide an insight

into the fragile community relations; in describing the various forms of conflict that have erupted in BTC region.

### *Introduction to the Field*

Kokrajhar district is one of the thirty-five districts of Assam and is the gateway to the north-eastern region of India. Kokrajhar was part of the undivided Goalpara district till 1956; the region was created carving out parts of Dhubri and Goalpara. The area of the district extended from the Manas River in the east to the Sonkosh River on the west. During 1989, further reorganization of the district led to a loss of 40% of its geographical area for inclusion in Bongaingon district. The district later formed part of the present day BTAD area. (Bodoland Territorial Area District)<sup>1</sup>

**Map 1: Undivided Kokrajhar before 1956**



**Source: Revenue Department, Govt. of Assam**

<sup>1</sup>District Administration, Kokrajhar  
Accessed at: <http://kokrajhar.gov.in/>

### ***History of Kokrajhar: Background & Creation of District Council under 6<sup>th</sup> Schedule***

Assam emerged as a political entity within the colonial jurisdiction during the period 1826 to 1947. Later during post-colonial period, the geographical boundaries have changed with the creation of smaller states for the various tribes of North East India.

During post-independence times there were demands from the hill tribes of Assam seeking better political status within the constitutional framework. In ensuring their demands, a subcommittee was formed to set up District Councils in the tribal areas of Assam, with the final inclusion under the 6th Schedule to the Constitution of India. The Schedule envisioned certain rights for the creation of autonomous district in areas of Assam to preserve their culture and traditions with maximum autonomy in managing their affairs.<sup>2</sup>

The (6<sup>th</sup>) Sixth Schedule under (Para-20) of the Constitution of India, the autonomous districts or region is categorized into Part A and Part B, the newly formed Bodoland Territorial Area District falls under Part I. The BTC which enjoys the status of district council came into effect from 10 February, 2003 under the 6<sup>th</sup> (Sixth) Schedule Amendment Act, 2003.<sup>3</sup>

### ***Bodoland Movement and the formation of Bodoland territorial Council***

The formation of Bodoland Territorial Council has been through various stages. The "Bodos" are considered to be one of the indigenous tribe of Assam, belonging to the Tibeto-Burmese speaking Indo-Mongloid tribes of North East India. Linguistically, the Garos, the Rabhas, the Tiwas, the Hajongs, the Dimasas, the Boroks of Tripura, are part of Bodo Race<sup>4</sup>. The Bodo people are considered the earliest settlers of and forms the largest primitive tribe of the present demography of Assam. The majority of the population is

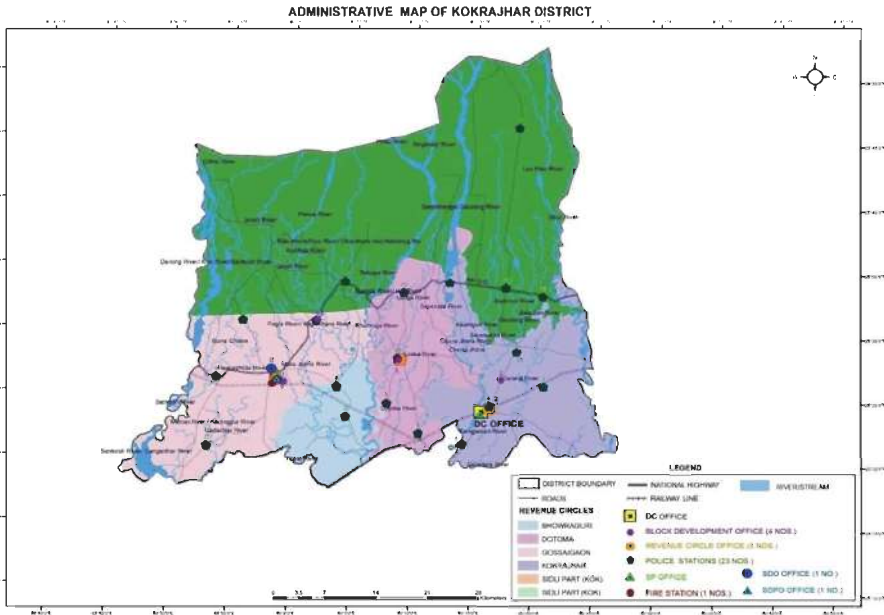
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<sup>2</sup>Gassah, L. S. "Sixth Schedule: It's Relevance with Special Reference to Meghalaya," *Proceedings of the North East India Political Science Association*, Shillong, 1993, p. 29.

<sup>3</sup>Memorandum of Settlement, Bodoland Territorial Council (BTC). A tripartite agreement signed by the Government of India, Government of Assam and the Bodo Liberation Tigers (BLT) on 10 February 2003, to form BTC

<sup>4</sup>Grierson, G. *The Linguistic Survey of India*, Vol. III, Part. II, Motilal Banarsidas, Delhi, 1903  
Accessed at: <http://dsal.uchicago.edu/books/lsl/lsl.php?volume=3-2&pages=540#page/11/mode/1up>

## Map 2: Present Kokrajhar Administrative Boundary



Source: [http://kokrajhar.gov.in/map/administrative\\_map.pdf](http://kokrajhar.gov.in/map/administrative_map.pdf)

The movement was binary in nature, with the spirit of renaissance the Bodo student movement started with emphasis on preserving the culture and tradition by producing literatures. Youth took part in elections of the provincial legislative council held in 1928<sup>5</sup>. The realization among the educated youth led to formation of All Assam Plain Tribal League in Roha, 1933 which focused on catering to the needs of all sections of plain tribal under one umbrella<sup>6</sup>. The organization failed to achieve its objectives and dwindled, meanwhile the problem of land alienation was emerging alarmingly. To protect the tribal land the Tribal League drew an agreement with Muslim League in 1939, the latter accepting the "Line System"<sup>7</sup> in return to support the Muslim League in forming a coalition government in Assam.

<sup>5</sup>Roy, Ajoy. *Boro Imbroglia*. Spectrum Publications, Guwahati, 2005, p. 56

<sup>6</sup>Brahma, U. G. *Bodo Politics, Trends and Future*. Dummi. ABSU, 2006, p. 89

<sup>7</sup>By the middle of the second decade the flow of immigrants assumed a menacing problem and both the public opinion as well as the other nationalist legislators raised a strong



The failure of the Government in addressing the demand of the tribal led to agreement with Assam Pradesh Congress Committee in 1946 and getting certain provisions of Chapter-X Assam Land and Revenue Regulation Act 1886 amended<sup>8</sup>.

However, there were grievances from the Bodo leaders failing to protect tribal lands, with historic steps in 1947, the Government formed Tribal belts and Blocks.

There was a major literary awakening to safeguard the distinct Bodo language which resulted in the formation of the Bodo Sahitya Sabha. The demand for introduction of the bodo text book in schools did not reach any conclusion and the political awakening led to formation of the All Bodo Student Union<sup>9</sup>.

In action by the government and the failure of various bodo groups<sup>10</sup> exacerbated in forming an armed outfit BLT (Bodo Liberation Tiger Force) in 1996. The group joined with ABSU in reviving the demand for separate area, and the movement entered a new phase as it was held by the armed BLT outfit. Meanwhile, the Central government initiated tripartite talks with the outfit finally led to the Memorandum of Settlement with the Government of Assam and India on 10 February 2003<sup>11</sup>. The settlement led to the formation of Bodoland Territorial Council under the 6<sup>th</sup> Sixth Schedule of the constitution of India and reorganization of existing geographical boundaries to carve four districts namely, Kokrajhar, Chirang, Baksa and Udalguri.

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voice against the Government policy of waste-land settlement and immigration of Muslim peasants from east Bengal. The Assam Government then introduced what was popularly known as the "Line System". Under this dispensation the Government drew imaginary lines in the districts under immigration pressure to segregate the settlements of the indigenous population and that of the immigrant population and the new arrivals of immigrants were thereafter allowed to be settled only outside this line.

<sup>8</sup>Assam Gazette, 22 October 1947

Accessed at: [https://legislative.assam.gov.in/sites/default/files/swf\\_utility\\_folder/departments/legislative\\_medhassu\\_in\\_oid\\_3/menu/document/The%20Assam%20Land%20%26%20Revenue%20Regulation%20%28Amendment%29%20Act%2C%201947.pdf](https://legislative.assam.gov.in/sites/default/files/swf_utility_folder/departments/legislative_medhassu_in_oid_3/menu/document/The%20Assam%20Land%20%26%20Revenue%20Regulation%20%28Amendment%29%20Act%2C%201947.pdf)

<sup>9</sup>Lahiri, Monoranjan. *Bodo Thunlaini Jarimin*. Ansumui Publishers, Kokrajhar, 1991, p. 25

<sup>10</sup>PTCA - Plain Tribe Council of Assam, PTCA(P) and ABSU

<sup>11</sup>Memorandum of Settlement (BLT with Government) 10 February 200

### **People of Kokrajhar**

Assam is a land of varieties of colourful culture, different races and tribes lived in this region from ancient times and all these tribe's customs, tradition, living style formed a peerless Assamese culture and society. The demography of Bodoland Territorial Autonomous Districts owes its composition to the colonial administration of the British Raj.

During Ahom rule, when the British came to Assam, the Bodos were scattered in different parts of lower Assam. They isolated themselves from other communities as they had a separate type of socio economic culture. As the British tried to encroach the whole of Assam and made it a part of their colonial administration, Bodos felt a kind of insecurity in terms of their language, culture and economy. Slowly and steadily they organized themselves and started a demand before the authority to protect them from the assimilation.

British, through their tea plantation programme, opened the Bodo inhabited areas for the non-Bodos like Adivasis, Santhals, Nepalis and East Bengal Muslims to engage them as tea labour for commercial purpose. As the tribals had no permanent land documents, it became easy for the British to encroach the tribal land for their business. Before the arrival of British to Assam, the Bodos used to do Jhum cultivation and used land for a temporary period. However, the colonial power was not in favor of such cultivation as it did not help them to collect revenues. As a result, the British encroached land lying vacant in tribal areas for the purpose of business.

However, the British also realized the possibility of well directed protest against the land alienation policy. To make their administration permanent, the British used dual policy regarding tribal land. On the one hand, they themselves encroached those lands to increase their revenue and on the other hand, they introduced "Line System" to keep those areas free from other immigrants. Under this system an imaginary line was drawn in those districts under pressure to settle immigrants in segregated areas.

With time, this led to the formation of a heterogeneous population in character thriving in aspiration of development in the districts under Bodoland Territorial Autonomous Districts. The population of the tribe in Assam as per 1971 census is 6,10,459 accounting for 45.4% of the total state tribal

population. With major concentration in Kokrajhar district followed by undivided northern belt of Kamrup and Darrang<sup>12</sup>. At present as per official census of 2011 and population data of 2018 has a majority share of Hindu population. The total population of Kokrajhar district is 887,142 as per census 2011. Hinduism constitutes 59.64% of Kokrajhar population. Muslims play an important role in the electoral process of Kokrajhar forming a significant 28.44% of the total population with Christians taking up 11.40% and a negligible proportion of the total population of the district belongs to other religions. The district is predominantly inhabited by Bodos but also has a sizeable Rajbongshi and Santhal population clubbed among Hindus and Christians.

**Map 3: BTC and Population pattern**

**MAP OF BODOLAND TERRITORIAL COUNCIL**



**POPULATION PATTERN OF BTAD**

SLNO	NAME OF THE DISTRICT	ST	SC	GENERAL	TOTAL
1.	BAKSHA	338,630	45,967	333,045	717,642
2.	KOKRAJHAR	528,774	32,609	337,808	898,991
3.	CHIRANG	169,811	30,035	143,780	343,628
4.	UDALGURI	317,412	28,933	324,685	671,030
	TOTAL	1,354,627	1,37,544	1,139,118	2,631,289

**Source: Government of Assam**

<sup>12</sup>Bordoloi, B.N. *Tribes of Assam*. Tribal Research Institute, Assam, 1987, Part-I, Page 1-17

### ***Conflict in Kokrajhar***

The genealogy of conflict in Kokrajhar traces back to identity consciousness dissent in forming Bodo identity and the Autonomous Council. It is important to circumscribe the autonomy movement as the state which exhibited social discrimination, where the dominant group imposes a nationalist dogma, where majority ethnic groups are prevented from expressing their custom and languages. Such a situation triggers ethnic conflict, and serves to mobilize ethnicity members. Studies show that conflicts occur when dominant ethnic community in the country exercises prejudicial control over all economic opportunities leaving members of the other group dis-advantaged; this increases the likelihood of political violence (Saleh, 2013).

The time has witnessed severe intra ethnic conflict in Kokrajhar district. The Bodoland Movement has resulted in offsetting violence in the region, which is based on historical, political, economic, and socio-cultural underpinnings and has erupted in various phases<sup>13</sup>. The annals provide accounts of Bodo - Bengali *speaking* Muslim- Santhal (1996, 1998, 2012, and 2014) conflict occurred in Kokrajhar district. The issues of immigration, encroachment of tribal lands are the major factors which manifested in large scale confrontations.

There is acute absence of peace within the Kokrajhar, BTAD region; to understand the ongoing conflict and the study draws from Johan Galtung seminal work of peace and violence. To engage further it is significant to discuss violence which "is identified when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations (Johan Galtung, 19869, p. 168). He states that personal or direct violence involves actors who cause direct harm by maiming or killing someone so that they fail to reach their potential. It was evident from the earlier conflict which directs towards the attacks on people which validates the presence of structural or indirect violence. Structural violence is related to the uneven distribution of resources which then leads to social exclusion and marginalization of people. Galtung, refers to it as social injustice and it is

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<sup>13</sup>Kundu, Dilip Kumar. *The State and the Bodo Movement in Assam*. New Delhi, A.PH Publishing Corporation, 2010, pp. 42-43

characterized by unequal access to education, health, water, food, shelter and other basic services. Structural violence equates to social inequality and leads to impaired human growth and development. It delays self-actualization and, in most cases,, people fall short and fail to reach optimum potential realization. The narratives of people exposed to structural violence are underpinned by struggles, deaths, and frustrations. Another aspect that is worth considering is that of cultural violence. From the definitions given by Galtung there is a clear link between structural violence, social injustice, and social inequality. It can be argued that it is only in the absence of structural or indirect violence that a community can experience positive and sustainable peace in Kokrajhar, BTAD.

## **Literature Review**

### ***Conflict Theory***

In defining the conflict theory, it scientifically seeks to explain the general contour of conflict in society: how conflict starts and varies, and the effect it brings. The fundamental concerns of conflict theories are the unequal distribution of scarce resources and power. The resource vary according to how one implies it. Conflict theorist generally sees power as the central feature of society, rather thinking of society as held together by collective agreement concerning a cohesive set of cultural standards, as functionalist do. Where power is located and who uses it (and who doesn't) are thus fundamental to conflict theory; it is a primary factor that guides the society and social relations (Coser, 2006).

Conflict is instinctual to humans and is found everywhere in society. There are conflicts in daily lives and relationships and there is also conflict of war. But the notion of conflict is very different to human than any other animals as these conflicts are goal oriented. Primarily, there is something that one tries to achieve through conflict. Moreover, conflict being the integral part of human annals it has its impact on society. From an economic angle it has direct and indirect cost that adversely impacts the living conditions of households thereby affecting them for many years thereafter. The major costs that conflict result into are loss of lives, human suffering and destruction of

communities. Studies show that the number of death due to civil wars have increased three times more than intra-state wars since World War II (Fearon and Latin, 2003).

There has been seminal work which done to understand why one takes up arms. It involves a complex process which includes many actors in a wide range of conditions and circumstances. The relative deprivation theory gives an explanation that is based on the contrast between group's expected and actual access to power and prosperity (Gurr, 1970). This approach is closely related to group entitlement theory (Howritz, 1985) which places more explicit emphasis on the ethnic factors which accompany the economic and political. However, the theory of conflict (Galtung, 1958) provides an interesting insight on the dimensions and formation of conflict. In simple terms, conflict has been defined in terms of incompatibilities, of contradictions, and he states that it should not be confused with the attitudinal and behavioral consequences of conflict, often destructive.

Original conflict, through the mechanisms of behavioral escalation, leads to new incompatibilities, a string of derived conflict generated by acts of physical and verbal violence. Since they are derived their solution in isolation will not solve the basic conflict, but may serve the purpose of de-escalation, and hence prepare the ground for solving the basic conflict. Another aspect is the use of derived conflicts for bargaining according to the general principle that the more issues two parties have in common, the more possibilities would there be for trading off one issues against the other. But that also constitutes an incentive to engage in destructive behavior.

In this entire conflict dynamic attitudinal processes also take place, with their well-known tendency to develop in a parallel fashion. There are important symmetries in the perception; they are to some extent mirror images of each other, through imitation and projection.

But the literature of violent conflict and its economic consequences views it from different dimension—macro-level, game theory approaches and an emerging field, which analyzes the micro-level consequences of conflict, i.e., at household level (Schindler and Bruck, 2007). The macro-level literatures focus more on the causal phenomena of conflict. In recent years most of the conflict theories on intra-state war revolve around "greed" verses

"grievance" debate (Murshed & Tadjoeeddin 2007). The greed theory was theorized by Paul Collier, and is more popular amongst economists. The greed theory was put forward by Collier using a large sample of conflict affected countries and using empirical results found that the greed theory prevails. According to this view, conflict occurs due to greed meaning opportunity to fight which includes: financing, recruitment and geography. Financing mainly comes from natural resource endowments such as oil, diamonds, remittances from abroad, contributions from foreign states and others. While recruitment means the opportunity to induct fighting man-power and geography meaning mountains and terrains thus providing safe havens to insurgents. The greed theory considers rebellion as industry that generates profits from looting. Natural resources play a major role in greed theory. In simple terms, greed means "economic opportunity" to fight. But the approach of looking conflict through greed theory has received much criticism in recent years. There are many new macro-level theories given by different scholars to show the relationship between grievances and conflict. Most of these theories predict relative deprivation<sup>14</sup>, horizontal inequality<sup>15</sup>, religion, ethnicity or unjust political regime (Ballentine and Sherman, 2003) to be the primary factors of conflict. Studies at macro-level also deal with economic consequences of conflict that includes military spending, allocation of aid during and post-civil war.

In contrast, game theory approach focuses more on individual and group behavior of those who engage in conflict. Fearon (1994) with his game theory model showed how problems in a newly formed independent state may arise, if the state is dominated by one ethnic group but containing at least one powerful minority group. The model described, if an ethnicized state leadership was unable to credibly commit itself to protect the lives and property of subordinate ethnic group, it might then generate interest in fighting for independence. The subordinate groups might not wait to see whether the leadership honors its commitment to protect them but rather

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<sup>14</sup>Disparity between aspirations and achievements

<sup>15</sup>Horizontal Inequality is defined as inequality among culturally defined or constructed groups, in contrast to Vertical Inequality which is inequality among household or individuals. Horizontal Inequality is multi-dimensional and includes political, social and economic and range of elements.

indulge into violence immediately.

Another study carried by Yurendra Basnett (2009) in Nepal showed that one of major reason that led to "People's War" in Nepal was the CPN-M role in unifying collective grievances among diverse population in Nepal and transforming them into a collective force. Collective grievances although present throughout histories did not result into violence, until a rise of dissident organization (CPN-M) which could mobilize group behavior emerged in Nepal.

At present there is a new field emerging in conflict studies that focuses on the micro-level, i.e. at the household level. Most of the data collected at the household level consist of quantitative data available through household surveys. The World Bank since 1980s has conducted many household surveys using the Living Standard Measurement Surveys (LSMS) to provide high quality data to policy makers in order to assess the effectiveness of interventions which were designed to improve the living standards of individuals, households, communities and to understand their behavior and choices. The surveys were conducted in the conflict affected regions of Azerbaijan (1995), Bosnia and Herzegovina (2001-2004), Guatemala (2000), Kosovo (2000), Iraq (2006), Nepal (1995-2006), Timor-Leste (2001), Tajikistan (1999), Serbia (2002) and Malawi (2004) (Bruck et al., 2010). Similar surveys were carried out in Indonesia, Northern Uganda, and Rwanda with a different objective to assess the micro-level impact of conflict at the household level. But the household survey data has its limitations mainly because of migration or displacement of affected people and interruption of administration and record keeping during conflict. In most cases it's very difficult to collect data from households because of potential ethical and security challenges in these conflict-affected areas.

From all the literature which has looked into various aspects of conflict present contrasting analysis on how it affects a household. The different theories which have been studied helps in understanding the coping strategies of a household in conflict setting. In addition, however it becomes difficult to draw a conclusion on looking into one set of mechanisms because it varies geographically and depending on gender too.



### ***Literature on Household and Coping Strategies***

The household in economic literature is considered as the smallest analytical unit of production and consumption. It has the feature of co-residency, so it is also considered a unit for policymakers, as it is perceived to be congruent with housing. Furthermore, family is a pre-condition for the household. Therefore the household is often assumed to be the basic decision-making unit regarding, fertility, marriage, divorce and migration (Kujjsten and Vossen, 1988:4f). The household is a socially recognized domestic group. Its members are likely to share a common residence and to organize and carry on a range of consumption, inheritance, and reproductive activities. The specific content, intensity, and frequency of these activities vary by society, stage in the life cycle, and economic status of household members. Household inhabitants may be kin, but they may include friends, lodgers, and servants, and there are certainly family members who are not temporarily or permanently co-resident and cooperating. A part of this literature is used in the analysis of household behavior during violent conflict, and their coping mechanism.

### ***Coping Strategies***

The traditional coping strategy literature has focused on household activity choices leading up to, and during, natural disasters and famine.

The available literature on coping strategies analyses response to drought and famine (Reardon, Matlon and Delgado 1988). There is literature that studied activity choices and income diversification, and these choices are found to be affected by household size, social institutions and property rights. Coping strategies include the decision to include in forms of risk sharing and non-market forms of risk diversification.

The studies on coping strategies see it from the tactics applied by household for survival. This has been complemented by understanding the phenomenon of various mechanisms during famine. Strategies adopted by the household during conflict vary from region to region, as well as among different age group and gender. Past studies have identified different coping strategies of a household in famine.

The available literature on coping strategies overlaps with the mechanisms

of natural disaster and famine. But this alone is not sufficient to justify the strategies will be same in both of the cases.

The very visible effect of conflicts is the change in economic and social behavior of households affected by violence. There is significant development economics literature on coping strategies adopted by households in times of economic crises. The literature has shown abundant evidence that households living in risky environments generally develop a complexity of (ex-ante) risk-management and (ex-post) risk-coping strategies. (Dasgupta, 1993) reports increases in fertility amongst households living in uncertain environments. The increase in fertility rates is thought to compensate for the loss of children in the early years, as well as increasing household labor and creating an insurance mechanism for old age. Dercon (1996) describes how households in risky environments choose to undertake economic activities with lower return but likely to involve a lower economic risk, such as subsistence agriculture or cultivation of safer traditional crop varieties rather than riskier but higher return varieties. This strategy is also popular amongst households with little assets that could serve as collateral for credit access. Kazianga and Udry (2004) analyze strategies followed by households to smooth consumption during a period of severe drought between 1981 and 1985 in rural Burkina Faso. These include livestock, grain storage and inter-household transfers. They find that households rely almost exclusively on self-insurance in the form of adjustments to grain stocks to smooth out consumption, with little reliance on risk sharing or the use of buffer stocks such as livestock.

These strategies adopted by households in response to economic risks and shocks in peaceful regions may differ from those used in conflict settings. Political shocks such as civil war have a covariate character, but households that are salient to the conflict may be particularly badly hit by violence. For instance, while a high level of education may be a secure source of income in times of peace, it can become a liability in times of violence as was the case during the Cultural Revolution in China or the Khmer Rouge regime in Cambodia (de Walque, 2006), in which educated population groups were specifically targeted. As a result, males of school age during the period have lower educational level than previous or

subsequent cohorts. Other known household insurance mechanisms and consumption smoothing strategies may fail in a situation of conflict. These perverse effects of conflicts are likely to have severe negative long-term impacts on the accumulation of human capital and assets in households and communities affected by violence.

There is empirical evidence on coping strategies adopted by households in conflict settings when facing the loss of household members, the destruction of assets or forced displacement. In many instance, households in conflict areas face these effects simultaneously. From all the studies available there are household coping strategies which is similar during conflict setting as well: accumulation of savings and buffer stocks, return to subsistence agriculture and low-risk activities, reallocation of labor supply amongst household members, self-recruitment of household members into armed groups and migration.

### ***Conceptual Framework of Coping Strategies of Household***

Within the broad and diverse field of coping strategies there exist numerous underlying theories which seek to mitigate the effect of conflict on households. The interventions and strategies of household is examined by using a theoretical framework developed by Michael J. Watts, "Arid Land Studies; for response to household food shortages, coping strategies employed by household".

The model explains the farmers coping strategies in maintaining household food security. In situation of food insecurity; households productive and reproductive viability is threatened farmers employ strategies that increases their income. It designates the response trajectories of household over time and provides details of stages which either overlap or similar during natural disaster and conflict. It also presents how household transition from the initial shortage of food or inability to provide sufficient quantities of food to all members of the households. There has been common indicator which is found in the coping strategies and stages which start from trivial to extreme.

The First stage is marked by initial shortage of food or inability to provide food to the members of the households. And with time there are

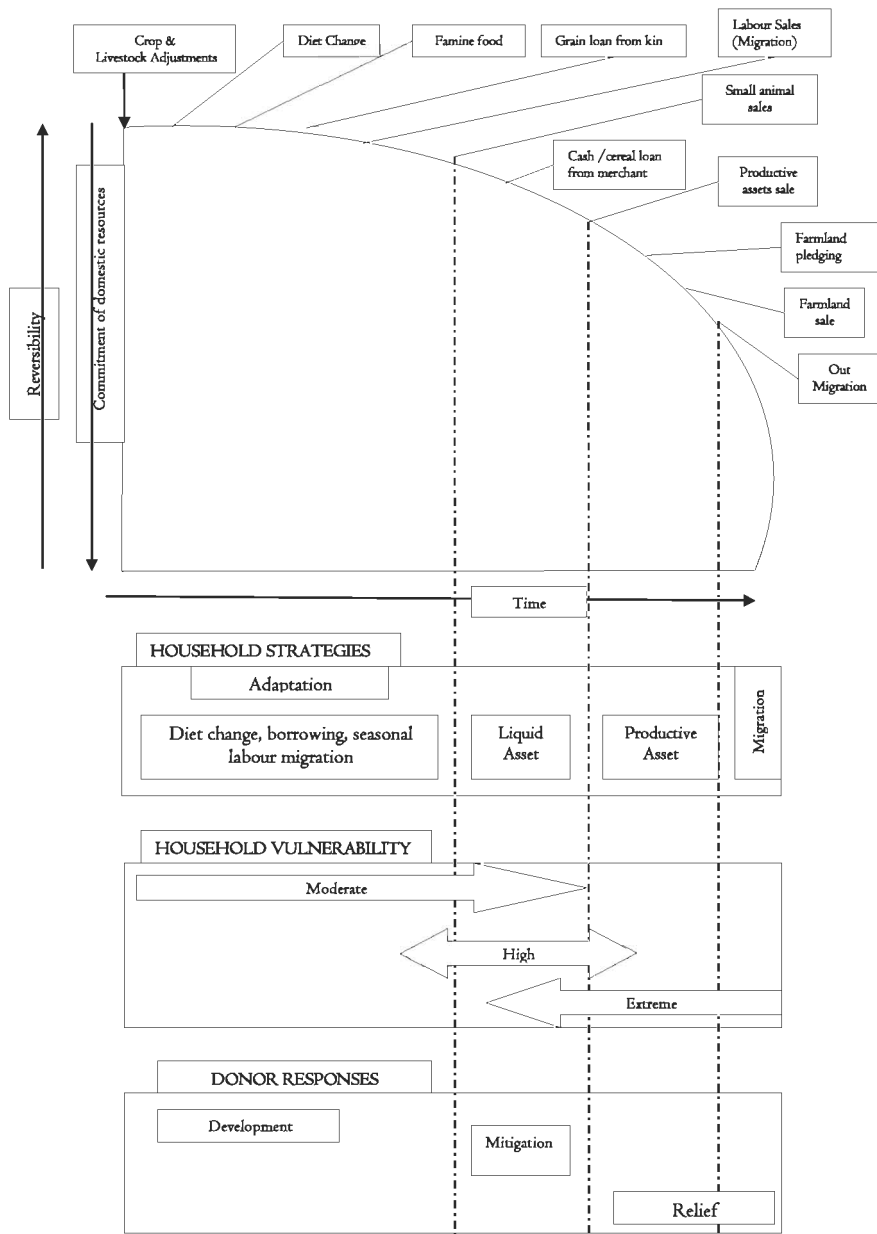
dietary changes. It is important to see that the frequency and severity of coping strategies will vary according to the cause of food shortage.

Secondly, the sale of assets specifically non-productive assets and temporary migration for work or land. In addition, due to sale of non-productive assets there is onset of loans/or credits from merchants.

In the Third stage there is shift of priority from assets preservation to food consumption. At this point the situation has worsened a lot and all assets are sold for survival. These disposals of assets jeopardize the future security of the household.

The final stage represents complete destitution; where the household no longer exists as it once did and there is permanent migration (in order to resettle on suitable place and find livelihood). There is complete dependence from external support, as the individual can no longer sustain himself/herself.

The types of coping strategies employed by households not only indicate vulnerability to food shortage; but correspond to different types of government and donor responses. The framework formed the foundation to fathom and recapitulate elements of coping strategies of household affected by conflict in Kokrajhar, BTAD.



Source: Adapted from Michel J. Watts (1983), Office of Arid Land studies. University of Arizona.1991

## **Findings**

The findings of various coping strategies of a household in conflict affected villages is presented under themes of social-economic impact in terms of occupation, migration, savings (cash), access to markets and social network which are some of the primary drivers which influence the choice of strategy. In political aspects, issues such as affiliations, monetary supports from parties/foundations were analyzed. It also presents the findings and analysis regarding the household response to conflict and suggestions for the role of NGOs during pre-post conflict situations.

### ***Occupation***

Occupation refers to the kind of work performed in a job; whereas a job is a "set of tasks and duties performed or meant to be performed, by one person, including for an employer or in self-employment." The concept of occupation is defined as a "set of job whose main task and duties are characterized by the high degree of similarity." A person may be associated with an occupation through the main job currently held, a second job, a future job or a previously held job. Occupation is an activity that serves as one's regular source of livelihood. There can be multiple occupations that one performs.

Occupation can also be a professional and non-professional, physical and non-physical, etc. In 6 villages under the study area the occupation varies between physical and professional like farmers, daily wage earners, carpenter, government servant like teachers and others. Prior to the riots majority of households were primarily dependent on agriculture before conflict, and during off season they take up other work to help them to sustain their livelihood throughout the year. Another source of livelihood is animal husbandry. They have a natural propensity to rear animals like pigs, goats, cows etc.

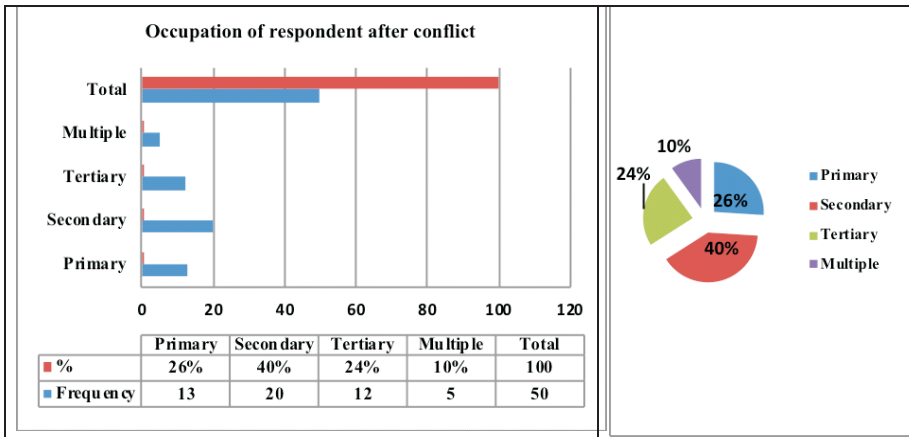
Majority of the people in the affected villages were dependent on the other communities for their livelihood. Because good number of the people were engaged in secondary occupation ranging from, mason work, and carpenters, artisans etc. All those who are involved in earning from such

livelihood need to sell it in the market. And due to conflict access to other community was not possible which reduced income.

The location of all the conflict affected villages was such that every Bodo village has a village occupied by Muslims right next to it. This peculiar structural setting of the villages made people largely interdependent upon each other for livelihood.

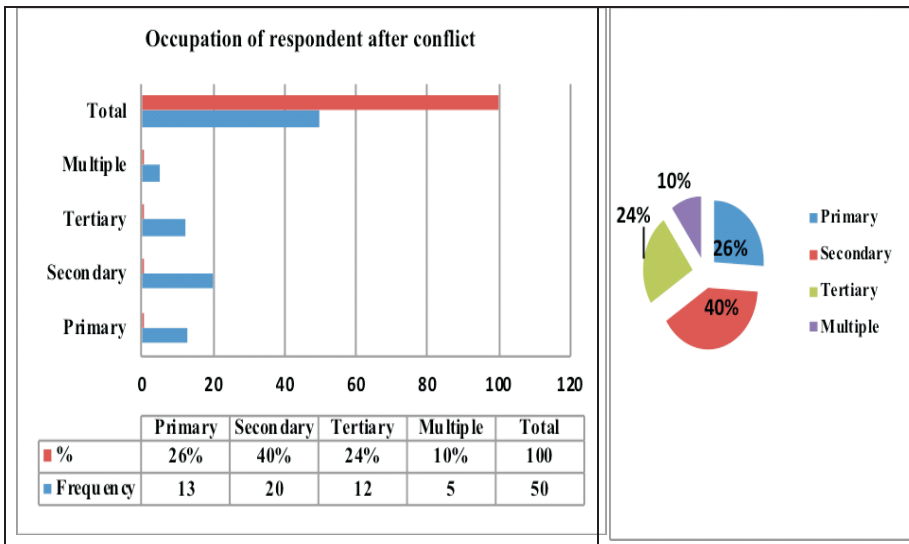
Table 1 enlists occupations of all 50 respondents and is divided into four categories: *primary* as family who depends mostly on farming/ agriculture, *secondary* as family who depends on business, wage laborers, skills like masons, carpenter, artisans, drivers etc. and in *tertiary*, where member of family are engaged in government and non-government services. The families who were involved in more than one type of occupation (example: farming and business) were categorized as *multiple*.

**Table 1: Occupation of the respondent before conflict**



There are a range of occupations that existed in these villages, such as carpentry, masonry, artisans, government jobs and business, etc. The people in government jobs are more secure in terms of income and the rest of the people are who are engaged in other occupations rely on other communities for livelihood. *For example*, an individual engaged in carpentry, travels and relies on the other community or villages, and due to conflict the access to those villages stopped.

**Table 2: Occupation of the respondent after conflict**



In *Table 2* the occupation of respondents after conflict shows 28 percent of respondents were dependent on primary occupation followed by 38 percent in secondary and 24 percent in tertiary, and 10 percent were still engaged in multiple occupations.

There has been 31.5 per cent decrease in primary occupation after the conflict followed by 53.8 per cent increase in secondary occupation. The increase in secondary occupation after conflict was because a majority of the respondents "primary" has shifted to :secondary" occupation. This was because the households that were dependent on farming/agriculture were unable to continue with their work due to unavailability of agricultural workers.



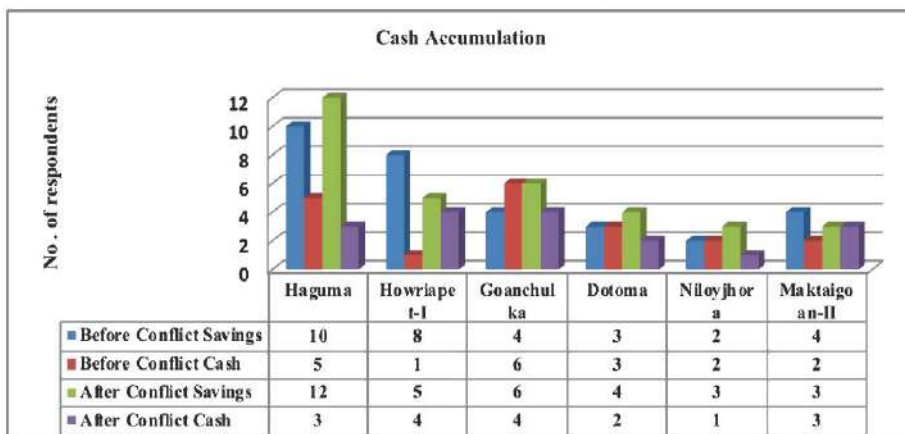
♦ **Savings (including cash)**

The term *savings* refers to the money set aside for the purpose of future use. Savings generally represents only one part of individual assets and unlike investment this has minimal exposure to risks. Savings are usually used to meet short-term needs. People save in order to deal with emergency situations and meet unexpected expenses. One of the most important elements of saving is that they are safe, can be accessed at any time but it does not generate any profit.

Savings is the prominent coping strategy adopted by household during conflict settings. It is the important determinant of the ability of the household to cope with the income shocks. During conflict the most common effects are the intentional destruction of property, looting, market and assets. It has been common in most villages under my study that the household sell their asset during times of need. The ability of households to adapt their welfare status to shock situations also depends on the level of savings of the household. If the household is not able to insure its income against shocks or is not able to borrow, then they resort to savings.

In *graph 1* below, conflict affected village households have resorted to saving cash rather than relying on buffer stock.

**Graph 1: Cash Accumulation before and after conflict**



The most visible form of coping strategy used by the households was the sale of livestock. But during conflict livestock can be a risky source of

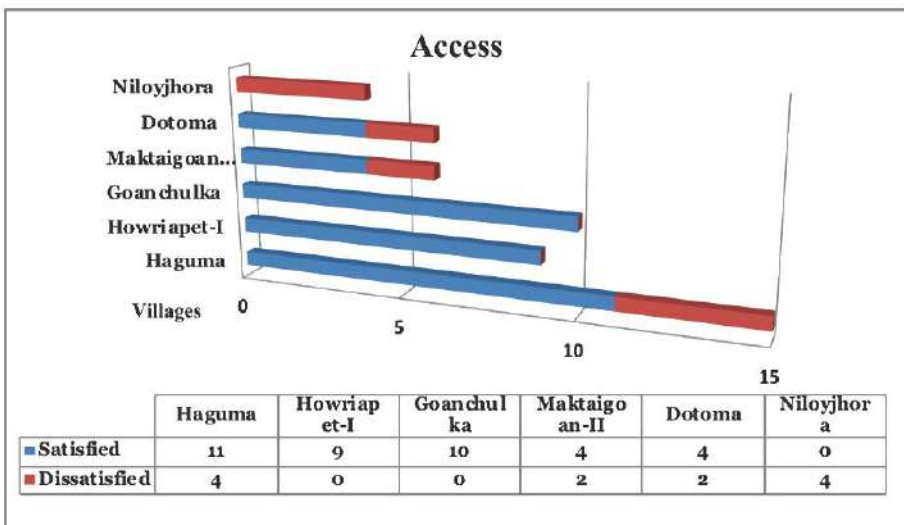
savings as it can be easily stolen and killed. In six (6) villages it has been found that households have lost livestock's due to theft and pillaging. As a result, the households are no longer resorting to accumulation of and sales of livestock to protect their welfare in difficult times. The usefulness of livestock as a buffer stock can be risky in the face of threat and violence. This is because during conflict, access to market areas where livestock could be sold is prevented due for safety reasons, and at the same time they are insecure assets. Moreover, households have to sell the livestock below market price, because the household is in dire need of money and they lose the ability to bargain with the buyer.

One of the household response was, *"We earn just little to feed ourselves, how can we think of savings"*

♦ **Access to market**

The term *access* refers to the ability or right to make use of market. As visible in the chart, it was found that households don't have the access to markets and are not able to sell their livestock or assets in time of need. For the research "access to markets" was used in terms of the distance travelled, to understand the satisfaction and dissatisfaction level of the households under study.

**Graph 1: Access to markets**



A total of 78% were satisfied, whereas only 24% households faced difficulty in accessing market after the conflict. In *graph 1* the two villages Niloyjhora, Maktaigoan-II and Dotoma show that majority of dissatisfaction level while accessing market. Either of the villages facing difficulty travelling have to pass through villages of other communities and vice-versa. The villages fear threat of violence and insecurity; a majority of the households in those villages prefer to go in groups when traveling by road passing through the villages dominated by other community. Moreover, the unavailability of other modes of transportation after the conflict further exacerbated the situation. It has affected every household, irrespective of their occupation and religion.

There has been constant threat of theft while going to sell livestock and other assets. It has not only affected the household in accessing markets but also limited the access to inputs (food) of the household. However, it has been observed that all the area with mixed communities fare much better in mobility, whereas in areas where only two communities resides i.e., Bodo and Santhal, feel uncertainty over sudden eruption of violence.

On being asked of difficulty in accessing market one of the aged respondents who run a shop replied, "*We are surrounded by the people of other communities. I am old and live alone, they come and loot my shop. I am not scared of dying however there are others in communities who are threatened.*"

#### ◆ Migration

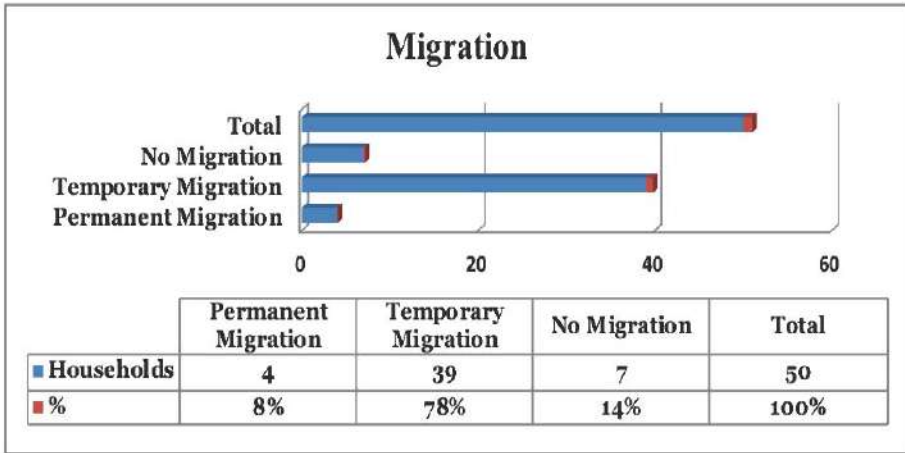
Migration is one of the difficult decisions to make where there is movement of people from one place to another for the purpose of taking up permanent or semi-permanent residence, usually across a political boundary.

There are various types of migration but in context of the study, the focus was on "*Internal migration*" i.e., moving to a new home within a state whereas "*External migration*" refers to moving to a new home in a different state. Migration is not a new phenomenon. It has been practiced by humans throughout history. There are numerous factors which press people into choosing to migrate, including: poverty, armed conflict, economic hardship, social strife and political turmoil.

In the villages it has been found that conflict has severely impacted livelihood. Income of wage laborers decreased, assets were lost to pillaging,

and moreover access to markets was seriously affected. With food and alternative employment increasingly scarce, outbound migration has increased.

**Graph 1: Migration of households**

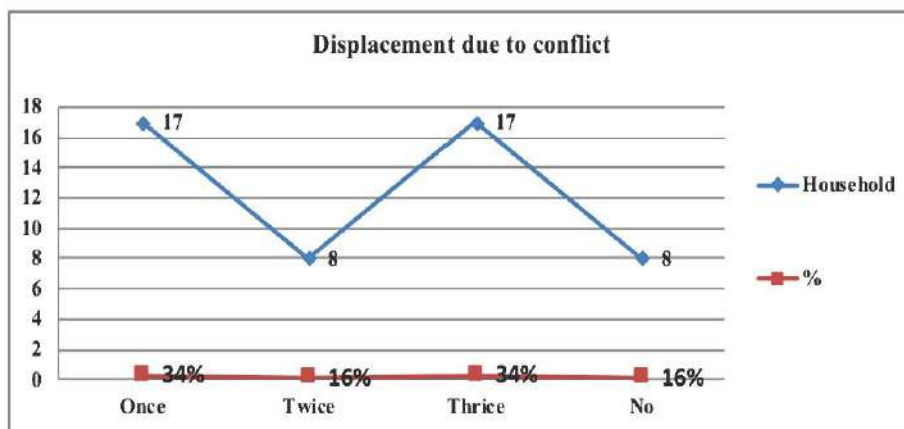


In *graph 3* migration of households was divided into three categories: cases of no migration are those where people did not migrate at all, in temporary migration households migrated for a limited period of time, and permanent migration is where are households permanently and completely left a place.

Migration is one of the avoidance strategies the household undertake to cope with their situation. Different kinds of mobility are practiced, such as labor's migration and displacement. Mobility is not merely the automatic response to conflict. This movement does not take place in search of security, but for other reasons which prompt this decision.

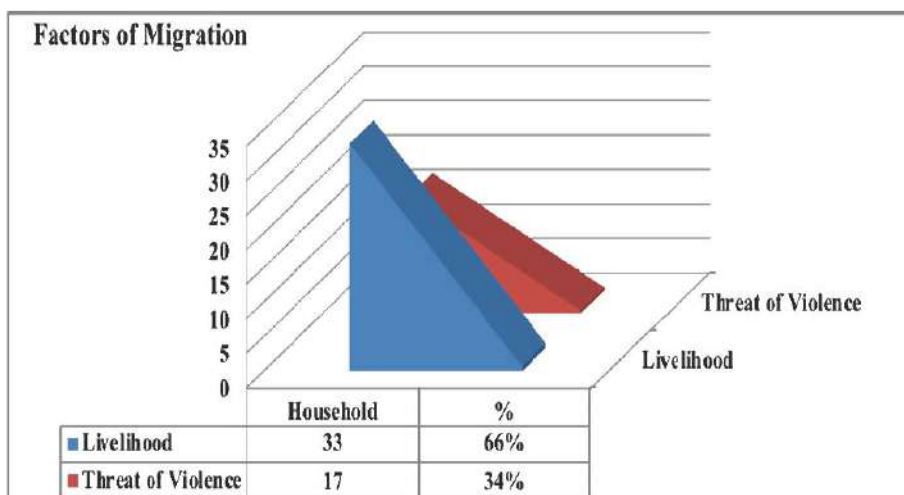
The study found that the household which were displaced more than thrice have permanently migrated to other areas (*graph 2*). There are households unwilling to leave behind their ancestral home because of their attachment. A majority of households did not migrate because they did not have the means to migrate or were too poor. Few of the households responded, "*Where should we go? We don't have any other place to migrate.*"

**Graph 2: Displacement of households**



In *graph 3* economic factors or the search for better livelihood in different place, opportunities and threat to violence determinants led household to settle in different area. It has also been found that households no longer want to live in an environment where there is constant threat to one's life. Moreover, educated households preferred to avoid living in such situation.

**Graph 3: Factors for migration**



### ♦ Social networks

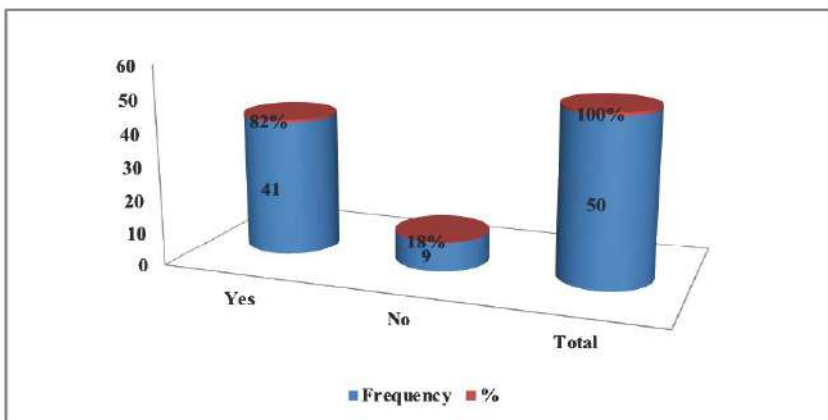
Social networks play a very important role, especially at the time of crisis. These include interaction with family, friends, neighbors and the wider community. The influence of one's social network will determine the recovery of a household especially during a disaster. Evidence from various studies on conflict show that conflict often disrupts the social network within a community (Justino, 2007).

### *Relation within the village*

In the villages under study social networks play a major role in household response to conflict. For instance, one respondent said, "*Whenever there is less production of rice in a year, I never worry. I always ask from my neighbor or take rice from Bhoral<sup>16</sup> and return the same when my agricultural production is good.*"

The villages in the study area share a robust social network. A household maintains good relations among themselves and help each other on various socio-cultural occasions. After the riots people were seen helping each other during reconstruction of houses. It has been found, as presented in graph 1, that the community mobilized groups as a coping strategy to keep vigil to protect the assets and life.

**Graph 1: Mobilizations of Vigilante Groups in Village**



<sup>16</sup>A house raised at least 1 foot above ground to store grains to protect from moisture and rodents

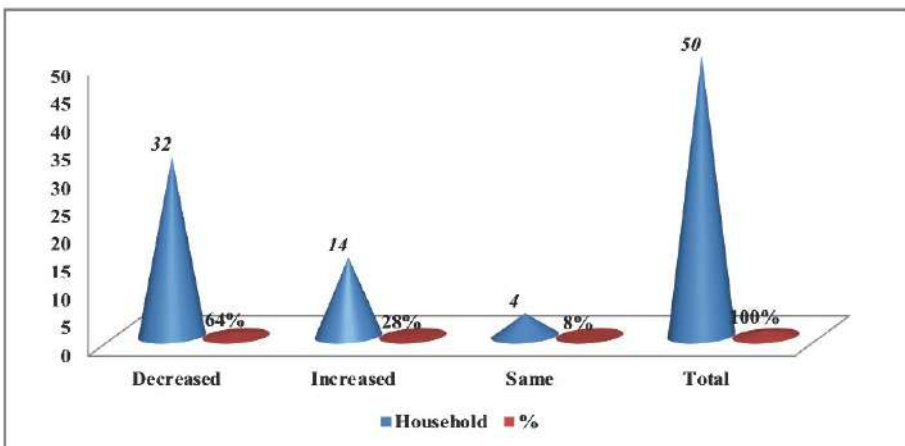
However, there were grievances from few households that they do not want to maintain relationship with the neighbors who were not helping them in their difficult times, especially to those who were unaffected during the riots. The riots had impoverished many households and most individuals were unable to support the members of their own community. One of the major implications of the riots was the breakdown of local institutions in villages. Before the riots, community groups helped in bringing the community together through meetings, organizing festivals and other forms of interactions within the community. But this traditional institution is fractured and non-functioning in the villages which can affect the existing social networks within the villages in the long term.

**Relations with other villages**

"Ethnic solidarity results from high levels of communication. As a result, in everyday interaction within an ethnic group, if someone takes advantage of someone else, the victim will be able to identify the malfeasant and refuse to future cooperation with him or her." (Fearon et al. 1996)

Before the riots the relationship between various communities was good. There was a high level of interdependency among villages thus maintaining the sustainability of all communities. However, after the riot the relations between communities and the quality of their interactions declined.

**Graph 2: Social Bonding among communities**



*Graph 2* presents the breakdown of social cohesion and trust among people of all communities. This definitely had a negative impact on household recovery in the long run. During my interview many of the households expressed that they can never rely on the opposite community who had devastated their lives during riots. Thus, the existing community relations between them deteriorated, affecting their occupation due to limited access to villages, credit arrangements based on informal ties and exclusion from new norms and institutional processes.

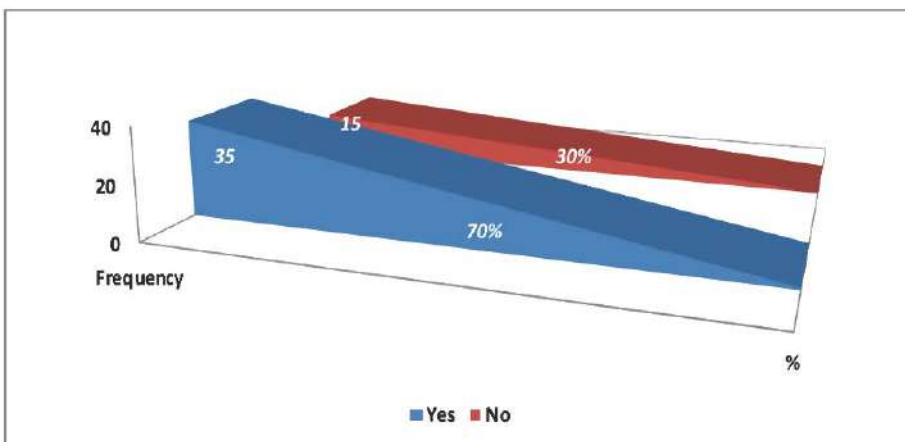
♦ **Political Affiliations**

Politics - is a necessary evil of society. It occurs due to diversity of people and scarcity of resources. Politics or struggle for power itself influences the society and social problems that have equal impact on political developments.

Politics here is dealt with as a process by which people seek affiliation to immunity which will act as a shield to deter the consequences of conflict on the entire community. Moreover, the situation creates porous areas for parties to recruit individuals in their party.

It was found during the study that few households vote for their respective parties. However, after the conflict the arrival of political parties escalated to enroll new members in their party as presented in *graph 1*.

***Graph 1: Political mobilization***





The conflict in Kokrajhar is largely over land, natural resources and encroachment of the latter communities seen as "illegal immigrants". The complex issue of typical suspicion towards the latter communities has made them vulnerable to oppression. Moreover, the entire issue of "illegal immigrants" has been politicized and has affected the entire Bengali-Muslim population.

The dominance of one group or political party has led to political exclusion of other communities. Misdirected intervention by the central and the state government in addressing the vulnerability and insecurities of different communities living in the region has led to politics of competitive extremism in the region and consequent polarization. The policy of appeasement and pacifying one aggrieved ethnic group by the state has often ended up making other communities insecure, perpetuating conflict in the region. This has created resentment among the *non-Bodo* communities and increased insecurity about growth prospects, collective fear fuming from state weakness, discrimination crystallizing in the form of other populist ideologies.

## **Role of Non-Governmental Organization (NGOs)**

### ***Government - the First Responders***

Governments have massive responsibilities to shoulder during crises. They have the power and the authority to take decisions and they have ample resources to deploy in order to contain any crisis situation. While the local governments should be able to singlehandedly take care of the people affected by natural disasters or conflicts, it is often seen that the magnitude of crisis exceeds the local government's capacity to handle making them turn to the centre for support. This brings humanitarian organizations to the rescue of affected people or communities.

### ***INGOs/NGOs***

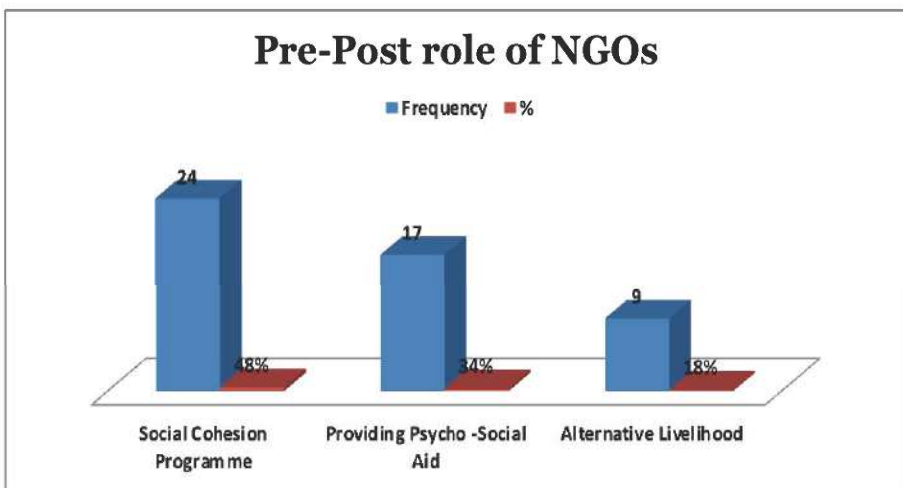
NGO intervention in Assam is a common phenomenon following any humanitarian crisis since the state government fails to address them effectively as seen in the past incidences of floods or conflicts in the state. A number of local, national and international NGOs have intervened during emergency

situations in Assam, whether natural disasters or conflicts.

Some of the organizations have been successful in making an impact on the lives of the affected people. These NGOs are successful because of the best practices that they adopt to address the issues at hand. However, there are sectors to cover in bringing perpetuity of sustainable peace in the conflict affected areas of Kokrajhar, BTAD.

During the study it was found that respondents had benefitted from the immediate interventions they received in the form of food items and non-food items. There is a general consensus among people who believe that there is a need for transition of NGOs from responders to adopt an inclusive long term approach.

**Graph 8: Role of NGOs**



It is evident from *Graph 8*, that 48% of households agree that they need long term programmes for social cohesion and trust building among the communities. Whereas, 34% press for psychosocial aid for the household after the conflict; and referral if there is further need for psychiatric care.

## Conclusion

The study was undertaken to understand the effect of conflict on households and their coping strategies. The study conducted in Kokrajhar

area is considered due to its complexity from being one of the most virulent zones of conflict. Living in an environment of chronic fear and anxiety gives birth to a culture of distrust in the region, which shapes the social transactions within the community. In such a dynamic, how a household functions and copes with conflict settings is being analyzed.

An array of literature on coping strategies of households during famine and natural disaster has been referred to, in order to analyze the mechanism of households. However, this analysis of coping strategies is very complex due to the demography of the region under study.

The findings suggest that the dominant coping strategies include migration, selling of livestock and savings. The poor household predominantly relied on "community resource sharing" of water and food for their sustenance during conflict. In addition, informal support mechanisms such as kin and social networks, credit from merchant helped them to cope with the devastating situations. Thus "social capital" was crucial and contributed to gaining access to other resources, including loans and opportunities for daily labor. People of the villages diversified their livelihood by engaging in different on and off-farm activities in response to risks.

Coping strategies based on real time situations have been far more significant than external assistance. Although they have limited options, a household searches for strategies to adapt to the reality of severe disruption of their livelihoods. Due to a lack of financial and physical capital, households increasingly rely on natural, human, social capitals, but these capitals are not enough, which impedes their capacity to cope as well. The findings identified enormous economic loss among the conflict affected and communities.

The Government and NGOs took initiatives in order to support the coping and recovery capacity of the household, but it only partially helped the long-term impacts of such responses which were not enough to recover livelihoods. There is a need to capitalize on the inherent social and cultural capacities of the communities for household recovery.

In Kokrajhar micro-level study of conflict on households and their coping strategies is limited. The unavailability of data undermines the ability to understand the various coping strategies adopted by households headed by women. A future study on "gender-based coping" strategies will be

constructive in understanding the multidimensional and complex mechanisms towards effective interventions that promote building of robust coping strategies to reduce psychological distress and livelihood recovery.

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# STRUGGLE FOR AUTONOMY: THE CASE OF RABHA TRIBE IN ASSAM

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Udit Singh

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## Introduction

The term "tribe" is derived from the Latin word *tribua*, originally meant a political unit, and was later used to refer to social groups defined by the territory they occupied. Although there is no consensus on the definition of a tribe in anthropology, tribes are generally considered to be social groups "...bound together by kin and duty and associated with a particular territory. Members of a tribe share the social cohesion associated with the family, together with the sense of political autonomy of a nation" (Oxford Dictionary of Sociology, 769).<sup>1</sup>

W.J. Perry defines tribes as a group speaking a common dialect and inhabiting a common territory (Pathi 1984, p. 22). Bogardus defines tribes as a tribal group based on the need for protection, on ties of blood relationships and on the strength of a common religion (Sinha 1965, p.45). D.N. Majumdar defines a tribe as a collection of families or group of families bearing a common name members of which occupy the same territory, speak the same language and observe certain taboos regarding marriage, profession or occupation and have developed a well assigned system of reciprocity and

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<sup>1</sup>For more discussion on the definition of the term "tribe", see "Introduction: Discourses on Tribals in India." Shodhganga, [shodhganga.inflibnet.ac.in/bitstream/10603/25901/9/09\\_chapter 1.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/25901/9/09_chapter%201.pdf)

mutuality of obligation (Srinivas 1977). According to G.S. Ghurye, purest of tribal groups resisting accumulation or absorption, possess certain features which can be considered as common features if possessed by all tribal groups.<sup>2</sup> They are as follows:

- ♦ They live away from civilised world in most inaccessible parts of both forests and hills
- ♦ They belong either to one of three stocks - Negrito, Austroloid or Mongoloid
- ♦ They speak same tribal dialect
- ♦ They possess a primitive religion known as Animism in which worship of ghosts or spirit is the most important element
- ♦ They follow primitive occupation such as gleaning, hunting and gathering of forest produce
- ♦ They are largely carnivorous or flesh or meat eaters
- ♦ They live either naked or semi-naked, using tree bark and leave for clothing
- ♦ They have nomadic habit and love for drink and dance (Ghurye 1963, p. 15-38)

According to Andre Beteille, defining a tribe is difficult and the definition should be based on empirical characteristic of a particular mode of human grouping found in different parts of the world, irrespective of condition of time and place. Conceptually, a tribe can be defined as an ideal state, a self-contained unit which constitutes a society in itself. A tribe is a society which has a common government and shares a common territory. Therefore, ecological and political criteria are not sufficient to define tribe as a society (Thaper 1996, p. 37). When the British began to write on Indian society, the term 'tribe' was used in general parlance in more than one sense: in reference to a group of people claiming descent from a common ancestor, and in reference to a group living in a primitive or barbarous condition (Xaxa, pp. 1519-1524). Therefore, it can be said that the word 'tribe' is a colonial construction. Today the word "tribe" stands for numerous and varied communities scattered all over the globe, variously called "aboriginal people"

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<sup>2</sup>Ghurye, G.S. *The Scheduled Tribes*. Ghurye, 1963, pp. 15-38



or "indigenous people" in the discourse of the United Nations and Human Rights.<sup>3</sup> The system has developed a modern understanding of this term based on the following:

- ◆ Self- identification as indigenous people at the individual level and accepted by the community as their member
- ◆ Historical continuity with pre-colonial and/or pre-settler societies
- ◆ Strong link to territories and surrounding natural resources
- ◆ Distinct social, economic or political systems
- ◆ Distinct language, culture and beliefs
- ◆ Form non-dominant groups of society
- ◆ Resolve to maintain and reproduce their ancestral environments and systems as distinctive people and communities<sup>4</sup>

Fulfilling most of the conditions of the above mentioned definitions of the term 'tribe', the Rabhas are one of the nine Schedule Tribes in the plain districts of Assam, and they are divided into several societal units with distinct cultural boundaries. Different scholars expressed different views regarding the ethnic individuality of the Rabha tribe, its original place of abode and the relationship with other tribal groups (Das, 1962).<sup>5</sup> Basumatary states that the Rabhas are one of the indigenous tribes of Assam. Their concentration is found throughout the state of Assam besides its adjoining States like West Bengal, Meghalaya and in a few areas of Bangladesh.<sup>6</sup> The Rabhas belong to the Indo-mongoloid group of people and their population is also scattered to Nepal, Bhutan and China with a varied identity. A. Playfair

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<sup>3</sup>"Introduction: Discourses on Tribals in India." *Shodhganga*, shodhganga.inflibnet.ac.in/bitstream/10603/25901/9/09\_chapter 1.pdf.

<sup>4</sup>Considering the diversity of "indigenous people" which in the Asian context is understood to refer to distinct cultural groups, such as "Adivasis", "tribal people", "hill tribes" or "scheduled tribes; an official definition of "indigenous" has not been adopted by any United Nations system body. "Who are Indigenous Peoples?" *United Nations Forum on Indigenous Issues*, www.un.org/esa/socdev/unpfii/documents/5session\_factsheet1.pdf, Accessed 05 April 2018.

<sup>5</sup>For details, see "The Rabhas: An Ethnographic Profile." *Shodhganga*, shodhganga.inflibnet.ac.in/bitstream/10603/66470/9/09\_chapter%203.pdf, Accessed 05 April 2018.

<sup>6</sup>Basumatary, Phukan. *The Rabha Tribe of North East India, Bengal and Bangladesh*. New Delhi, Mittal Publication, 2010, p. 1

(1909) also has pointed out some linguistic and cultural similarities between the Rabhas and Garos.<sup>7</sup> Edward Tuite Dalton noticed "The Rabhas and the Hajongs of the Goalpara district are also branches of the Kachari race and connected with the Garos."<sup>8</sup> But after interacting with the people of Rabha community during my field work, I observed that the people from the Rabha community do not consider themselves an offshoot of Kachari tribe.

The Rabhas of Assam are influenced by different cultural and linguistic communities to a large extent. As a result of adaptation of cultural and linguistic elements from other communities and repudiation of their own identity, majority of the Rabhas have converted to Hinduism. However, some of them are in the process of mobilization to survive and preserve their inherent culture and language.<sup>9</sup>

In 1980s i.e. after the formation of ARSU<sup>10</sup> and work done by organisations like ARNC<sup>11</sup> and ARWC<sup>12</sup>, awareness about the preservation of their language, culture and identity, spread among the Rabhas. After 1980, hardly any conversion took place among the Rabhas as different organisations worked towards recognising their tribal identity. The political movement of Rabhas started in two phases. *Firstly*, in 1993 for the demand of autonomy in the Rabha dominated areas of Kamrup, Goalpara, Darrang, Dhubri, Kokrajhar, Nalbari, Sonitpur, Bongaigaon, Barpeta, Nowgaon, Dhemaji, Lakhimpur, Dibrugarh, Karbi Anglong, Demari and reservation of five seats for Rabhas in the Bodoland Autonomous Council.<sup>13</sup> *Secondly*, in 2003 for demand of upgradation of Rabha-Hasong Autonomous Council under the Sixth Schedule of the Constitution of India. This movement is still going

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<sup>7</sup>Mandal, Bipul and Roy, Manadeb. "The Rabha and Their Social Movement (1925-1950): A Case Study of North Bengal." *IOSR Journal of Humanities and Social Science*, Volume 10, No.03, 2013, pp. 05-08, [www.iosrjournals.org/iosr-jhss/papers/Vol10-issue3/B01030508.pdf](http://www.iosrjournals.org/iosr-jhss/papers/Vol10-issue3/B01030508.pdf),

<sup>8</sup>Mandal and Roy, 5

<sup>9</sup>Basumatary, 1

<sup>10</sup>All Rabha Student Union

<sup>11</sup>All Rabha National Council

<sup>12</sup>All Rabha Women Council

<sup>13</sup>Demands made under the Memorandum submitted to the Honourable Chief Minister of Assam on 10 November 1993

on as the Autonomous Council has not been recognised under the Sixth Schedule of the Constitution till date.

In this context, the research paper focuses on the historical background of the Rabha tribe and its political movement for recognition and autonomy within the state of Assam. The study deals with the ongoing movement of demand of Sixth Schedule by the Rabha community and addresses the question whether the Rabha-Hasong Autonomous Council should be upgraded under the Sixth Schedule of the Constitution of India. The paper also analyses the pros and cons of the implementation of Sixth Schedule in the Rabha-Hasong Autonomous Council area in comparison with the implementation of the Sixth Schedule to the Bodoland Autonomous Council.

The study is both doctrinal as well as empirical and adopts the interview method to achieve the objectives of the research work. The data has been collected from both primary as well secondary sources. Due to paucity of time, the field study is restricted to few villages namely Hathisila, Matia, Majerburi, Gojapara, Sarapara, Lalabori, Duhikata, Harimura of Goalpara district in Assam and Manikganj, Jonglapara, Thapamorandi, Rakhundab of North Garo Hills district in Meghalaya.

### **The Rabhas: A Historical Background**

The total tribal population in Assam is 38, 84,371, according to the 2011 census, the share being 12.4% of the total state's population. Amongst 23 tribal communities in the state, the Rabhas constitute the fourth dominant Plain Tribes of Assam, after the Bodos, Miris and the Mikirs.<sup>14</sup> The Rabha tribe is divided into 10 sub-groups namely Rongdani, Maitori, Pati, Dahori, Koch/Kocha, Totla, Bitilia, Hana, Songa and Madahi. Madahi sub-group wants a separate tribal identity and claims that they are separate from the Rabha tribe. These sub-groups are classified on the basis of work performed in the BaikhoPuja. For example, Rongdani group used to do sitting

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<sup>14</sup>"Witch-craft and witch-hunting perspectives: The Rabha community of Assam." *Shodhganga*, [shodhganga.inflibnet.ac.in/bitstream/10603/152219/2/11%20chapter%204.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/152219/2/11%20chapter%204.pdf), Accessed 8 April 2018.

arrangements, Maitori were rice (Mai) distributors and Pati used to arrange leaves or *Patta* for the feast in Baikho *Puja*.<sup>15</sup>

Divergent views have been expressed by different scholars regarding the origin and relationship of this ethnic group with others. Dr B.M. Das, a reputed anthropologist said that Tibetan region is the origin place of the Rabhas from wherethey migrated to the Garo hills areas; now distributed in the plains of Assam. He also pointed out some linguistic and cultural affinities between Garos and Rabhas. According to Lt. Col. Wadel, Rabhas are a branch of the Kacharis and have become almost Hindu although the process of conversion was less intense than that of the Koches. Dr. Grierson is of the opinion that Rabha was a Hindu name of the Kacharis. But E.A. Gait on the other hand, identified them as a distinct tribe and said that they were also known as Totias and Datiyal Kacharis. In this regard S. Endle seemed to have supported Gait by saying that the Rabhas of Darrang used to call themselves sometimes as Totias and Datiyal Kacharis. Dr. B.M. Das said that it seems probable that Mongoloid people came in successive wave from the north and north-eastern region. They have partly or wholly absorbed the Autochthonous-Australoid and later on formed various tribes like the Rabha, the Garo etc.<sup>16</sup> It is an established fact that Rabha community belongs to the Indo-Mongoloid ethnic group.

There are many mythological stories related to the origin of the Rabha tribe. One of the stories is that the term Rabha has been thought to have been originated from the term Raba, which means 'to bring'. In the mythological context, the Rabhas were brought from Rankrang (the Heaven) by their Rishi Bai (their Supreme God), and the former were shown all the fertile lands on the Earth and were advised by the latter to settle there and take up agriculture and crop production as a means of occupation. The Rishi Devta is also believed to have taught the art of wine-making to the Rabhas and His consort Rantuk/ GharGosani, taught the

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<sup>15</sup>Rabha, Tarun Chandra. Personal Interview. 12April 2018

<sup>16</sup>"Historical Background of Scheduled Tribes of Assam." *Shodhganga*, shodhganga.inflibnet.ac.in/bitstream/10603/114324/10/10\_chapter%202.pdf, Accessed 8 April 2018.

art of spinning of thread, weaving, cloth designing and the art of cooking to the Rabha community.<sup>17</sup>

According to Jibeswar Koch, "It is an admissible fact that the generic name 'Rabha' is mixed with mystery of fact and legend, which is still prevalent among the people. The principal male deity Lord 'Risi' brought (in Rabha, 'rabatna') the people from 'Rangkrang ' (the heaven, broadly Tibet) to the land, and that is why, they became 'Rabha' in course of time. The legend actuates the migratory trace of the people from the Sino-Tibetan tract. The other legend says that the name 'Rabha' or 'Raba-ha' was given by their kith and kin, the Garos, and in turn, the Rabhas call the Garos as 'Mutang' while another legend narrates that Raja Dodan brought these people (in Rabha, 'rabatana')." <sup>18</sup> It is considered that the name 'Rabha' was given to them by the 'others'. They were earlier known as the 'Raba' but with the changing times 'Raba' turned into 'Rabha' (Rabha 1999). The name Rabha is considered to be a given name to the community (Karlsson 2000, p. 25). So, it has been crystal clear that today's 'Rabha' is a new accretion from its typical 'Raba' or 'Rab-ha' (Raba-ha) which is still prevalent among the native and monolingual people.<sup>19</sup> Hodgson had also gone to the extent of describing about the Rabha that "Rabha constitute a major segment of the Bodo linguistic group, who belong to the Mongoloid stock" and have Hindu influence in their practices. Rabha is also considered a subcategory of the Garo tribe (Rabha 1999).<sup>20</sup> Also, earlier there was uncertainty whether Kocha is Rabha. Hamilton in 1810 stated that Kocha and Rabha are same and they worship Rishi Bai. Also, Dr.Revuti Mohan Saha has stated that Rabha is Kocha and Kocha is Rabha. <sup>21</sup>

In Shahnameh by Hakim Abul-Qasim Firdawsi Tusi and also in Baharistan-i-Ghaibi, it has been stated that Sankaldeep (Koch) was the Rabha

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<sup>17</sup>See note 14

<sup>18</sup>Koch, Jibeswar. *Rabha Dialects: A Linguistic Study*. Phd. Thesis, Faculty of Arts, University of Guwahati, 2014

<sup>19</sup>Koch, 2014

<sup>20</sup>Goswami, Alimpana. *Performance, Politics and Autonomy: An Ethnography of Rabha Identity in Contemporary Assam*. M.Phil. Dissertation, Tata Institute of Social Sciences, Guwahati, 2015

<sup>21</sup>Rangkho, Kushadhwaj. Personal Interview. 12 April 2018

king in the 4th century. He used to rule the present states of Uttar Pradesh and Bihar and Lucknavati (Present Lucknow) was his capital (This is stated in the Journal of the U.P. Historical Society, Lucknow).<sup>22</sup> It is evident that the Rabha Raja Parsuram ruled over in the south Goalpara in the first decades of seventeenth century with the capital at Sambul, Sambhul or Sambhor (Solmari near Goalpara town), extending from the Brahmaputra on the north to the Rongdon River in the Garo Hills border on the south, and from Rongjuli on the east to Fulbari on the west.<sup>23</sup> Thus, in south Goalpara and south Kamrup district the indigenous Rabha people were the master till this region was annexed to British India under the Treaty of Yandaboo.<sup>24</sup> The Pati Rabhas has been residing in and around Dudhnoi and Dhupdhara areas of Goalpara district. Religious conversion among the Pati Rabhas of the areas started sometime in 1933 and continued until the 1950s. Ambuk, Salpara, Chekowary, Ambari, Madang are villages situated in and around Dhupdhara are inhabited by Pati Rabhas. A large number of the Rabhas of those villages converted to Rajbanshi before the independence of India. They abandoned their Rabha titles and accepted the titles such as Ray, Das, Sarania. They have not only abandoned their Rabha titles but also all the customary laws in regard to the various social activities, such as, marriage, birth and death rites. Since their conversion to Rajbanshi they have been performing all the socio-religious activities according to Hindu methods.<sup>25</sup>

The traditional economy of the Rabhas in general is based on agriculture, forest based activities and weaving. They also domesticate pigs. In the past, the Rabhas used to practice shifting cultivation. The Rabha society was matriarchal. By birth they used to obtain the 'gotra' or 'clan name' of their mother.<sup>26</sup> But

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<sup>22</sup>Ibid.

<sup>23</sup>"Autonomy Movements of Plain Tribes of Assam Save Bodos." *Shodhganga*, shodhganga.inflibnet.ac.in/bitstream/10603/114324/15/15\_chapter%207.pdf, Accessed 25 April, 2018.

<sup>24</sup>Signed between General Sir Archibald Campbell on the British side and by Governor of Legaing Maha Min Hla Kyaw Htin of the Burmese side on 24 February, 1826

<sup>25</sup>"Socio Political Changes." *Shodhganga*, shodhganga.inflibnet.ac.in/bitstream/10603/66997/10/10\_chapter%204.pdf, Accessed 25 April 2018.

<sup>26</sup>Mandal and Roy, 5

now they are shifting from matriarchy to patriarchy. It is difficult to say that the Rabha community is purely matriarchal or patriarchal. There is a mixed practice. The daughter inherits the jewellery and ornaments of her mother. The son inherits the property of his father. If there is no daughter then a part of jewellery and ornaments of mother goes to the daughter of the nearest kin and the remaining goes to the daughter-in-law. The Rabha Community previously believed in animism. But now they are intermingled with Hinduism. They believe in Hindu God and Goddesses and also practice animism. They celebrate Hindu festivals as well as their traditional *Baikho Puja*.

### **The Struggle for Autonomy**

The term "autonomy" derives from two Greek words: "auto" meaning self and "nomos" meaning law or rule (Benedikter 2009, p. 18). It appears that to make one's own laws or self-rule is the basic meaning of autonomy. More precisely, autonomy implies certain degree of independence that a specific entity enjoys within a sovereign state relating to the matters of self-rule over special affairs concerned to them (Ghai 2000, p. 8).<sup>27</sup> Verrier Elwin advocates policy of isolation for tribal people. He feels that it is important to give some protection to tribal people in transition period during which they must learn to stand on their own feet and become strong enough to resist those who exploit them. In his book, *A Philosophy of NEFA*, he advocates for development of tribes residing in remote areas of North-East Frontier and suggests spending a great deal of money to eradicate poverty, degradation and unhappiness.<sup>28</sup> India has been applying the idea of autonomy as an important approach in dealing with ethnic problems since the early period of post-independence.<sup>29</sup> But after independence not much has been done for

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<sup>27</sup>Boro, Jagmohan. "Rabha Hasong Autonomous Council: A Case of Contested Autonomy in Indian State of Assam." *Journal of Tribal Intellectual Collective India*, Vol.2, Issue 3, No.4, 2015, pp.37-45, <http://www.ticijournals.org/rabha-hasong-autonomous-council-a-case-of-contested-autonomy-in-indian-state-of-assam/>

<sup>28</sup>Guha, Ramachandra. *Savaging the Civilized*. New Delhi, Oxford University Press, 1999, pp. 63-97

<sup>29</sup>Boro, 2015

the Rabha community by the government, whether educational, political or socio-economic issues. In beginning of shaping government's policy for tribal development, the Constitution of India under Article 46 directs states to promote special care on educational and economic interest of tribal people. Constitutional provisions, particularly Schedule V and VI of the Constitution of India, provide for the special status to the tribes for the preservation of their language, culture and identity.

Ethnic politics of the Rabhas that started in the late 1980s was concerned with separate political arrangement to safeguard their cultural identity, land and socio-economic and political interests and to determine the future of their generations.<sup>30</sup> The Rabhas were given autonomy in 1995 under the "Rabha Accord." But the Rabha-Hasong Autonomous Council has been given very limited powers and functions which is subject to the interference by the state government.

The root of ethno-based student organisations and ethno-based student politics among the Rabhas can be traced back to the pre-independence era itself. In the pre-independence period, some educated youths among the Rabha community came forward to safeguard distinct ethnic identity of Rabhas resulting in the growth of ethno-nationalism among the Rabha community. This started with the formation of the Assam Rabha Chhatra Sanmilan in 1926 under the patronage of Gobardhan Sarkar, an educated youth and one of the path-finders of the Rabha community. The Assam Rabha Chhatra Sanmillan was formed under the leadership of Dwarikanath Rabha, Holiram Rabha, Kartik Rabha and Rajen Rongkho (Rabha Hakacham, 2010:202). In the subsequent period, certain youth organisations were formed, such as "Rabha Yubak Sangha" (1941) under the patronage of educated youth Khirodmohan Rabha, Habraghat Rabha Chhatra Sanmilan (1945), Garo Hills Rabha Chhatra Sanmilan (1956) etc. These organizations contributed a lot to create the community awareness and solidarity among the Rabhas and also paved the way for the growth of ethnic nationalism

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<sup>30</sup>Boro, Jagmohan. "Rabha Ethnic Politics and Role of the State: An Appraisal." *Journal of Tribal Intellectual Collective India*, Vol.3, Issue 3, No.1, pp. 1-7, 2016, <http://www.ticijournals.org/rabha-ethnic-politics-and-role-of-the-state-an-appraisal/>



among the Rabhas (Rabha, Hakacham 2010, p. 203).<sup>31</sup> The feeling of deprivation among the Rabhas provided a strong means to unite them and it worked as a major factor in building up ethno-based youth organisations for the upliftment of their socio-economic and political status.

Towards the later part of 1970s, few Guwahati-based school and college-going students coming from different places of Assam and also from adjoining Meghalaya during unscheduled discussions raised the issue of forming a common platform of the emerging educated youths and students of the Rabha community. This idea gradually got momentum and after several rounds of informal and formal discussion, "The Greater Gauhati Rabha Students Union" was formed as a common platform among the Rabha students (Rabha, Anil 2004). This new-born organisation gradually has grown, and within a period of two years since its formation has expanded its shape, size, and scope leading towards the formation of "All Rabha Students Union" (ARSU) (Rabha, Anil 2004).<sup>32</sup> The sense of unity and the need for the development of the Rabhas led to the formation of All Rabha Students' Union (ARSU) on 12th February 1980 in a representative meeting in Goalpara district under the patronage of Mr. Listi Rabha Rangkho and under the Presidentship of Kanta Ram Rabha, Vice President Pranoy Rabha and General Secretary Sabyasachi Rabha. The Political movement of Rabhas for distinct identity assertion and autonomy got motion after the formation of ARSU. The movement for recognition and overall development of the Rabha society was strengthened after the formation of ARSU. ARSU played a significant role along with other organisations for the demand of Rabha Hasong autonomy. They organized the Rabha people under the banner of All Rabha Sahitya Sabha (ARSS) and launched mass movements to fulfil their demands. Their claims resulted in the introduction of Rabha language as a subject up to class three in 70 primary schools in Goalpara, Dhubri and Bongaigaon district in 1988 (See fig. a).

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<sup>31</sup>Das, Dhruvajyoti. "Ethno-based Student's Organisation and Movement for Ethnic Autonomy in North-East India: Understanding the Role of All Rabha Student's Union (ARSU) in The Movement for Rabha Ethnic Autonomy in Assam." *Indian Streams Research Journal*, Vol. 2, No. 10, 2012, pp. 1-7, [figshare.com/articles/658703](http://figshare.com/articles/658703)

<sup>32</sup>Das, 5



**fig. a: Members of Rabha Hasong Demand Committee - From Left to Right: Dhaneswar Rabha (V.P), Sarat Chandra Rabha (President), Sulochan Rabha (Secretary), Sabyasachi Rabha (V.P) 14th March 1993, Janta Bhawan, Guwahati**

These appointments were done on an experiment basis and number of teachers was to be increased every 3 years. But no primary teachers were appointed thereafter and the number remained the same. Now, the remaining teachers have been diverted to teach Assamese and at present the Rabha language is not taught in schools. At the moment, ARSU, with the cooperation of ARSS, are still demanding the State government to provide a Constitutional safeguard to their language and promote it as medium of instruction and to appoint 300 Rabha language teachers in the schools of Rabha dominated areas in Assam.<sup>33</sup> ARSU in their subsequent phases formed the Rabha Hasong Demand Committee (RHDC) in 1992 and All Rabha Women Council (ARWC) on 8 August 1993, Sixth Schedule Demand Committee (SSDC) in 2003 and launched mass movements to assert and safeguard their distinct ethnic identity as well as to achieve their desired goal (Rabha, Dhaneswar 2005, pp. 23-29).<sup>34</sup>

During my field work, I observed that there is a structured and organised system within the ARSU. There are four committees of ARSU at each level namely, Central Committee, District Committee, Anchalik or Branch

<sup>33</sup>Ibid

<sup>34</sup>Ibid

Committee and village committee. There is co-ordination among all these committees regarding the different activities related to the demands of Rabha people. ARSU, ARWC and SSDC jointly launched mass movements demanding greater autonomy in the Rabha Hasong area under the Sixth Schedule of the Constitution of India and to form Rabha Hasong Autonomous Council covering the area of the two districts of lower Assam-Kamrup and Goalpara from Rani of South Kamrup to Jairamkuchi of Goalpara district including 3161 square km land in the Southern bank of river Brahmaputra and the Northern foothill areas of Meghalaya. Due to the active and relentless effort and demand movement of ARSU, RHDC, ARWC, the Rabha Accord was signed on 10th March, 1995 between the Government of Assam, the then Chief Minister of Congress led Government Hiteswar Saikia, the Chief Secretary A. Bhattacharya and the members of ARSU, President Gangaraj Rabha and Secretary Ratan Rabha of ARSU, President Sarat Chandra Rabha, Secretary Sulochan Rabha of RHDC (Rabha, Dhaneswar 2005, p. 29).<sup>35</sup>

Thus, their Rabha Hasong demand movement got a positive response from the Government of Assam and accordingly the Rabha Hasong Autonomous Council Act, 1995 was passed in the Assam assembly. This resulted in the formation of Rabha Hasong Autonomous Council (Hazarika 2005, p. 109).<sup>36</sup> By the notification dated 3 April 1998, there were 306 villages under Rabha Hasong Autonomous Council which have more than 50% of ST (P) population. ARSU, ARWC and SSDC submitted a memorandum to the State government for inclusion of 1120 villages under the Autonomous Council. By the notification dated 17th May 2005, 779 villages were included under the Autonomous Council.<sup>37</sup>

Referring to the Rabha Accord, the 1<sup>st</sup> Interim Rabha Hasong Autonomous Council (RHAC) was constituted under the chairmanship of Sabyasachi Rabha along with other 19<sup>th</sup> executive members on 20th July, 1995, but the boundary of the proposed council's area is yet to be demarcated

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<sup>35</sup>Das, 6

<sup>36</sup>Ibid

<sup>37</sup>Rangkho, Kushadhwaj. Personal Interview. 12 April 2018

in an agreed manner. From 1995- 2007, during this period, already three interim RHAC's have been constituted by the Government of Assam. The 2nd interim RHAC, was constituted in 1997 by the Govt. of Assam with the initiatives of Chief Minister Prafulla Kr. Mahanta taking Sarat Chandra Rabha as chief executive member along with other 25 additional members and the 3rd interim RHAC was formed in 2001 by the Govt. of Assam with the initiatives of Chief Minister Tarun Gogoi taking Dr. Sarat Chandra Rabha as chief executive members along with other 24 additional members (Borah, 2008).<sup>38</sup> There were some problems with the functioning of the council. There was no demarcated boundary for the electoral constituency and therefore elections were not held for 18 long years after the formation of the Rabha Accord and the government would appoint members of the Autonomous Council. Also there are problems like underdevelopment and encroachment of land of Rabha people by illegal immigrants. Thus, although some amount of political autonomy was granted to the Rabhas, in a real sense, the aspirations of the Rabha people were not fulfilled due to the gaps in the implementation of the Rabha Accord. This led to the demand of a higher autonomy by the Rabhas. A memorandum dated 14 April 1998 was submitted by the executive members of the Rabha-Hasong Autonomous Council to the then Prime Minister of India with following demands:

- ♦ To implement the provisions of the Rabha Accord, signed on 10 March 1995
- ♦ To implement the provisions of the Rabha-Hasong Autonomous Council Act, 1995 without further laches
- ♦ To demarcate the boundaries of Rabha-Hasong Autonomous council along with the 830 number of revenue villages demanded by the Rabha community
- ♦ To amend the Rabha-Hasong Autonomous Council Act 1995 suitably to allow the Council better autonomy in the way of more financial, administrative and legislative powers

After 8 years of the Rabha Accord, in 2003 ARSU demanded the upgradation of Rabha-Hasong Autonomous Council under the Sixth

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<sup>38</sup>Das, 6.

Schedule of the Constitution of India. In this regard, Rabha National Convention was organised on 7 and 8 June 2003, in Dudhnoi College, Goalpara. At that time, Tankeswar Rabha and Bijan Rabha were the President and Secretary of ARSU respectively. On 8 June, 2003 Sixth Schedule Demand Committee (SSDC) was formed under the Presidentship of Gauri Shankar Rabha and Biren Totola as Chief Secretary. On 11 April 2004, Organising Secretary, Kushadhuj Rangkho (Patgiri) was arrested during the movement for the demand of Sixth Schedule for 19 days. (See fig. b)

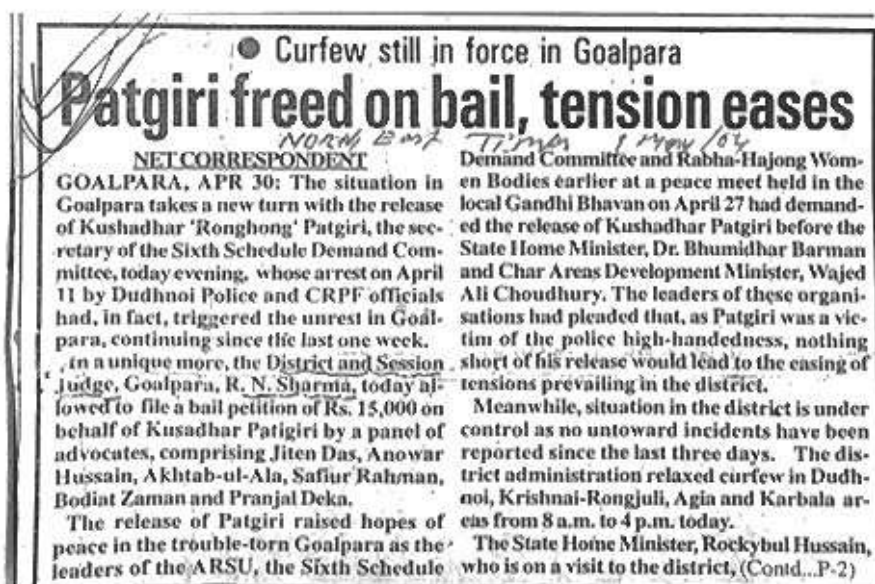


fig. b: Newspaper clipping of North East Times (1 May 2004) reporting release of Kushadhuj Patgiri (Secretary) SSDC.

For 72 hours thereafter, the Rabha-Hasong area witnessed a bandh in protest of the arrest of Patgiri. During the bandh, 3 persons named Anukul Rabha, Pawan Rabha and Ravindra Rabha, who were the members of the Rabha-Hasong Demand Committee, were killed. The Rabhas consider them as the first Martyrs of the Rabha Political movement. Clause 5(a) of the Rabha Accord 1995 states, "The provision of Assam Panchayat Act, 1994 and the Assam Municipal Act, 1994 (amended) shall not apply to the areas of the villages included in Rabha-Hasong Village Council (RHVC)".

This was the major contention because Panchayat elections were continued to be held in the villages included in (RHVC) whereas no elections were held till 2013 for the Autonomous Council. The ARSU and other organisations opposed Panchayat elections in 2008 and 2013. In 2013 during the protest against the Panchayat election violent clashes took place among the police forces, Rabhas and non-tribals. 20 people died and many were injured due to the violence. (See fig. c.)



**fig. c.: Photos showing harm caused to lives and property due to the violence during Panchayat Election in 2013.**

After the formation of SSDC the movement for the upgradation of Autonomous Council under the Sixth Schedule started. After 2005, ARSU, ARWC and SSDC started the movement again. There were mainly three demands:

- ♦ To upgrade Rabha-Hasong Autonomous Council under the Sixth Schedule of the Constitution

- ◆ To hold the election for the Rabha-Hasong Autonomous Council
- ◆ To appoint 300 Rabha Language Teachers in schools.<sup>39</sup>

But none of the demands were fulfilled immediately. However, an election for the Council was held in 2013 after several instances of violence took place in Goalpara opposing the Panchayat elections. In 2010, the Sub-Committee which was formed by the state government to probe into the demand of the Rabhas for Sixth Schedule submitted its report to the state government recommending the upgradation of Rabha-Hasong Autonomous Council under the Sixth Schedule of the Constitution. But the report was not sent to the Central government by the then state government.<sup>40</sup> In this context, a sub-committee has been reconstituted by the present state government on 27 March 2018 to examine the demand of Rabhas for the recognition under Sixth Schedule with the following members:

1. Shri Chandra Mohan Patowary, Minister- Chairman
2. Shri Ranjit Dutta, Minister- Member
3. Smt. Pramila Rani Brahma, Minister- Member Convenor

### **Rabha Hasong Autonomous Council (RHAC): An Overview**

According to the Rabha Hasong Autonomous Council Amendment Act, 2005, the RHAC consists of 'Core Areas' and 'Satellite Areas' of villages. The 'Core Areas' means the compact and contiguous areas predominantly inhabited by the Schedule Tribes population having 50% and above as a whole in the area and not necessarily in the individual villages. The Satellite Areas consist of non-contiguous clusters of villages predominately inhabited by Schedule Tribes population having 50% and above as a whole in the cluster and not necessarily in the individual villages (Amendment Act, 2005).<sup>41</sup> Therefore, it can be said that both tribal as well as non-tribals are subject to the jurisdiction of the Autonomous Council.

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<sup>39</sup>Rangkho, Kushadwaj. Personal Interview. 12 April 2018

<sup>40</sup>Rabha, Harish. Personal Interview. 14 April 2018

<sup>41</sup>Boro, Jagmohan. "Rabha Hasong Autonomous Council: A Case of Contested Autonomy in Indian State of Assam." *Journal of Tribal Intellectual Collective India*, Vol.2, Issue 3, No.4, 2015, pp.37-45, <http://www.ticijournals.org/rabha-hasong-autonomous-council-a-case-of-contested-autonomy-in-indian-state-of-assam/>, Accessed 25 April 2018.

Also, according to the RHAC Amendment Act, 2005, the RHAC is constituted by a General Council, an Executive Council and Village Councils. The General Council consists of 40 members of which 36 are directly elected and 4 members are nominated by the Government to give representation to those communities of the council which are not otherwise represented in it. Out of 40 seats, 25 seats are reserved for the tribals and out of 25 reserved seats at least 6 seats are reserved for women of any community (Amendment Act, 2005). The rest of the seats may be understood as unreserved and open for all since the Act does not mention who they belong to.<sup>42</sup> Therefore, the council has representation from all the communities including tribals as well as non-tribals.

According to the RHAC Accord, 1995, the executive council of the RHAC is vested with the executive powers and functions on 34 subjects in relation to the Council area. According to the Accord, the RHVC has the executive powers and functions on 29 subjects in relation to the Village Council area. Although the General Council has power to make bye-laws/rules or orders on aforesaid subjects, the General Council has to exercise its power according to the norms prescribed by the State Government of Assam. Besides, all laws or rules made by the General Council are subject to the approval of the State Government.<sup>43</sup> Regarding the judicial power, the Rabha Accord provides that the State shall take steps to set up customary courts if rival parties wish to settle disputes in these courts. Therefore, it can be stated that the State government has the power to interfere in legislative and judicial functions of the Rabha-Hasong Autonomous Council.

### **The Demand for the Sixth Schedule: A Relook**

The desire to provide a proper constitutional set up for the tribal areas of North East was to see that the aspirations of the people of the area are met, and that these areas are assimilated with the main stream of the country.<sup>44</sup> A Sub-Committee was formed on 27 February 1947, to report on the North

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<sup>42</sup>Ibid

<sup>43</sup>Ibid

<sup>44</sup>Hansaria, Justice B.L., Revised by Vijay Hansaria. *Sixth Schedule to The Constitution*. 2nd ed., New Delhi, Universal Law Publishing Co., 2005, p. 1



East Frontier (Assam) Tribal and Excluded Areas. Its chairman was Shri Gopinath Bordoloi who was then the Premier of Assam and other members were Shri J.J.M. Nichols Roy, Shri Rup Nath Brahma, Shri A.V. Thakkar and Shri Mayang Nokcha who was later on replaced by Shri Aliba Imti.<sup>45</sup> The Sub-Committee submitted its Report on 28 July 1947 to Shri Ballabhbai Patel who was the Chairman of Advisory Committee on Fundamental Rights. The report included the thoughts on development, special features of these areas, land, forest, jhumming, courts, finance, control of immigration, mines, legislation, representation, services etc.<sup>46</sup> Shri Brajeswar Prasad of Bihar was of the opinion that tribal areas should be brought under the jurisdiction of the centre and that the President should look after them. His reason was the ongoing conflicts between different communities and mass infiltration in the state of Assam. Therefore, he was of the view that there is no political stability in Assam and administration of such a vast tract of land should not be left in the hands of provincial government. Shri Kuladhar Chaliha said that giving too much autonomy to the tribals, would result in creation of "tribalstan" just as Pakistan had been created.<sup>47</sup> On the issue of provisions of autonomy to the hill areas, Dr. B.R. Ambedkar insisted that tribal communities of Assam were different from tribal population of rest of the country as their roots were still in their own civilisation and their own culture and, therefore, they should have a different administrative structure. Therefore, to retain such institution of local governance provisions in the Sixth Schedule were proposed by Bordoloi Committee. The committee recommended for autonomy in the hill areas for administration and accordingly autonomous hill district council were set up under Assam in 1952.<sup>48</sup> Regarding the autonomy of plain tribes, Bordoloi Committee report states that the population of the plain tribals which is being gradually assimilated to the population of the plains, should for all

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<sup>45</sup>Hansaria, 8

<sup>46</sup>Hansaria, 9

<sup>47</sup>Hansaria, 10

<sup>48</sup>Baro, Aniruddha Kumar. "Sixth Schedule and its Implementation: Understanding the case of Bodoland (BTAD) in Assam." *IOSR Journal of Humanities and Social Science*, Vol. 22, No. 12, 2017, pp. 05-09.

practical purposes, be treated as minority. They also stated that at present certain seats are reserved in the Provincial Legislature for them. However, the possibility of there being certain areas inhabited by tribals in the plains or at the foot of the hills whom it may be necessary to provide for in the same manner (Clause A (3) and Clause P of Appendix A, Bordoloi Sub-Committee Report).<sup>49</sup> Even during Constituent Assembly debate, Pandit Hirday Nath Kunzru stated that no matter how good the provisions of the Sixth Schedule might seem, they segregate people living in different districts and thus make unity much more difficult. He further stated that our policy should be to take advantage of the natural progress made by them in respect of the understanding of their interests bring them closer to the other areas, like the plain districts without in any way affecting their essential interests.<sup>50</sup>

If we look at the Rabha movement from 1980-83, it was for educational reform and to improve the quality of education. After 2 years language was added as a subject of the movement. In 1987 main movement for the recognition of Rabha language started. It succeeded as the state government appointed 70 Rabha language teachers in primary schools in 1988. During AGP regime in 1986 a Convention was organised in Golaghat. There were leaders from AGP, AASU and other communities. It is said that Rabha leaders did not get respect and recognition in that convention. Therefore, Rabha leaders realised that they should revive their identity as a tribe apart from an Assamese identity. This was one of the reasons for the formation of ARSU.<sup>51</sup> Before that in 1981, a memorandum was submitted to the then Prime Minister Smt. Indira Gandhi demanding an autonomous status for Rabha identity. They got the political identity in 1993 after the formation of Rabha-Hasong Demand Committee. On 10 March 1995 Rabha Accord was signed between the then Chief Minister of Assam and leaders of ARSU. But immediately after the formation of RHAC, the State Government constituted an interim council on 20th July, 1995 to run the Council for time being which lasted till 1996. Instead of conducting election after the first interim

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<sup>49</sup>Hansaria, 242

<sup>50</sup>Hansaria, 344

<sup>51</sup>Rabha, Tankeswar. Personal Interview. 16 April 2018

council the State Government constituted a second interim council which existed from 1996 to 2001. Moreover, the State Government constituted a third interim council in 2001 which malfunctioned after 2010 (Batori 2012, p. 2). Accordingly, the RHAC had been run by nominated members for many years since its inception and the State Government never held election to the council till 2012.<sup>52</sup> In 2013, election to the Council was held in three phase after 18 years of the enactment of Rabha-Hasong Autonomous Council Act, 1995 and 12 executive member Council was formed with Tankeswar Rabha as Chief Executive Member (CEM). In this context we can say that The State Government's failure in implementing the RHAC Act, 1995 for a long period of time has forced Rabhas to ask for more autonomy. (See fig. d.)



fig. d.: Rabha Movement for Sixth Schedule.

<sup>52</sup>Boto, 2015

<sup>53</sup>Ibid

There was a constant demand from the Rabhas to hold election to the Council and to include the Council under the Sixth Schedule of Indian Constitution. In the meantime, other tribals (Garos) and non-tribals are mobilized under the banner of Non-Rabha Coordination Forum urging the Government of Assam to exclude their villages from the Council.<sup>53</sup> There are 3 pertinent issues which led to the demand of Sixth Schedule by the Rabhas:

1. Encroachment of land of Rabhas by the illegal immigrants
2. Under development in the Rabha Hasong Autonomous Council Area
3. State Government's interference in functions of the Autonomous Council (Restricted Autonomy)

During my field work, I visited the mentioned villages of district Goalpara in Assam and district North Garo Hills in Meghalaya. During the visit to villages, I observed that there are only primary and middle schools in most of the villages. Rabha language is not taught as a subject in schools. The medium of education in schools is Assamese. This is a threat to the survival of the Rabha dialect. The majority of the population in these villages have not even completed senior secondary level education. On an average 1 to 5 persons went for graduate level education in few villages like Hathisila, Matia, Majerburi, Gojapara, Sarapara. In villages like Sangdanpara, Khaisukpara, Tobalpara, Kathalguri nobody has completed post-graduate education. In few villages like Gojapara and Majerburi where Rabhas have been converted to Christianity, Don Bosco schools have been established by Christian Missionaries. With regard to health facilities, government hospitals are located very far from some villages, while most villages have hospital sub-centres, many don't.

Also, not much has been done to improve the quality of living for the people. Agriculture is the main occupation. About 90-95% of total population is engaged in agriculture. Very few people are in the service sector. Therefore, it can be deduced that the Council area is still underdeveloped. Rabhas are very rich in culture. The basic structure of the social life of the Rabhas is based on customs, traditions and religious beliefs which distinguish the tribe from other communities. The women of the villages are engaged in weaving. Seven Rabha women have received National Award for weaving:

Apila Rabha from Devitola, Dhubri (1990); Lady Rabha from Goajapra, Goalpara (1991); Amaya Rabha, Udalguri (1993); Nishawari Rabha from Dalmaka, Kokrajhar (1994); Aprika Rabha from Dalmaka, Kokrajhar (1995); Rijubala Rabha from Kokrajhar, (2000) and Binapani Rabha from Dudhnoi (2013). (See fig. e.)



fig. e.: Binapani Rabha from Dudhnoi receiving the National Award for Weaving for the year 2013.

If we look at this from the perspective of development and identity, it can be said that more autonomy is required in Rabha Hasong Council Area. It may be observed that although the Council is named after the Rabhas, the composition of other tribal and non-tribal population of the area is no less significant. The Council may therefore be observed as inclusive in nature, and as exclusive since the objective does not reflect the interests of other non-tribals in spite of having a large number of aforesaid communities in the area. Moreover, the objective tells about socio-economic and cultural advancement of the Rabhas of only the Council area excluding the aspirations of the Rabhas of other parts of Assam.<sup>34</sup> In this context, one can question how the other communities within the Council Area and Rabhas of other parts of Assam may benefit from the upgradation of Rabha-Hasong Autonomous Council in the Sixth Schedule.

<sup>34</sup>Boro, 2015

During my interview with CEM of Autonomous Council, I raised this question, but he refrained from answering it, stating he is not inclined to disclose policy issues, since their movement is still going on. In this context, the aspirations of non-tribals and Rabhas of other parts may be a questionable issue. The same problem can be seen in Bodoland Territorial Council (BTC) Area. Post-BTC Accord has also shown violence in the region between groups residing in the territory. It has experienced two major outbreaks of violence in 2008 and 2012 which has cost life and property in the Bodoland Territorial Area Districts (BTAD) area.<sup>55</sup> If we see the implementation of Sixth Schedule in BTC area, it has both merits and demerits to it. Although development can be seen in BTC area, one cannot ignore the challenges faced by the Council. With the increasing of powers and functions of the Council, there is the flow of funds as for the development of the region as well. The fund provided by the federal government was implemented for development works. There are construction of roads, electrification to villages and subsidies for the poor. Though these facilities are under the central government, these are properly implemented for the development of the region.<sup>56</sup> If we see other sectors such as education in BTAD area, it has not improved a lot after the formation of BTAD. Because of poor infrastructural facilities in the educational sector and the high cost of education, poor inhabitants of the region could not afford to educate their children. On the other hand, lack of higher educational institutions is also one of the great challenges of development in higher education in these rural areas (Dasgupta, 2015; Saha, 2013).<sup>57</sup> Another problem in this area is the conflict between tribal and non-tribal groups.

## Conclusion

Rabhas are one of the plain tribes of Assam. They have their unique language, culture and identity. Before independence, Rabhas have converted into Rajbonshi and adopted Hinduism. This was done to avoid discrimination and to uplift their status in the society. Therefore, it can be observed that

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<sup>55</sup>Ibid

<sup>56</sup>Ibid

<sup>57</sup>Ibid

their identity was threatened because they were converting to other religions for their upliftment. In 1926, efforts have been made by persons like Govardhan Sarkar, Darikanath Rabha and others to revive their identity and create awareness among Rabhas to preserve their language, culture and identity. The political movement of Rabhas started in 1980s for recognition of the Rabha identity. After a few years, there was a demand for autonomy by the Rabhas. On 10 March 1995, Rabha Accord was signed between the State Government and ARSU which led to the formation Rabha-Hasong Autonomous Council in the year 1995. But very limited autonomy was given to the Rabhas. The State government has the power to interfere with the legislative and judicial functions of the Council, and has the final say in the implementation of any scheme in Rabha-Hasong area. Also, Autonomous Council is both inclusive and exclusive in nature. Inclusive in the sense that it includes both tribal and non-tribal population. Exclusive because its objective does not reflect the interest of non-tribals despite having a large number of aforesaid communities in the area and Rabhas in other parts of Assam. This is one of the reasons for the parallel running of Panchayat system and Autonomous Council in Rabha-Hasong area. Few seats are left unreserved in the Council for non-tribal people to contest. The lack of proper implementation of Rabha Hasong Autonomous Council Act of 1995 led to the demand of sixth schedule.

Also, few instances of violence can be seen in 2008 and 2013 during the Panchayat elections. This shows the existence of tension between Rabhas and non-tribal groups. Hence, non-tribal groups are demanding exclusion of their villages from the jurisdiction of the Council.

Overall, Rabha-Hasong Area remains largely underdeveloped, till date. About 60% of the land is not patta land.<sup>58</sup> There are problems like illegal immigration, encroachment of land of tribals and lack of educational and health facilities. To resolve all these issues, more autonomy should be given to the Rabha-Hasong Autonomous Council but the interest of non-tribal groups and Rabhas of other parts of Assam and Meghalaya should also be protected. Otherwise it could lead to violence between Rabhas and other

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<sup>58</sup>Rabha, Tankeswar. Personal Interview. 16 April 2018

groups. Also, after upgradation to the Sixth Schedule, the Council will have more power to utilize funds for the development of Rabha Hasong Area. The challenges like improvement of educational facilities, raising the living standard of people, providing health facilities, to implement the socio-economic schemes along with the infrastructural improvement can be met and solved. In this context, I would put more emphasis on the individual development along with infrastructural development while protecting the interests of other groups in the Rabha-Hasong Council Area.

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# PMGDISHA: INDIA'S DIGITAL REVOLUTION, SO CLOSE YET SO FAR AWAY?

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Aditi Ameria

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## Introduction

*"The sun rises in the West. Play it, Mr. Dvorak. There's a New World coming again, looming on the desktop. Oh, say, can you see it?"*- Rosenblatt

India has been riding the waves of Digital Revolution at the forefront, with a projection of 829 million digital users in 2021.<sup>1</sup> Information and Communications Technology (ICT) is understood to provide great personal and community development benefits to its users. The Indian Government had made ICT a core essential to transform India into a digitally-empowered society and knowledge economy.

However, the numbers don't reflect the pervasiveness of ICT, because of the large rural population which remains digitally disconnected. This disconnect could be due to many factors such as a lack of digital literacy, network and infrastructure. The desire in policy circles to bridge this urban-rural divide is reflected in the Government's initiative of Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDisha), touted as the world's largest digital literacy program.<sup>2</sup>

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<sup>1</sup>(Cisco)

<sup>2</sup>(Cabinet approves 'Pradhan Mantri Gramin Digital Saksharta Abhiyan' for covering 6 crore rural households)

The debate around this is that the digital divide between communities invokes arguments similar to those invoked in historical debates surrounding the construction of railways, optimists arguing that the railways was fodder to development, and others citing research that showed the railways only augmented development where there already was a high potential for development (such as areas which were capable of producing commodities such as tea, coal and petroleum).

This paper is an attempt to analyse issues of rural demographics, particularly remote areas through PMGDisha. It is divided in two sections. The first section provides an introduction to the scheme and the second section analyses and raises questions such as who is implementing the scheme, what is digital literacy, what is digital infrastructure, will India become digital by achieving this target and finally will going digital automatically result in better governance?

In this article, the author has included primary data obtained through interviewing identified stakeholders, through a set of tailored questionnaires orally delivered to them from ground, kiosk operators,<sup>3</sup> beneficiaries (Beneficiaries), District Managers(Interviews)to journalists (Srivastava), (Chaudhary), academician and the Assam head of the implementing agency (Doley). The kiosk operators were selected from the Common Service Centre telecentres set up in Goalpara<sup>4</sup> and Bongaigaon<sup>5</sup> based on the area's geographical terrain and weather, such as is the area flood prone? How remote is it? BTAD<sup>6</sup> was selected as a third sample to consider an autonomous council area in addition to the above factors of Goalpara and Bongaigaon to analyze the implementation of the scheme. The author tried to establish contact with the CSC centres prior to visits on the phone numbers given on the

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<sup>3</sup>24 Centres in Goalpara, Bongaigaon and Kokrajhar.

<sup>4</sup>11 CSC centres located in Sri Suryagiri, Matia, Bodahapur, Ambari, Bogan, Faringapara : Taltola, Lakhipur Pharigapara, Bashmura: Katarihara : Lakhipur, Jaleswar Dodan, Monkola Chaldhora.

<sup>5</sup>7 CSC centres located in Khagarpur, Pub majeralga : Boitamari District, Kabaitary, Jogihopa, Piradhara : Srijangram, Dumuria PT II, Chakapara.

<sup>6</sup>7 CSC centres located in Bishmuri, Kokrajhar, Srirampur : Kokrajhar, Jaraguri, Gossaigaon Tehsil, Padmabil : Gossaigaon, Padmabil : Gossaigaon, Serfanguri: Dotoma, Chithila : Dotoma

CSC portal and general search engines. The author faced connection errors, owing to reasons such as CSCs being voluntary partnerships, defunct phone numbers and phasing out of the scheme in selected centres. Hence to locate and visit the centres, help was sought from the District Managers of Goalpara, BTAD and Bongaigaon.

As data has been collected in individual capacity by the author, it may suffer from inaccuracies and biases such as the beneficiaries not having taken the exam at the time of visit, sparse face to face interviews (7), etc. The data was collected with the intent of being corroborated through secondary sources, i.e. other telecenter findings, within the country and globally, with a special focus on remote areas. The author's observations and the collected data are woven through the paper by articulating various arguments on literacy and e-governance.

### **The need for the scheme: Digital Divide**

The digital divide can be understood as the separation between those who have access to digital ICT and those who do not (Riggins). This divide between the haves and have-nots has been documented in diverse disciplines from geography (E. Malecki), to Media, Communication and telecommunication (Helsper, A corresponding fields model for the links between social and digital exclusion), public policy (Prieger, The broadband digital divide and the economic benefits of mobile broadband for rural areas.), sociology (Warren), (Howard). Innovations through ICT have not been distributed equitably when at the same time ICT has progressed to almost universal access to global community of interaction, commerce, learning, associated improved social welfare, and leapfrogging economic development. Broadly, the term Digital Divide is defined in socio-economic terms as a difference in access and, inequality among those who have formal access (Philip *et al* 387.). It is "used to cover a broad range of social differences in access to and use of digital equipment and services, most notably personal computers, and the ability to access the internet in terms of both physical connection and facility of use." (Sparks)

Digital divide in the rural context alludes to the lack of access due to geography, where a sector of (rural) population suffers from indefinite lags

in ICT due to network and infrastructural incapability<sup>7</sup> which creates rural digital exclusion (Philip *et al.*). Hence, the socio economic interpretation of digital divide incorporates greater complexity to the rural demography. However, there has been very little research on this topic with regard to the Indian rural context. This creates an additional complexity, for instance the evolution of accessing the internet exclusively from public spaces of offices, cafes or libraries to mobile phones and multiple forms of access of tablets, computers, etc. cannot be exclusively seen in an urban setting. The earlier approach to the digital divide in the context of have and have not's would miss the intricacies and implications of digital inequalities, a part of the continuum of existing differences, a set of digital divides or inequalities in a spectrum (White).

In India, as per the 71<sup>st</sup> NSSO Survey on Education 2014,<sup>8</sup> only 6% of rural households have a computer. This highlights that more than 15 crore rural households<sup>9</sup> do not have computers and a significant number of these households are likely to be digitally illiterate.<sup>10</sup> PMGDisha—the government scheme reflects the desire in policy circles to take proactive measures to bridge the divide.

### **The scheme: PMGDisha**

The Digital India (DI) programme is an umbrella plan of the Government of India to synchronize all digital initiatives (Ghosh) with a vision to transform India into a digitally empowered society and knowledge economy.<sup>11</sup> It has 235 "DI initiatives" under the program categorized into three sub-heads, of infrastructure,<sup>12</sup> services (Ministry of Electronics & Information Technology) and empowerment (Ministry of Electronics & Information Technology). PMGDisha falls under the empowerment subhead,

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<sup>7</sup>(Howard *et al.*; OECD)

<sup>8</sup>GOI (Office)

<sup>9</sup>@94% of 16.85 crore households)(Office)

<sup>10</sup>(Cabinet approves 'Pradhan Mantri Gramin Digital Saksharta Abhiyan' for covering 6 crore rural households)

<sup>11</sup>(India, <http://digitalindia.gov.in/content/vision-and-vision-areas>)

<sup>12</sup>(India, <http://digitalindia.gov.in/infrastructure>)(Ministry of Electronics & Information Technology)



one of the integral components of the Prime Minister's vision of Digital India<sup>13</sup>. Its aim is to make one person in every household digitally literate, across States/UTs reaching the target of 6 crore people or "beneficiaries" of the scheme<sup>14</sup> providing them access to information, knowledge and skills to operate computers/digital access devices.<sup>15</sup> It gives preference to marginalised sections of society like Scheduled Castes (SC)/Scheduled Tribes (ST), Minorities, people Below Poverty Line (BPL), women and differently-abled persons and minorities.<sup>16</sup> The course is for a duration of 20 hours which can be adjusted between 10-30 days.<sup>17</sup>

The 235 DI initiatives are to be financed by the Government on a tentative expenditure of ₹1.13 trillion spanning an estimated 3-5 years. According to newspaper reports, at its inception, they include massive infrastructural plans like Bharat Net to Bharat Interface for Money (BHIM) app. It's a high priority agenda of the government entrusted to be on the right path, for its expenditure has been increased from ₹ 1,425.63 crore in 2017-18 to ₹ 3,073 crore for 2018-19. A whopping outlay of ₹2,351.38 crore has been announced for PMGDishain 2017, granting ₹400 crore for 2018-2019.<sup>18</sup>

These funds come directly through the Ministry of Electronics and Information Technology (MeitY) in the accounts of service providers of government schemes such as PMGDisha. This also removes the need for middlemen in monetary exchanges and supplementary grants with state-specific funds are not allocated.<sup>19</sup> The implementing agencies for the scheme are the Common Service Centres-Special Purpose Vehicles (CSC-SPV, CSC)

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<sup>13</sup>(India, <https://www.pmgdisha.in/about-pmgdisha/>)

<sup>14</sup>25 lakh candidates in 2016-2017, 275 lakh candidates are going to trained in year 2017-2018 and 300 lakh candidates are going to be trained in the year 2018-2019; (India, <https://www.pmgdisha.in/about-pmgdisha/>) Warren (2007, p375)

<sup>15</sup>Ibid

<sup>16</sup>Digital literacy to 40% of rural India households by 31st March, 2019. *Overview Of PMGDISHA - Pradhan Mantri Gramin Digital Saksharta Abhiyan* (2018) (India, <https://www.pmgdisha.in/about-pmgdisha/>)

<sup>17</sup>(India, <https://www.pmgdisha.in/about-pmgdisha/>)

<sup>18</sup>(India, <https://www.pmgdisha.in/about-pmgdisha/>)

<sup>19</sup>(Piyush)

with the owner of such CSC centres training the students. Other affiliating entities like NGOs/ Institutions/Corporates<sup>20</sup> can also participate in PMGDisha, for instance at the time of writing this paper the Assam Electronics Development Corporation Ltd. (AMTRON), a Govt. of Assam undertaking had been named an additional training partner for the implementation of the scheme.<sup>21</sup>

The scheme is monitored in a tri-partite system, with District level committee<sup>22</sup> working in the ground, state government committee<sup>23</sup> overlooking it, and Ministry of Electronics and Information Technology at the helm providing policy support and progress of the scheme.<sup>24</sup> This raises the question of how the scheme is practically implemented?

## Implementation: Links and Assessment

### Kiosks

Where the extent and problems of digital divide are varied, public policy worldwide has been to encourage pervasive penetration of local ICTs. This is where internet kiosks step in as one of the most popular manifestations to provide for digital needs of the population.

Kiosks or tele-centers can be thought of as internet cafes for rural villages, with one or more connected PCs available for shared use by village residents (Sethi *et al.*). Their focus is on providing a broad range of services

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<sup>20</sup> *Training Partners - Pradhan Mantri Gramin Digital Saksharta Abhiyan* (2018) Pmgdisha. in <https://www.pmgdisha.in/training-partners/>

<sup>21</sup> *Mandate Of The Department* (2018) Amtron.in <[http:// amtron.in/node.php?lnk=gvrns](http://amtron.in/node.php?lnk=gvrns)>.

<sup>22</sup> Under the Chairmanship of District Magistrate/Collector with concerned Department; *Implementation Process Pradhan Mantri Gramin Digital Saksharta Abhiyan* (2018), (India, <http://digitalindia.gov.in/content/vision-and-vision-areas>)

<sup>23</sup> Apex Committee headed by the Principal Secretary (IT) with representative of Department of Education, Panchayati Raj, Social Welfare and Women & Child Development; *Implementation Process Pradhan Mantri Gramin Digital Saksharta Abhiyan* (2018), (India, <https://www.pmgdisha.in/about-pmgdisha/>)

<sup>24</sup> Along with Periodic concurrent evaluation of the Scheme implementation would be done through a third party by the Implementing Agency; *Implementation Process Pradhan Mantri Gramin Digital Saksharta Abhiyan* (2018) Pmgdisha.in <<https://www.pmgdisha.in/implementation-process/>>

and applications tailored by rural villages by providing public access to the internet such as e-government services which otherwise the rural population would not be able to access (Doley), and in this respect they differ from the generalized meaning of internet cafes where the main service is purely of internet access and standard computer applications (Sethi *et al.*). Studies conducted in the extent of digital divide apply various questions such as providing access and training for basic computer skills, to internet usage among elderly, to the kiosks themselves as a functioning unit ranging from the for-profit nature of such establishments and their sustainability<sup>25</sup> India wide studies however focus on private franchise kiosks<sup>26</sup>, to now the more popular Common Service Centres-Special Purpose Vehicles (CSC-SPV or CSCs)<sup>27</sup> under the Ministry of Information and Technology.

### **The Internet Kiosks: CSC-SPV**

CSC-SPV are kiosks who undertake government services<sup>28</sup> as public-private partnership in a form of franchise model<sup>29</sup> with the kiosk operator or a Village Level Entrepreneur (VLE). CSCs work completely on an entrepreneurship model with no viability gap funding for hardware and infrastructure support from the Government of India.<sup>30</sup> It is expected that CSC services would not be the VLE's primary source of income rather an addition to the services they are already providing. The motive behind it is to "encourage their ability to promote and sustain their centres in the long run, rather than depend on governmental subsidized incentives" (Doley). In

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<sup>25</sup>(Philip *et al.*; Nemer; Avgerou and Madon; van Dijk; Keniston and Kumar; Bogner *et al.*).

<sup>26</sup>(Michael L. Best), (Subhash C), (Centre)

<sup>27</sup>(Dhawan) , (Subhash C)

<sup>28</sup>Business to Citizen (B2C) and Government to Citizen(G2C). Under G2C, online PAN Card, caste certificate, domicile certificate, age certificate for approval and grant.

<sup>29</sup>CSC e-Governance Services India Limited, a Special Purpose Vehicle, has been set up by the Ministry of Electronics & IT under the Companies Act, 1956 to oversee implementation of the CSC scheme. The Information Technology Department, Government of Assam is responsible for implementing the National e-governance plan (NeGP) consisting of Assam State Wide Area Network (Aswan), Common Service Centres (CSCs) and E-district.

<sup>30</sup>Government of Assam, Information Technology Department, R No: 768/97/232. Dispur Tuesday, 4th August, 2009.

this respect, VLEs are provided with handholding support through training on Entrepreneurship Development Programme.<sup>31</sup>

Studies conducted in rural kiosks since their inception mention that the operators or VLEs can play a social and economic role in empowering the village, by providing information, tools, goods and services such as education and healthcare needs (Beneficiaries). Studies also suggest that kiosk operators often gain self-confidence and stature in the community when they are associated with computers.<sup>32</sup> VLE satisfaction rates are high due to helping their own community, however to break even, revenue is a struggle, especially in the absence of non-economic benefits (Doley). The sentiment for PMGDisha is along these lines, "Doing something for own community so feels nice but what about the money?"<sup>33</sup> [*Sic*]"

The concern for kiosk operators and now VLEs has remained unchanged for villages with smaller economies that are not able to gain enough additional value to support themselves since the inception of this concept.<sup>34</sup> This leads to a general demotivation towards governmental schemes, especially PMGDisha which is a time consuming task.

For instance, in BTAD, Dember Hazarlf<sup>35</sup> a VLE in Bishmuri GP teaches a majority of first time digital users. He persuaded students to enrol by going door to door in the village camps along with the District Manager. After enrolment, he painstakingly teaches his students in multiple languages, the local Boro and other language dialects. However, since the exam can only be given in either English or Assamese, he has to also teach his students

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<sup>31</sup>The VLEs are close to 2 Lakh Gram Panchayats on an India level and approximately 2500 across Assam. The CSCs are voluntary services undertaken by VLEs and hence the number fluctuates, as of the Minister's statement, the number is 3964, however in Assam, the numbers as stated by the State head are close to 2000 as per interview conducted in 2018.

<sup>32</sup>VLE interviews in three districts of Kokrajhar, Bongaigaon, Goalpara conducted on 1.03.2017-31.03.2017. This also correlates with large scale field surveys done of kiosks across India. See: (Toyama)

<sup>33</sup>Pradeep Kumar Das. CSC VLE in Sri Suryanagri Gram Panchayat, (19.03.2018.) Goalpara, Interview.

<sup>34</sup>(Singh, ICTs and Rural Development in India)

<sup>35</sup>Dember Hazarlf. CSC VLE in Bishmuri Gram Panchayat, Kokrajhar (20.03.2018.) Personal Interview and Salman Hussain. CSC VLE in Ambari Gram Panchayat, Goalpara (21.03.2018) Personal Interview

the alphabets. He finds the course length too short to finish in 10 days. "It takes them minimum 3 days to hold a mouse, I have to teach them for 30 days," he says. Due to daily power outages, sometimes it is cut for days on end, he finds it hard to break even at ₹ 300, with the operational cost of computer maintenance, internet, and power backup, manual hours spent to teach the course.

Dember's story is common to CSCs from the poorest communities where socio-economic development is most desired, are exactly the communities whose economies are too small to sustain connected CSCs<sup>36</sup>. Interestingly, successful CSC Centres falling in a higher economic bracket were able to finish the course in 10 days by hiring staff or conducting large number batches<sup>37</sup>. For governmental schemes with community development value such as PMGDisha, a purely entrepreneurial outlook is a flawed perspective.<sup>38</sup> This approach is not ideal for pre-market communities which have to close or shift their CSCs centres in market or near urban areas.<sup>39</sup> For the PMGDisha scheme to work in rural, remote areas where low social capital development potential is weak and must be addressed to ensure social sustainability<sup>40</sup>, an alternate model has to be developed. An incentivized structure is a reasonable alternate where the Government increases the beneficiary commission from ₹ 300 to the CSCs located in problem identified areas. They are incentives that can motivate the kiosk owners in the village commerce eco-system, a sort of band aids and temporary fix, which keeps

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<sup>36</sup>The critically average monthly income at CSCs remains low, with both mean and median at approximately ₹2000 per month, and this is below the target break-even income desired by either company (between ₹3000 and ₹5000, depending on terms of the loan, cost of connectivity, and the initial capital expenditure on hardware), this data is consistent with those observed in other studies. See: (Michael L. Best)

<sup>37</sup>VLE interviews in three district of Kokrajhar, Bongaiaigon, conducted on 1.03.2017-31.03.2017. This also correlates with large scale field surveys done of kiosks across India. See: (Toyama)

<sup>38</sup>"The E in VLE stands for Entrepreneur". Doley, Gyan. CSC-SPV state head, (2018, March 24.) Phone interview.

<sup>39</sup>(Interviews) This also correlates with large scale field surveys done of kiosks across India. See: Rethinking Telecentre Sustainability: How to Implement a Social Enterprise Approach - Lessons from India and Africa - Mayanja Meddie

<sup>40</sup>Ibid.

churning till a sustainable eco system is created where the village economy can provide for such businesses. These cannot be a substitute for the bigger problems, which cannot be addressed at the individual level. These are the problems of sustenance of such ventures, which cannot be addressed without roads or network connectivity, infrastructure is the literal ground on which discussions about "digital" start.

### Digital Infrastructure

Digital Infrastructure in speeches and website of Digital India has been described as a "core utility to every citizen" bringing digital empowerment and inclusion. It is one of the three key visions of the Government's Digital India program, the others, as the statement points to, are digital empowerment and governance on demand. Simply put, Digital Infrastructure is a collection of both technological and human components such as electricity, internet or network connection, computer hardware, also human resources for schools, healthcare centres, employment, transportation and other basic infrastructure which are the fundamental developmental need for an area. Hence, it is not an isolated infrastructure but a system based on pre-existing requirements such as electricity and network connection.

Electricity as the base infrastructure is still glaringly inadequate in villages.<sup>41</sup> There is little data available on the power supply in Assam<sup>42</sup> with 50% households including rural and urban households<sup>43</sup> not yet electrified. The centres visited in BTAD for instance had the highest power cuts in Assam at 44%.<sup>44</sup> The ambition at the government level is undoubtedly

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<sup>41</sup>Joydeep Baruah Associate Professor, OKD Institute of Social Change And Development, conducted 28/02/2018. (OKD Institute of Social change & Development)

<sup>42</sup>According to Assam Power Distribution Company Limited which is mandated to supply electricity to all consumers in the state of Assam.

<sup>43</sup>Enhanced from 16%, the website offered no time frame for the statement, however the website is daily updated to give power updates in areas. Present Power Scenario (2018) *Apdcl.gov.in* <[http://www.apdcl.gov.in/irj/go/km/docs/internet/ASSAM/webpage/pages/Present\\_Power\\_Scenario.html](http://www.apdcl.gov.in/irj/go/km/docs/internet/ASSAM/webpage/pages/Present_Power_Scenario.html)>es/Present\_Power\_Scenario.html>

<sup>44</sup>Circle Wise Efficiency Parameters FY 2013-14 (2018) *Apdcl.gov.in* <[http://www.apdcl.gov.in/irj/go/km/docs/internet/ASSAM/webpage/PDF/Circle\\_Performance\\_2013\\_14.pdf](http://www.apdcl.gov.in/irj/go/km/docs/internet/ASSAM/webpage/PDF/Circle_Performance_2013_14.pdf)>

encouraging, with a slew of similar plans being proposed by the Central Government, promising roughly 48,000 crore only in the state of Assam, including the electrification of all villages and remote areas.<sup>45</sup>

Most often, electrical and telecommunication advances often ignore the requirements and capacities of people living outside urban settings, i.e. the "periphery"<sup>46</sup>. As a result, rural areas are the last ones to receive such technology. This last mile approach is an anti-thesis to successful e-initiatives. The data reflects that despite the roll out of various governmental schemes, the improvement to telecommunication infrastructure has been spatially uneven in rural communities.<sup>47</sup> Here the local communities should be kept at the forefront to avail social opportunities, and infrastructure support should flow from the ground. This is called the "first mile approach."<sup>48</sup> Failure to do so alienates the communities and curbs their access, resulting in a kind of *digital exclusion* or infrastructural failure.

Mobile phones also provide a unique conundrum to any discussions on digital exclusion. Their penetration has been remarkable, with their wide reaching demographic, studies conducted in the field have shown that it has the highest level of penetration, with uniform adoption of cell phones irrespective of rural-urban demographics.<sup>49</sup> It is not surprising due to the very ease of use and affordable ranges available of mobile phones. However, without network accessibility, such affordable mobile phones is inefficient.<sup>50</sup>

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<sup>45</sup>Pradhan Mantri Sahaj Bijli Har Ghar Yojna. (Electricity For All In Assam Now A Reality: Sonowal)

<sup>46</sup>Introduction to the Special Issue: The First Mile of Broadband Connectivity in Communities Rob McMahon 1, Duncan Philpot 2, Susan O'Donnell 3, Brian Beaton 4, Tim Whiteduck 5, Kevin Burton 6, Michael Gurstein 7

<sup>47</sup>Highway construction is the top priority. Asia, Multi-billion, (Multi-Billion Infrastructure Projects To Make Northeast Gateway To South East Asia ) VLE interviews in three district of Kokrajhar, Bongaigon, Goalpara revealed this to be a primary marketing strategy conducted on 1.03.2017-31.03.2017.

<sup>48</sup>McMahon, Rob *et al*, The First Mile Of Broadband Connectivity In Communities: Introduction To The Special Issue (2014) Ci-journal.net <<http://ci-journal.net/index.php/ciej/article/view/1123/1093>>

<sup>49</sup>VLE interviews in three district of Kokrajhar, Bongaigon, Goalpara revealed this to be a primary marketing strategy conducted on 1.03.2017-31.03.2017 and (Chaudhuri)

<sup>50</sup>55,000 villages deprived of network connectivity

The journey of mobile penetration though is a powerful example on how inclusive technology can become, however this cannot be taken as digital inclusion for internet and computer too.<sup>51</sup> Placing them in a same digital devices category like the NSSO survey did, cited by the government, included computer and mobile phones as digital devices with respect to internet, inflating the official rural figure at 27% of internet rural users when the actual number of computer users are an abysmal 6%. Internet use by computers is different from mobile phones, as computers include a slew of other programs ideal for employment opportunities also, such as Tally, Microsoft Excel and Microsoft Word, it is useful to note however that even without computers, the Internet necessarily requires telecommunication infrastructure.

*"If they can't afford, they obviously can't come. Paisa nai hai toh mat aao. (If you don't have money, don't come)" - K. Das Village Level Entrepreneur.*

Telecommunication system at present in rural pockets is mostly done by private enterprises and government owned telecommunication service, Bharat Sanchar Nigam Limited (BSNL). BSNL being a government service, earlier offered cheaper alternatives but private enterprises have taken advantage by offering their own "affordable data subscription," it is also preferred less due to being sparsely available and suffering from inadequate signal and services loss where it is.<sup>52</sup> The commercial private networks in comparison offer better service delivery and efficiency but also pose two major difficulties. First, the private model focuses on profit rather than community needs, which results in rural areas gaining telecommunication connectivity at a much later stage than urban pockets. Also, the data packages offered at the same rate to rural counterparts makes internet a very expensive undertaking in comparison to urban users.

Secondly, a top-down for profit model depends completely on commercial viability, which when incurring losses could also result in

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<sup>51</sup>ASER, an India wide literacy survey organization published its reports which showed that 75% of young people in the agr group of 14-18 had used mobile phones, however the figure fell sharply to 28% for internet and 26% for computers. (ASER)

<sup>52</sup>VLE interviews in three district of Kokrajhar, Bongaigon, Goalpara, conducted on 1.03.2017-31.03.2017.



abandonment of services. Aircel in Assam abandoned services, leaving thousands stranded,<sup>53</sup> with people in urban pockets not able to avail services such as booking of gas connection or bank accounts which were linked with their Aircel numbers.<sup>54</sup> They knew how to book connections but nothing outside the narrow ambit of pressing their fingers to do the same, it leaves them in a lurch. The additional procedures of changing their details in the system of gas agency/number portability, bank account linked number is a minor inconvenience for an educated urban person, solved easily through number portability but for the "digitally illiterate" it is a helpless situation, solving which takes and time away from their income. This is also one of the setbacks of technology and the crux of urban rural divide, are the people who can use cell phones really 'digitally literate'? Cell phones remain a powerful statement on how inclusive technology can become but it also raises the questions of literacy and education which will be next in the paper. This also raises the question of telecommunication dependence on civic infrastructure like roads and electricity, a mammoth resource driven task which is not viable for commercial telecommunication enterprises. For instance, broadband connectivity provided through optical fibre networks cannot be undertaken by private enterprises as secondary investment to their telecommunication infrastructure. This task ought to be taken on by the government. One way to do it is by giving tenders to businesses to phase out the same. The problem of slow rolling out is a major failure at the level of implementation. As far as infrastructure goes, take the example of the Bharat Net project that was launched in 2011, with a two year implementation target, but had only achieved 40% of its target by 2016.<sup>55</sup>

To expect and wait for textbook infrastructure naïve, especially for Pan India schemes. The best bet is hence to focus on social and infrastructural needs being addressed simultaneously. That does not mean glazing over the pre-existing issues. However, for the scheme to hit its overarching target of

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<sup>53</sup>Sengupta, Devina and Deepali Gupta, *Aircel Plans To Halt Services In Six Loss-Making Circles* (2018) The Economic Times <<https://economictimes.indiatimes.com/news/economy/policy/aircel-plans-to-halt-services-in-six-loss-making-circles/articleshow/61952495.cms>>

<sup>54</sup>(Hindu, Unable to port out of Aircel, say customers)

<sup>55</sup>(KMPG)

19,00,000, where its sister scheme National Digital Literacy Mission (NDLM) had 1/10th target at 90,000, along with being provided in urban areas, when PMGDisha is exclusively for rural areas. For a scheme aimed at implementation at the last mile of rural remote locations, without addressing social and infrastructural needs, would provide minimum impact as they will fall to the existing fallacies. Here, to fail to address the social and infrastructural needs would not be ignorant, but disregard for the ground reports and a blind chase for targets is definitely counter-productive. A clear picture of the basic needs emerges from the proposal to increase the number of centres for PMGDisha training by the CSC head, where it was proposed to the State Government that computer, network and infrastructural support be provided in the schools where it wasn't available, however the proposal was rejected due to lack of computer teaching faculty in the schools. This again is connected to the larger picture of a severe teacher shortage in Indian education market, estimated to be around 12 lakhs.<sup>56</sup>

It is clear that ICT infrastructural needs consist of technical and human resources, where private enterprises cannot step in the pre-existing lacunae of logistic, infrastructural, pedagogical and geographic problems, especially in rural remote areas. The next part also raises pertinent focus on the beneficiaries that the scheme intends to digitally literate. What is digital literate?

### **Digital literacy**

Digital literacy as a concept was introduced in the 1960s, from visual literacy, computer literacy and technology literacy (David Nicholas, Paul Huntington, Hamid R. Jamali, Ian Rowlands), information literacy (David Nicholas, Paul Huntington, Hamid R. Jamali, Ian Rowlands). To understand digital literacy, firstly literacy must be understood. Literacy is an evolved understanding of the linguistic ability to decode symbols used for purpose of disseminating information and meaning (David Nicholas, Paul Huntington, Hamid R. Jamali, Ian Rowlands). It only becomes complex when it is seen to be more than the ability to read and write. The Oxford English Dictionary for example denotes two explanations to literate, "one

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<sup>56</sup>(Hindustan Times)

who can read and write" and "a liberally educated or learned person."<sup>57</sup> Applying the former definition to digital literacy and taking a singular skill as a reference point, is the definition of "literate" as per our literacy census maps. Currently India's literacy rate is 74.4%<sup>58</sup> and guaranteeing free and compulsory schooling for children up to age 14 by the fundamental Right To Education has ensured a near universal enrolment of students in elementary schools. Digital Literacy is a logical addition in ushering the growth of India's education promotion path. However, taking such figures at a face value for rolling out other schemes especially ones like PMGDisha that are aimed at rural villages, is a fallacy. It would ignore India-wide reports on literacy which project a far more dim picture, that the foundational reading and mathematics abilities of secondary school students across India. As per some studies, a quarter of all children in Std VIII in rural India were unable to read or solve a Std II level text and sum.<sup>59</sup>

A more appropriate way to describe literacy and digital literacy would be to define it in its pluralities, as those capabilities which enable an individual for living, learning and working in a digital society.<sup>60</sup> Hence, it is integral to see digital literacy in a context, i.e. what the modifier, the digital in digital literacy for every society according to its need, is.<sup>61</sup>

Digital literacy as per the PMGDisha scheme is for students to operate digital devices, email, browse internet for information and undertake digital payments.<sup>62</sup> The scheme especially emphasises digital payments for the process

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<sup>57</sup>"art, n.1." *OED Online*. Oxford University Press, March 2018. Web. 5 April 2018.

<sup>58</sup>(Census)

<sup>59</sup>(ASER)

<sup>60</sup>Developing Digital Literacies (2014) Jisc<<https://www.jisc.ac.uk/guides/developing-digital-literacies>>

<sup>61</sup>A narrow definition for digital literacy would be devices that are digital, in this context a digital calculator user would be digitally literate by that virtue ! Belshaw, Douglas A. J. (2012). *What is Digital Literacy? A pragmatic investigation*. (Doctor of Education), Durham University, Durham, UK. Retrieved from <http://etheses.dur.ac.uk/3446/>

<sup>62</sup>"[beneficiary]..... can operate digital devices (like Tablets, Smart phones etc), send and receive emails & browse *Internet for information and undertake digital payment* etc". Overview Of PMGDISHA - Pradhan Mantri Gramin Digital Saksharta Abhiyan (2018) Pmgdisha.in <<https://www.pmgdisha.in/about-pmgdisha/>>

of nation building,<sup>63</sup> evident more by the fact that a student must undertake 5 cashless transactions at the end of course modules to access the exam.<sup>64</sup> Hence, as the more preferred purpose, the previously explained modifier for digital can be assumed as digital payments for digital literacy in the scheme. The enthusiasm for digital payments to the beneficiaries amongst rural population is the ease of transaction, and lowering the risk associated with carrying cash.<sup>65</sup> This is especially useful for geographically diverse Assam, where the terrain is such that it can take anywhere from a few hours to a day to access towns and return to the village.

However, would they be digitally literate? As a direct result of PMGDisha, a large demographic of first time digital users in the digital economy would be included in areas which may have low literacy rates. Here, considering whether ICT can be deployed as effectively and mindfully to a first time digital user not equipped with necessary navigating skills, is the key issue.

With the rise of e-commerce, online shopping is penetrating rural demographics and increasingly coming to daily lives of population. But it is important that e-commerce have proper guidelines and not turn into an unregulated place.<sup>66</sup> First, as digital financial structure is expanding, so should distribution. A greater reliance on cashless transactions could result in the burden of additional transactional cost ranging from 0.1% to 5% to fall disproportionately on the poor relative of income doing online shopping or

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<sup>63</sup>"[Beneficiary]...access Government services, search for information, *undertake digital payment* etc. and hence enable them to use the Information Technology and related applications *especially Digital Payments* to actively participate in the *process of nation building*." Overview Of PMGDISHA - Pradhan Mantri Gramin Digital Saksharta Abhiyan (2018) Pmgdisha.in <<https://www.pmgdisha.in/about-pmgdisha/>>

<sup>64</sup>It would also have emphasis on Digital Wallets, Mobile Banking, Unified Payments Interface (UPI), Unstructured Supplementary Service Data (USSD) and Aadhaar Enabled Payment System (AEPS) Overview Of PMGDISHA - Pradhan Mantri Gramin Digital Saksharta Abhiyan (2018) Pmgdisha.in <<https://www.pmgdisha.in/about-pmgdisha/>>

<sup>65</sup>(Beneficiaries) and Studies done on cashless trends and (Meenakshi)

<sup>66</sup>(Assocham India), *Rise In Cyber Crime In India*: ASSOCHAM-Pwc Study (2018) Business-standard.com <[http://www.business-standard.com/article/news-ani/rise-in-cyber-crime-in-india-assocham-pwc-study117011800838\\_1.html](http://www.business-standard.com/article/news-ani/rise-in-cyber-crime-in-india-assocham-pwc-study117011800838_1.html)>

other small e-commerce transactions.<sup>67</sup> Second, a rise in technology lead to greater flow of funds in financial infrastructure ecosystem (David Nicholas, Paul Huntington, Hamid R. Jamali, Ian Rowlands) which has increased on Indian websites by nearly five times in the past four years.<sup>68</sup> However investment in cyber security largely remains under funded resulting in a sharp increase in scams, phishing, defacements, virus code, denial of service attacks and identity theft for its large population.<sup>69</sup>

Finally, due to aforementioned reasons a focus on cashless transactions without awareness could also lead the students worse off than they came in. The problems reiterated above are real concerns that a person making a digital transaction should be made aware of in good faith and not the binary belief that "online is all good"<sup>70</sup>. For example, a person who can do a digital transaction without understanding is far more susceptible to fall prey to online phishing, and scams such as lottery ticket. Therefore, changes to the course structure should incorporate teachings on cyber awareness and the 5 exam outcome questions to reflect that by focussing on identifying spams alongside digital transactions. In this way, the modifier in digital literacy would be partially successful in empowerment of citizens intended in the vision of Digital India. The course structure also opens the Pandora's box of social utility. During the author's field visits, rural beneficiaries in areas where the population was more aware and literate were not enthusiastic about the course, for the course certificate would not grant them access to employment opportunities (as a long term computer course of minimum two year is needed for government jobs.) In contrast, the beneficiaries in rural areas with lower literacy rates showed marked enthusiasm, coming in droves for awareness camps, their incentive being that the course was free of cost and could introduce them to a computer. Moreover, women's participation has

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<sup>67</sup>(Chandrasekhar)

<sup>68</sup>(Assocham India)

<sup>69</sup>(U.S.A spent \$658 million in the same year 2012-13 to India's ₹42.2 crore)U.S.A spent \$658 million in the same year 2012-13 to India's ₹42.2 crore; (Assocham India)

<sup>70</sup>A common line of thinking in young demographic, field interviews correlated with studies. Babul Roy. Beneficiary PMGDisha, Jaraguri. Personal Interview (21/03/2018) and (Meenakshi)

been remarkable due to VLEs encouraging women in their areas; they say that it is easier to start women batches as they initiate more women.<sup>71</sup> Moreover, the VLEs start these batches in manner suitable to the school timings for the kids or Asha and angadwadi workers and tie ups with other self-help groups. To include more participation of women in the digital ecosystem, women VLEs should be incentivized, by either providing incentives in the way of additional income margin. There is an added advantage of women's visibility in such centres, to encourage more women participation in other CSC initiatives like Tele-Law (legal aid) or Tele-Medicine (medical aid), women are more comfortable sharing legal and health troubles with their same sex particularly when the information is sensitive or personal in nature. Particularly encouraging is the ushering mind-set of VLEs in remote areas, where women must be taught about internet for they can later themselves gain more knowledge and impart the same to their kids and other women. Women were seen showing enthusiasm for the program because they wanted to help their kids in their homework and help in their education. The advertisement of social campaigns by the Government and private organizations in this respect should be given credit for women inclusiveness<sup>72</sup> and sensitization. However it is particularly low when it comes to PMGDisha, barring some cursory mentions in the newspaper at the time of launching the scheme. Local advertisements work wonders for sensitization and encouraging participation, an all the more important and urgent need given the time bound nature of the scheme. The scheme intends maximum benefit to the people in minimum time period of three years. Can this target be achieved in light of such embedded issues encompassing cultural mind set to infrastructural roadblocks?

### **The Target**

PMGDisha is a time bound scheme from February 2017 to March 2018(Ghosh and Up). The target for the scheme in Assam is 19, 29,000 and as of now, officially 1,02,992 beneficiaries have been registered. This is in

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<sup>71</sup>(Interviews), (Beneficiaries)

<sup>72</sup>(Express)

contrast to approximately 8 lakh registrations of Gujarat and Bihar.<sup>73</sup> The low numbers of the scheme are primarily the reflection of the scheme rolling out months later due to the portal being Aadhar based, i.e., VLEs and beneficiaries had to provide their Aadhar identity to register for the portal. The portal was opened to non-Aadhar identification in the second half of 2017 (Doley). This issue however has largely left unreported in state media.<sup>74</sup>

The scheme has to reach approximately 18 lakh beneficiaries in the next two years, no extensions were granted at the time of writing the paper. It's ambition has far outrun its sister scheme, National Digital Literacy Mission, which was launched in 2014 for four years with India wide target of in comparison meagre 52.5 lakh people and 90,000 for Assam. Two impact assessment studies of NDLM showed that lack of Aadhar card was hampering portal submissions in areas where Aadhar was rolled out<sup>75</sup> as well as illiteracy in the form of low level of English or awareness of "digitalization," power supply, rural demographics who were not able to attend the training as they had to forgo their daily wages for the same, hence only those who could afford to take time away could attend.

These are the problems that have been analysed in this paper too. The PMGDisha scheme was launched without redressal of these criticisms and issues. The website proudly proclaims that after the successful implementation of NDLM, PMGDisha with an increased target is rolled out.<sup>76</sup> This scheme was launched without addressing the existing fallacies, creating a rigid burden to achieve, on existing struggling structure in rural areas of the implementing units.<sup>77</sup> A stricto-sensu target chase would inadvertently harm the remote CSCs due to already present transitional problems, and result in added pressure on the District Managers and VLEs to achieve targets. The disregard for implementation is glaringly obvious to the fact that it took months for the

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<sup>73</sup>Bihar and Gujarat have enrolled 8, 15,139 and 7, 71,608 beneficiaries as per the Government website. It is subject to change at the time subsequently. See: *Students Count List*, (India, <https://www.pmgdisha.in/about-pmgdisha/>)

<sup>74</sup>R Dutta Chaudhury. Reporter Assam Tribunal. Telephone Interview (28 Mar. 2018)

<sup>75</sup>(Foundation)

<sup>76</sup>(India, <http://digitalindia.gov.in/content/vision-and-vision-areas>)

<sup>77</sup>(Foundation)and (C. f. Development)

Ministry to accommodate non-Aadhar states like Assam. This lax attitude towards implementation highlights the present inefficiencies in our government system itself. Which brings us to ask the question: Could governance be made better by infusing "digitization"?

### **E-governance**

The concept of e-governance in the developmental discourse is not new to India, it was introduced first in 1977 when government offices started to use computers for word processing jobs(Puneet Kumar, Dharmendra Kumar). The reduced governmental operational cost and ensuring a citizen-centric transparent government has long been the goal of worldwide e-Government implementation(Hashmi). India's e-literacy success lies with the e-government initiative of the State of Kerala called Akshaya (Akshaya Project) lauded for taking IT to the grassroot level and providing e-literacy to its citizens and bridging the digital divide(Radhakumari). Facets for success of e-governance are contrasted to the Assam CSCs.

The first being infrastructural support. One of the main reasons for the successful implementation of Kerala CSC was providing computers and help in securing loans from banks for selected entrepreneurs by standing as their sureties. In contrast, Assam with acute problems of improper infrastructure and unavailability of computers provides no monetary assistance to its VLEs fearing it would hamper the entrepreneurial spirit.<sup>78</sup> The Assam CSCs should find localized solutions to motivate VLEs for PMGDisha, keeping in mind the infrastructure and operational impediments highlighted in the paper.

Secondly, by decentralizing implementation to local bodies and encouraging their active role in the development of district. The local panchayat's involvement has helped in successful monitoring and functioning of the Akshaya centres. For Assam, this is an extremely helpful tool for implementation in its three Autonomous Councils.<sup>79</sup> In Bodoland Territorial Area Districts (BTAD), the scheme implementation depends on interactions

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<sup>78</sup>"CSC is very clear that the E in VLE stands for Entrepreneur". (Doley)

<sup>79</sup>KarbiAnglong Autonomous Council (KAAC), Dima Hasao District Autonomous Council (DHDAC), Bodoland Territorial Autonomous District (BTAD). (Region)



with council heads, district level committee and BTAD officers. Hence alongside official correspondence of letters<sup>80</sup> and notifications of PMGDisha and such schemes, an active involvement through the administrative arm could make the implementation successful. Furthermore, CSCs in Assam face e-district inferior services in granting G2C services.<sup>81</sup> facing time lags from rejection due to a checklist of documents for every service not listed, required for district wise verification. Hence, a robust grievance redressal mechanism for CSCs in coordination with other governmental services should be uploaded on their website for tracking and monitoring. Policy makers and implementers should avoid simplistic interpretation of "e" word in E-Governance whereby old institutions are revamped without a thorough analysis and planning with a thrust on technology. The phasing of e-governance above electronic symbolism also includes transparency and effectiveness, an ongoing exercise open to adaptations according to localised needs by designing new ICT implementations, systems and training staff.

Studies show that indicators of governance tend to regard electronic channels as a means of extending good governance. However it is ultimately judged on sociological, not technological terms(Chaudhuri). For instance, digitalizing land records in states has reduced litigations and encouraged Courts and government to expedite this process(Sachin Garg). Land records will also be Aadhar-based to reduce corruption. However the problems of primary data itself came about through IT, despite Aadhar susceptible to fraud(Sachin Garg). The criticisms point that they have failed in achieving their ambitious objectives such as transparency of government information, ending land corruption and discrimination and the slow solving of practical constraints facing it.

All in all, technological solutions fail to provide adequate responses and solutions. For them to work, the attitude towards e-governance should itself be shifted. Rather than the aforementioned statement of "infusing more technology in governance the better it is for India", technology should be

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<sup>80</sup>District Manager. Deshnath SB of Kokrajhar. Personal Interview. 21.Mar. 2018.

<sup>81</sup>Feroz. CSC VLE in Kabaitari Gram Panchayat, Bongaigaon. Personal Interview 21 Mar. 2018.

seen as a tool feasibly deployed where necessary, in solutions that offer systematic and holistic redressal of problems that are result of bad governance. Expecting technologies to solve fundamental problems in governance and infrastructure would just be old sheep in new clothes.

## Conclusion

The roads are freshly painted and repaired when foreign dignitaries arrive on our land. As the days go by, the paint chips away for it was temporary along with the tents erected to mask the slums (Nelson) (Ahead and Tips) (Assam) (*India's Hyderabad Gets a Makeover for Ivanka Trump*). While it cannot be ignored that India is one of the fastest growing economies, electricity and education in the rural and remote regions of India still falls short of this claim. Chipping them away, the debate around digital divide is crucial to the very concept of development and growth itself. The fear that technological revolution would leave the rural behind is not new, history books are riddled with industrial revolution hampering handicraft workers and making them poorer despite including many demographics in the 18<sup>th</sup> century. Despite these apprehensions regarding industrialization it did usher in its corresponding advancements like the railways and employment opportunities. It all boils down to a choice a society makes - to either ride the technological boom or refuse to accept it as a part of society. Those opposing it though, the luddites are rarely mentioned, lost in the history textbooks.

This paper has, through the scheme of PMGDisha, tried to map out the pertinences that schemes with technological focus aim to achieve, and it found certain universal strains that are true to any developing country. These include problems of a lax government towards operational proposals, poor infrastructure, sustainability of small time kiosks and the inevitable dependence of any digital schemes on the extent of literacy and the enthusiasm of the population. These are issues not stemming from technological revolution but instead from a history of sustained social frailty of villages being the last mile to policy makers and implementers to urban pockets. In such a scenario, these schemes directed to rural communities as intending empowerment of citizens through e-governance by providing

virtual institutions such as medical centres, government services info-desks, banking sites at a fraction of their cost, is undoubtedly a very progressive idea. Yet, not attainable solely by the virtue of promoting digital payments akin to e-governance as the course offers. Digging deep, technology should be understood as an enabler rather than panacea for governance failings, without addressing the lags in the government system, real progress that reflects on the ground and not just tokenistic on paper one is difficult to attain. This brings us to ponder the sheer ambition of this scheme, of churning out 6 crore digital literates by 2019 as India gears up for the polls. Through the course of writing this, certain contradictions were also found, the most glaring one being the issue of priority of digitization itself. In villages where the community struggles for far more basic issues such as that of food shortage, lack of electricity, poverty, poor or complete access to education, such technological advancements can be perceived to be bourgeois notions of development. However, development rarely happens in a linear picturesque manner, the government cannot and should not be waiting for the ideal infrastructure for roll out. The issues of development must be given simultaneous attention in order to achieve a more holistic form development. The encouraging aspect of rural demographics, understanding the immense benefit with large crowd gatherings for awareness camps and frequent village community discussions around sharing of knowledge, services, money, e-commerce, online shopping. The government e-literacy program is a right step at the right time with mobile phones increasingly becoming commonplace, for inclusiveness and bridging the digital divide in rural areas.

The devil is always in the implementation of such schemes where local needs of villages vary along with the community demographic of income, education, culture. A balance has to be struck, where the local arm like District Managers in the present scenario, who are aware of the existing system of the bureaucracy, can tailor the scheme by adopting a first mile approach. Hence in severely under-developed areas where electricity and internet are scarce, the Gram Panchayat limit of enrolling students in their specific GPs should be waived, to encourage further participation. The paper began by raising questions of whether India can become truly digital

by achieving this 6 crore target of digital literates. In the end, it is apparent that such a question can only be answered by future impact assessments and debates on whether it was a mere tokenistic exercise or if it has indeed achieved some real progress.

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## **Annexure - I**

Goalpara- 11 CSC-SPV, VLE centres located in Sri Suryagiri, Matia, Bodahapur, Ambari, Bogan, Faringapara : Taltola, LakhipurPharigapara, Bashmura: Katarihara : Lakhipur, JaleshwarDodan, MonkolaChaildhora.

Bongaigaon: 7 CSC-SPV, one VLE Khagarpur, Pubmajeralga : Boitamari District, Kabaitary, Jogihopa, Piradhara : Srijangram, Dumuria PT II,

Chakapara.

BTAD : 7 CSC-SPV VLE centres located in Bishmuri, Kokrajhar, Srirampur : Kokrajhar, Jaraguri, Gossaigaon Tehsil, Padmabil : Gossaigaon, Padmabil : Gossaigaon, Serfanguri: Dotoma, Chithila : Dotoma.

The key stakeholders:

Overall 6 CSC-SPVs employees interviews taken, from District Manager to the person assigned PMGDisha along with 24 VLE interviews.

The Assam head of CSC-SPV, Gyan Doley was interviewed on 24th March, 2018.

Joydeep Baruah, Principal Coordinator and Lead Author of Assam Development Report, Associate Professor, Okd Institute of Social Change And Development was interviewed on 28th February 2018.

Two journalists, Anuj Srivas of online news publication, the wire reporting on Digital India and PMGDisha (17th March, 2018) and R. Dutta Chaudhary of the Assam Tribune was interviewed on 28th March, 2018.

## INTERVIEW QUESTIONNAIRE

### Beneficiary CSC-SPV

1. Can you describe your educational background in general?
  - 1.1. Can you talk about your school education, infrastructure?
  - 1.2. How was the overall student drop rate or problems you faced as a student?
  - 1.3. Can you describe the literacy level of your family?
    - 1.3.1.1. If illiterate, do you think they can avail this course?
  - 1.4. Can you describe the digital literacy level of your family?
2. Can you describe what your objectives in joining the course are?
  - 2.1. Can you describe how you first heard about the course and joined it?
  - 2.2. Have you seen any billboards/tv/watsapp advertisements for the same?
  - 2.3. What identification proof did you provide to register for the course?
3. Were you operating electronic devices i.e. Smart phones, computer before this course?
 

" If not, then what drives you to learn about such devices?
4. How do you think this course will help you in the future?
  - 4.1. What opportunities, professional or personal will the course provide

you?

- 4.2. Are you a user of social media? If yes, then what platform do you prefer?
- 4.3. How did you use the internet before and after the course?
5. Do you face any difficulties in accessing the course?
  - 5.1. Are there any aspects you would like to improve upon?
  - 5.2. Do you think that a complete digital online services dissemination would be easier to switch for you?

### **VLE Interview**

1. Can you describe the history of your CSC center?
2. Can you talk about the overall literates ratio in your area i.e. is the majority of population in your panchayat area is literate or not?
3. Can you discuss the financial aspect of a CSC centre?
  - 3.1. Do you get any initial monetary help for CSC?
  - 3.2. What are the sources of your income as a CSC centre?
- 3.3. Can you discuss the history of other governmental schemes incorporated at your centre if any?
- 3.4. What are the monetary support that is provided to you by governmental schemes?
4. What are the common problems you face as a CSC centre VLE?
  - 4.1. Whether registration is a problem due to identity proof documentation?
  - 4.2. Is the infrastructure support i.e. computer maintenance, road support, broadband sufficient for carrying out the scheme at a ground level?
5. What internet service provider do you use?
  - 5.1. If Bsnl, then is the support satisfactory, if not, why?
  - 5.2. If any other internet service provider, why?

### **District Manager:**

1. Can you describe CSC in general?
  - a. What are the divisions in CSC that you undertake?

2. Can you describe the intentions behind digital literacy?
3. How can they be helpful?
4. Can you describe CSC's role in digital Literacy programme?
5. What would be the role of Common Service Centres (CSCs) in applying the scheme?
6. How are CSC centre granted and approved, i.e is there a mechanism for approval based on the number of centres according to people?
7. How is PMGDISHA faring and what issues if any you are anticipating the scheme?
  - a. Are they provided any financial support for maintenance or undertaking private partnerships?
  - b. How can access be better provided to Asha and Angadwadi workers?
  - c. Can you talk about the financial flow of money to PMGDISHA?
  - d. Can you talk about Aadhar project not being given to CSCs?
8. How can participation be improved in implementing such schemes?
  - a. Can you describe the State Wide Area Network/connectivity problems?
  - b. Would you say these problems are unique to Assam due to its geography, if yes then what would you recommend?
9. What do you think should be online and offline, i.e. forms, gas connection, school admissions?

## **Our Contributors**

### **Dr. Apurba K. Baruah**

Dr. Apurba Kumar Baruah, is a former National Fellow of Indian Council of Social Science Research, New Delhi. He was a Dean of School of Social Sciences and Head of Political Science, North-Eastern Hill University, Shillong. He has been a visiting Professor at the Jawaharlal Nehru University, University of Calcutta and University of Hyderabad. Dr. Baruah has published several books and contributes periodically to research journal, local and national dailies.

### **Medusmita Borthakur**

Medusmita Borthakur has a B.A. (Hons) degree in Political Science from Lady Shri Ram College, Delhi University; obtained her masters in Development Studies from Ambedkar University, Delhi and is currently pursuing Integrated M.Phil. - Phd. in Social Sciences from the Tata Institute of Social Sciences, Guwahati. Her masters dissertation was on "Implementation of Legal Food Entitlements in Digboi". Her research interest centers on Political economy of Development, food security, policy studies, migration, poverty and inequality, identity, development and discrimination. Prior to this she was a core team member at Action Aid India, Delhi. Currently

she is working on her MPhil dissertation - 'State, Public Policy and Food Security in Assam.' Medusmita developed her paper on the migrant situation in Assam as a part of the "Conflict Mapping" project at Studio Nilima.

### **Shradhanjali Sarma**

Shradhanjali Sarma has completed her B.A LL.B. (Hons.) from National Law University and Judicial Academy, Assam, with specialization in International Law and Business Law. She has earlier worked in Studio Nilima in the project titled 'Land Reforms in Assam', where she concentrated primarily on the land reforms of Barak-Surma Valley. In her stint of one year as a Researcher in Studio Nilima she worked on the Assam-Nagaland Border Dispute. Her interest areas include international law and dispute resolution, and has worked extensively in these particular fields through internships and moot court competitions.

### **Sujata Buragohain**

Sujata Buragohain is currently pursuing M.Phil/Phd in Social Sciences from Tata Institute of Social Sciences, Guwahati Campus. She has completed her M.A. in Political Science from the Center of Political Studies, Jawaharlal Nehru University, New Delhi in 2017. Her interest includes State and Citizenship issues, Electoral politics, Governmentality, Subaltern Populism and Modern Indian Political Thought. She is also interested in Ethnicity, Conflict and Policy research in North Eastern region. As a research assistant in Studio Nilima, she worked in the project entitled "Conflict Mapping Project in Assam" where she got the opportunity to work in the issues related to conflict in BTAD.

### **Roman Boro**

Roman Boro is a Disaster Management graduate from the Tata Institute of Social Sciences, Mumbai. He has been India Researcher with ACLED (Armed Conflict Location Event Data) & a disaster management professional with experience working during Nepal EQ. His varied work tenure ranges engagement with INGOs and NGOs in different thematic sectors of disaster management. He gravitates towards the narrative of conflict, peace and internal instability in northeastern India; with an avid inclination towards

youth empowerment and sustainable peace building mechanism. Roman was a part of the 2<sup>nd</sup> edition of the Research Fellowship Program at Studio Nilima during which took up the issue of studying the impact of conflicts on the households of BTAD.

### **Udit Singh**

Udit Singh is a 4<sup>th</sup> year student from National Law University and Judicial Academy, Assam (NLUJAA). He has garnered some work experience through internships, involvements with various organisations and professional experience and has to his credit a few papers presented in international and national seminars. He has also discharged his duty as the Convener of Academic Committee at National Law University, Assam for the Academic Session of 2016-17 and is also a member of the Legal Aid Cell of NLUJAA. Udit joined Studio Nilima as a fellow during which he developed his work on the Rabha Community and their struggle for autonomy. Besides Constitutional Law, Criminal Law and general Corporate Laws, laws related to Human Rights and Social Welfare happens to be his core area of interest.

### **Aditi Ameria**

Aditi has completed her B.A. LL.B (Honours.) with specialization in Intellectual Property Rights from National Law University, Jodhpur. She is going to pursue her LL.M. in Law and Digital Technology starting September 2018 at Leiden University, Netherlands. Owing to her interest in this field she wants to contribute towards prioritizing, classifying and arriving at a template of solutions for a range of techno-legal problems with a potential for transferability across jurisdictions. Her interest allowed her to come all the way to Assam through the Research Fellowship at Studio Nilima. She considers that Assam's terrain of problems could be analogous to India's struggle for development where IT is a crucial essential, but is nascent in a lot of spheres which could lead to arbitrariness and discrimination. However she believes that if legal developments are implemented with a sociological perspective, Internet and digital Revolution could be the promised democratic equalizer and a bridge towards holistic development.



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