

# **Tribal Self-Government in India**

by Douglas Sanders  
Faculty of Law  
University of British Columbia

Paper prepared as part of the  
Research Program of the  
Royal Commission  
on Aboriginal Peoples

September 1993

## **Contents**

Executive Summary ii

The Tribes 5

The Constitutional Framework 9

Revision of the Constitutional Scheme to Focus on Social and Economic Development  
18

The Development of Tribal States in the Hill Areas of Assam 22

The Nagas and Nagaland 22

The Mizo and Mizoram 28

Autonomy Movements Outside the North-East Hill Areas 29

The Jharkhand Movement 29

The Gorkhaland Movement 35

The Bodo Movement 36

Tribal Political Organization 39

The Role of Women 40

The Internationalization of Indian Tribal Issues 41

Notes 43

## **Executive Summary**

India is a large, complex country whose people are remarkably diverse in race, language, religion and culture. The major political tradition is reflected in the Congress and Janata Dal political parties. Both have been 'secular' and both have competed for support from minorities, including the Muslims, the scheduled castes and the scheduled tribes. The Hindu revivalist party, the Bharatiya Janata Party (BJP), in contrast, has had chauvinist and anti-Muslim characteristics.

India is known for patterns of communal violence. It is also known for numerous issues involving development projects. The failure of the Bastar forestry project led the World Bank to develop a policy statement on projects in areas of tribal peoples. The Narmada valley hydroelectric project, which has generated international publicity, will displace large tribal populations. Tribal people have often been affected adversely by large development projects in India.

### *The Tribes*

There are between 60 and 70 million tribal people in India, accounting for 7.76 per cent of the population and occupying about 20 per cent of the land. The largest populations are in a 'tribal belt' that includes a large block in the north-central west, including southern Rajasthan, another large block inland from Calcutta, and a third block in the small states in the north-east, north and east of Bangladesh. The government does not recognize the tribes as an 'indigenous' population.

The tribes have distinct characteristics. They are outside the Hindu and Muslim religious traditions. They have 'primitive' economies, adapted to life in the hills. They occupy sensitive border areas in the north-east. They often speak English and profess Christianity. They fall within the 'backward classes', a broad category referred to in the constitution as requiring special assistance.

### *The Constitutional Framework*

The British developed patterns in India of scheduling tribes and delineating tribal lands, to protect and isolate the tribal populations. This pattern was continued in the independence constitution of 1949. The constitution has the following provisions on tribal peoples:

1. The constitution allows special developmental programs for tribal peoples and tribal areas; such programs cannot be challenged on the basis of the equality provisions in the constitution.
2. Legislative jurisdiction over tribal issues, in general, is with the states, not the national government. Tribal lands are 'scheduled' under national legislation, but the legislation dealing with the alienation or protection of tribal lands (and other matters such as the regulation of money lending) is the legislation of the states.
3. A special commission is mandated by the constitution to investigate and report on matters concerning the scheduled castes and scheduled tribes. It has not been effective.
4. The fifth schedule of the constitution makes provisions for scheduled tribes outside the north-east. The constitution provides for state-level Tribal Advisory Councils, though they often do not function. It also gives sweeping legislative power over scheduled areas to state governors. In general, the governor's powers have remained unexercised. The constitutional scheme for the tribal areas that come under the fifth schedule has never been used.
5. The sixth schedule of the constitution makes provisions for scheduled tribes in the north-east. This scheme involves tribal District Councils and Regional Councils. These are systems of autonomy or self-government within the states of the north-east. These constitutional provisions have been used.
6. Seats are reserved for members of the scheduled castes and scheduled tribes in the legislatures, the civil service and the universities.

#### *Revision of the Constitutional Scheme to Focus on Social and Economic Development*

The schemes in the fifth and sixth schedules of the constitution proved not to be the basic elements of tribal policy after independence. Jawaharlal Nehru enunciated a humanistic developmental strategy, and social and economic planning for tribal peoples took place under the provisions of the five-year plans. While Nehru had a personal interest in tribal peoples, his government also pushed large development schemes, which displaced large numbers of tribal people and appropriated tribal lands and resources, often without compensation or rehabilitation.

#### *The Development of Tribal States in the Hill Areas of Assam*

Another major departure from the schemes in the fifth and sixth schedules was the development

of four new tribal majority states in the north-east. Nagaland became a state in 1963, Meghalaya in 1972, Arunachal Pradesh in 1987 and Mizoram in 1987.

The Naga were an isolated group of tribes who came under British military control in the nineteenth century, but who were administered separately by the British. Certain Naga leaders pressed for independence or autonomy at the time of Indian independence. A tribal insurgency against Indian control began in that period, and some armed resistance still continues. Nehru agreed to the establishment of a separate Naga state as a response to the political demands of the Naga, but he would not negotiate directly with the separatist, insurgent leadership. The decision to establish Nagaland was a departure from normal Indian practice of not recognizing new states on the basis of religion or ethnicity, but only on the basis of language.

The Mizo insurrection began later than that of the Naga. Unlike Nehru's practice, Indira Gandhi and Rajiv Gandhi negotiated with the separatist leader, Laldenga, working out an agreement for a separate Mizo state.

#### *Autonomy Movements Outside the North-East Hill Areas*

The Jharkhand movement, which dates back to the 1910s, seeks the establishment of a separate state in contiguous parts of the states of Bihar, West Bengal, Orissa and Madhya Pradesh. The total population of Jharkhand would be 35 million. The population of the Jharkhand area in Bihar would be 14 million. Tribal people have lost their majority in the area as a result of mining, manufacturing operations and hydroelectric projects. The Jharkhand movement asserts a separate Jharkhandi identity, based on the tribal cultures of the region.

The Jharkhand movement has a long and uneven history of activism. A current set of negotiations with the national government began in 1989, and a Committee on Jharkhand Matters was established to advise government. In 1993 a general strike was called, and intense negotiations led to an agreement between the Jharkhand leadership and representatives of the central government, aided by the work of the Committee. The agreement would establish a Jharkhand Council with legislative power only over the part of Jharkhand falling within southern Bihar. The agreement must be implemented by state legislation, and at the time of writing, the state of Bihar opposed the agreement.

An agitation for autonomy by the Gorka, a population originally from Nepal, led to an accord in 1988 establishing a Gorka Hill Development Council with limited autonomy in a

northern part of the state of West Bengal.

An agitation by the Bodo in Assam led to a major settlement in February 1993. A Bodo Autonomous Council is being established under an agreement brokered by the central government and enacted by the legislature of the state of Assam.

### *Tribal Political Organization*

Certain of the Jharkhand leaders formed what was to be a national tribal organization, the Indian Council of Indigenous and Tribal Peoples (ICITP). Three of those leaders attended the United Nations Working Group on Indigenous Populations in 1987. The ICITP organized an academic seminar in New Delhi in April 1992 on the issue whether the tribal peoples of India were 'indigenous'. In April 1993, a meeting was held in New Delhi to plan for a national assembly to establish the organization as a truly national body. The assembly was to be held in New Delhi in November 1993.

While women have had considerable equality within tribal society, the leadership of the ICITP has been exclusively male.

### *The Internationalization of Indian Tribal Issues*

When Indian tribal leaders established contact with tribal and indigenous peoples in other countries, they found little understanding of the complex situation in India. At the United Nations they found that Indian government representatives denied that they were 'indigenous', using arguments that would not be used in domestic political discussions of tribal issues (including the assertion that tribal people had all assimilated).

An understanding of the parallels between the experience of tribal people in India and tribal and indigenous peoples in other parts of the world has begun. Best known are the horror stories of the Bastar forestry project and the Narmada valley hydroelectric project. The experience with autonomy and self-government is a much more positive confirmation of experience in other parts of the world.

## **Tribal Self-Government in India**

by Douglas Sanders  
Faculty of Law  
University of British Columbia

The government of India states that it has the largest tribal population of any country. India is a complex, confusing place, and information on tribal life and government policies is not easily accessible, even in India. It is necessary to put tribal issues into the context of India as a whole and into the context of the constitutional order. Then we can attempt to see the evolution of government policy in the period since independence. In these contexts, perhaps the tribal autonomy struggles in the north-east and other parts of the country will become intelligible.

India has a population of 880 million. Only China has more people. India is a federation of 25 states and 7 small union territories.<sup>i</sup> The people are remarkably diverse in race, language, religion and culture. A recent story referred to 1,652 living languages in India, 33 of them spoken by more than one million people.<sup>ii</sup> A study by the Anthropological Survey of India identified 4,635 'communities' in the country.<sup>iii</sup>

India has an overwhelming Hindu majority — 82 per cent of the population.<sup>iv</sup> India is very much a 'holy land', filled with geographical sites associated with Hinduism and its gods. Hinduism is a broad category, including an amazing range of local and sectarian differences. Twelve per cent of the population is Muslim — about 100 million people. India is the third largest Muslim country in the world.

Two per cent of the population is Christian. The Christians are a well-educated and influential minority. A significant number of tribal people are Christians.

*Source:* Ministry of External Affairs, External Publicity Division, "India, A Dynamic Democracy" (New Delhi: Government of India).

India was the first major colony to gain independence after the Second World War and became a leader and a model in the international campaign for decolonization. India began the post-independence years with great optimism and idealism. The constitution was carefully drafted to be a forward looking, progressive document. India became a leader in the non-aligned

movement, remaining somewhat aloof from western capitalism. India successfully pursued the 'green revolution' in agriculture and achieved food self-sufficiency. It copied its industrialization strategies from the former Soviet Union and developed a strong trading relationship with the eastern bloc. India still has five-year economic and social development plans.

India has suffered economically and politically from the collapse of the Soviet Union. The favourable trade terms with the U.S.S.R. are gone, and replacement parts for Soviet-made equipment often cannot be obtained. India's state-supported industries and import-substitution strategies have not served it well economically. The country is currently going through a major economic restructuring, deregulating business and opening its economy to western capitalism. India had a major liquidity crisis in 1992, which brought it under the watchful eye of the International Monetary Fund.

While the secular Congress party dominated Indian politics from its formation in 1885, the party is now considerably weakened. Now there is a strong 'Hindu revivalist' movement with chauvinistic and anti-Muslim characteristics. Politically the movement is represented by the Bharatiya Janata Party (BJP).<sup>v</sup> Both the Congress party and the Janata Dal, the other major national party, have supported the Indian 'secular' political tradition. Both have followed patterns of trying to draw into their fold the 'vote banks' of the minorities, including the Muslims, the scheduled castes and the scheduled tribes. In highly pluralistic India, the theory has been that if you can draw together enough minorities you can construct a political majority. Only the BJP has courted the Hindu majority virtually exclusively, and even they have recently attempted to expand their support among the 'backward classes' and tribal peoples.<sup>vi</sup>

Communal violence is a major characteristic of current Indian life. The violence in the state of Punjab seems now to have subsided, but only after more than a decade of killings. The Muslim majority state of Kashmir is experiencing intense fighting, and the international commentary attributes serious atrocities to the Indian military forces in the state.<sup>vii</sup> Tribal insurgencies continue in the north-east as they have to some degree since independence. Hindu-Muslim communal violence is potentially the most threatening problem for India. On 6 December 1992, Hindu militants tore down the thirteenth-century Babri Masjid or mosque at Ayodhya in the north-central state of Uttar Pradesh, claiming that the Mughal emperor Babur destroyed a temple marking the birthplace of the Hindu god or hero Ram and that the mosque had been built on the site. The national Congress party government was seriously discredited for



failing to stop the destruction of the mosque. The event led to communal violence in many parts of India, most dramatically in Bombay. The central government dismissed three BJP state governments, including the one in Uttar Pradesh, and banned a planned BJP rally in Delhi in February 1993.

Communal issues are constantly in the headlines in India, mainly concerning Punjab, Kashmir and Hindu-Muslim relations. Tribal issues are not the major communal issues in Indian political life, though there are recurring media reports of insurgency in the north-east and periodic accounts of agitation in other tribal areas. Domestically tribal issues are important for a number of reasons, but they are not the issues with which outsiders will normally be familiar.

While outside the scope of this report, there have been numerous issues involving development projects in India. The Bastar forestry project is famous in the annals of development projects initiated without considering the local tribal population. The story is recounted in detail in the book *The Hour of the Fox*.<sup>viii</sup> The dramatic failure of the project was a prime factor in the World Bank developing a specific policy statement on the funding of projects in areas of tribal population.

The World Bank has been involved again in controversy in India because of the Narmada Valley project, which will displace large tribal populations. The issue of displacement of tribal populations has come more and more to the fore in India. While the governments have always said that they would compensate and rehabilitate displaced peoples, the programs have not been delivered or have been inadequate. Dr. Bhupinder Singh told the author that a policy statement on displacement has been worked on for many years at the centre but that it has not yet seen the light of day. The World Bank, facing increasing controversy over its financing of the Narmada project, asked Bradford Morse, formerly of the United Nations Development Program, and Thomas Berger of Canada to investigate the project. Their report, issued in the first half of 1992, condemned the project on numerous grounds, particularly the social impact of the flooding and the impossibility of adequate rehabilitation of the populations involved. India has rejected the final instalments of World Bank funding rather than accept the conditions that the World Bank is now requiring as a result of the Morse-Berger study. The United Nations Human Rights Commission said in March 1993 that there should be no forced relocations for Narmada. The story was noted very briefly on the front page of the *Times of India* but seemed to attract no other coverage in the English-language Indian press.

Father Walter Fernandes gives the low estimate for displacement by development projects since 1950 as 18.5 million, of whom more than 7.4 million have been tribal people. He says that fewer than 30 per cent of those displaced have been rehabilitated.

Compensation, obviously, has been given only to those who owned land while most of the tribals and dalits [scheduled castes] at most had a homestead...

It is in this context that displacement has to be understood. Those who pay for what is called national development are the assetless rural poor, a very large number of them tribals or dalits. The displacing agency is also the one put in charge of their rehabilitation. Pressure on them is to complete the project in as short a time and at as low a cost as possible. They are judged according to the cost-benefit analysis of the completion of the project and not the extent of rehabilitation of the displaced persons. As a result, they have little or no motivation in rehabilitating the displaced persons. This seems to be one of the reasons why the cost-benefit analysis is biased and does not take the social costs into consideration as can be seen in the present Narmada controversy.<sup>ix</sup>

There are many additional stories, including stories of displacements by hydroelectric dams in the Jharkhand area. India under Nehru praised modern industrial plants as the 'temples of the twentieth century'. Now there is popular opposition in India to big projects.

### **The Tribes**

By the 1981 census there were 427 tribal communities and a tribal population of 51,628,638, accounting for 7.76 per cent of the population of India.<sup>x</sup> Various writers refer to the current tribal population as 60 million or even 60 to 70 million. The tribal population is not evenly distributed; 54 per cent of the scheduled tribes live in four states, Madhya Pradesh, Orissa, Bihar and Rajasthan (Table 1). Tribal people form 83 and 93 per cent of the population of the small tribal majority states of Nagaland and Mizoram in the north-east. One can speak, somewhat roughly, of a 'tribal belt' that begins in Rajasthan in the north-central west, extends east to Bihar, Orissa and West Bengal (inland from Calcutta), and reappears in the north-east area where India extends eastward beyond Bangladesh. There are tribal pockets both south and north of the tribal belt. Although tribal people account for a small percentage of the national population, K.S. Singh states that they occupy nearly 20 per cent of the area of India.<sup>xi</sup>

The term used in the constitution, statutes and government policies is 'tribal'. The government does not consider the tribal people to be 'indigenous' in any way that differentiates tribal peoples from other component groups of the Indian population. It seems that at least some of the tribal groups are 'indigenous'. On linguistic and other evidence, there appears to be a

scholarly consensus that the Munda, one of the largest tribes, "inhabited the Indian peninsula before the Dravidians and much before the influx of the Aryans."<sup>xii</sup>

As in many other countries, the tribal or indigenous populations are the poorest, most highly marginalized groups:

Eighty five per cent of India's 60-70 million tribal people live far below the official poverty line. As many as 93.80 per cent of them live in rural areas.<sup>xiii</sup>

The complexity of Indian society is illustrated in the following overview of the population of Orissa, a state with a large tribal population:

There are 62 "Scheduled Tribes" in Orissa, declared as such by the President of India under the Constitution. In cultural and racial terms, there are at least four or five other tribal groups, who are either not included in the list of "scheduled tribes" or subsumed under some other scheduled tribes in the existing list. Besides these "scheduled tribes," we have 93 "scheduled castes" declared under the Constitution. Only 91 scheduled castes have been located and enumerated by the Census authorities in 1971. Besides the "scheduled castes," there are about one thousand other castes and sub-castes in Orissa.<sup>xiv</sup>

**Table 1**  
**Distribution of Tribal Population in India, 1981**

States/Union Territories	Total Tribal Population	Percentage of Tribal Population as of the Total Tribal Population	Percentage of Tribal Population as of the Total Population of the State
<b>India</b>	51,628,638	100.0	7.76
<b>States</b>			
1. Andhra Pradesh	3,176,001	6.15	5.93
2. Bihar	5,810,867	11.26	8.31
3. Gujarat	4,848,586	9.39	14.22
4. Haryana	-	-	-
5. Himachal Pradesh	197,263	0.38	4.61
6. Jammu & Kashmir	-	-	-
7. Karnataka	1,825,203	3.53	4.91
8. Kerala	261,475	0.50	1.03
9. Madhya Pradesh	11,987,031	23.22	22.97
10. Maharashtra	5,772,038	11.18	9.19
11. Manipur	387,977	0.75	27.30
12. Meghalaya	1,076,345	2.08	80.58
13. Nagaland	650,885	1.26	83.99
14. Orissa	5,915,067	11.45	22.43
15. Punjab	-	-	-
16. Rajasthan	4,183,124	8.10	12.21
17. Sikkim	73,623	0.14	23.27
18. Tamil Nadu	520,226	1.01	1.07

19.	Tripura	583,920	1.13	28.64
20.	Uttar Pradesh	232,705	0.45	0.21
21.	West Bengal	3,070,672	5.95	5.63

#### **Union Territories**

1.	Andaman & Nicobar Islands	22,361	0.04	11.85
2.	Arunachal Pradesh	441,167	0.85	69.82
3.	Chandigarh	-	-	-
4.	Dadra & Nagar Haveli	81,714	0.16	78.82
5.	Delhi	-	-	-
6.	Goa Daman & Diu	10,721	0.02	0.99
7.	Lakshadweep	37,760	0.07	93.82
8.	Mizoram	461,907	0.89	93.55
9.	Pondicherry	-	-	-

*Source:* Census of India 1981 Series, 1 Primary Census India Abstract Scheduled Tribes. From Chaudhuri, *Tribal Transformation in India* (Inter-India Publications, 1992), volume 1, p. ix.

The tribal population is traditionally geographically isolated. They are often referred to as 'hill tribes' or even 'hilly tribes'. They survive in hill areas that were not desired by plains people for agriculture. They are therefore associated with forests and forest products, with hunting and fishing, and with shifting cultivation.

Tribal people were not originally Hindu, but in some areas where their isolation has broken down, such as Jharkhand, they are immersed in a Hindu milieu. Hinduism is a vast religion that has accommodated many local traditions and local gods. Some of the tribal gods were reconceptualized as local Hindu deities. The famous gods of the Jaganath Temple in Puri in the state of Orissa, for example, are believed to have originated as local tribal gods. When tribal people integrated into Hindu society they would be assigned a low caste or outcaste status. The BJP in Bihar has distributed leaflets describing tribal people as descendants of Hanuman, the Monkey King of the famous Ramayana epic.<sup>xv</sup> Though seemingly offensive at first blush, this assertion links tribal people with a very popular Hindu mythological figure.

When tribal people accept Hinduism, it changes certain of their characteristics. It is commonly asserted that women have more freedom and equality in tribal society than in Hindu society. It is also commonly understood that tribal societies do not share the sexual puritanism professed by modern Hindu society. Hindus often have the idea that sexual licence exists in tribal life, based on what to Hindus are titillating accounts of social patterns in particular tribes. While modern Hindu society professes a sexual puritanism, prostitution is very widespread in Hindu

India. Tribal people are drawn into both prostitution and bonded labour.

What are the characteristics of the tribes, as far as Indian society is concerned?

1. The tribes are not Hindu in origin, raising questions about their status within Hindu society.
2. Tribal people are 'primitive', with non-Hindu sexual patterns and economies that are still dependent upon hunting and gathering, forest products and shifting cultivation.
3. The tribes represent a security problem in the north-east border areas where tribal loyalty to India has been in question because of long-term insurgencies and possible links to Bangladesh, Burma or China. It is known that Tripura insurgents in India were aided by Bangladesh (just as Chakma insurgents in Bangladesh were aided by India).<sup>xvi</sup>
4. Tribal populations are linked to English and Christianity. Missionaries were allowed to evangelize among tribal peoples but were not permitted to convert Hindus or Muslims. The tribal majority states of Nagaland, Mizoram and Meghalaya are the three Christian majority states in the Indian union. Those states, along with Arunachal Pradesh, give official language status to English.
5. Tribals are part of the 'backward' classes, and the government of India, following the idealism of the independence years and the provisions of the constitution, has a special obligation to bring social and economic development to them and to their regions.

Tribal policy in India has gone through cycles roughly familiar to observers of policy in North America. There were periods of conquest by Dravidians, Aryans, Moguls and British. Those periods were followed by policies of isolation and protection (but high land loss). Those policies were superseded by a focus on social and economic development (with land loss continuing). Now the emphasis has been moving to rights — both rights to land and rights to political autonomy.

### **The Constitutional Framework**

The British gradually took over the various parts of south Asia. The tribal areas were isolated and often offered the greatest resistance. A series of tribal insurgencies against the British led in some cases to the formal recognition of local tribal land tenure. The main example cited in the literature is the *Chotanagpur Tenancy Act* of 1908 in what is now southern Bihar (part of the

Jharkhand area that will be discussed later in this paper).<sup>xvii</sup>

K.S. Singh, for many years the head of the Anthropological Survey of India, and a leading commentator on tribal issues in India, reviews some of the history:

There was an attempt to delineate the ethnic boundaries, during the colonial period in terms of Inner Line Regulation and the Scheduled District Act (1874). The Government of India Act of 1919, identified backward areas and sought to exclude them from the jurisdiction of the constitutional reforms and administration of the provincial Governments. Inhabited for the most part by primitive communities, these tracts covered an area of 120,000 square miles and a population of about 11 million in British India. Under the Government of India Act of 1935, the backward areas were further classified into (i) the excluded areas, measuring 28,000 square miles, which were placed under the personal rule of the Governor acting in his discretion, and (ii) the partially excluded areas lying mainly in the mainland provinces which came within the field of responsibility of the provincial governments, though the Governor exercised a special responsibility in respect of their administration.<sup>xviii</sup>

Indian nationalists criticized this scheme as another attempt to divide and rule. But between 1935 and 1947, nationalist thought underwent a sea change, and the basic scheme of the *Government of India Act* of 1935 was inherited by the independence constitution. The fifth schedule of the new constitution dealt with the 'partly excluded' areas, and the sixth schedule dealt with the 'excluded' areas in the north-east.

In addition to the provisions on tribal peoples, the constitution of 1949 reflects the pluralism of Indian society in a number of ways. Kashmir, the only Muslim majority state, was given more autonomy than other states. There are special affirmative action provisions for scheduled castes as well as scheduled tribes. In 1956 state boundaries were extensively redrawn so that the individual states more closely reflected linguistic differences in the country. There are extensive provisions on language at both the national and the state level, reflecting the complex linguistic patterns in the country.<sup>xix</sup> English remains a national language because Hindi, the official language of government, was never spoken in the south.

While recognizing the special situation of certain groups, the constitution also has basic guarantees of equality. The constitution requires governments to treat all persons equally (article 14) and requires that "shops, public restaurants, hotels and places of public entertainment" not discriminate on the basis of "religion, race, caste, sex, place of birth or any of them..." (article 15). The equality provisions are modified by a section allowing governments to make "special provisions" for the scheduled tribes (article 15 (4)). The constitution abolishes untouchability (article 17), though it lives on in fact. The constitution also states a goal of achieving a "uniform

civil code" throughout India (article 44). This has not been achieved, and separate 'personal' laws exist for Muslims and Hindus, covering family law matters.<sup>xx</sup>

The constitution attempts to commit governments to benevolent policies toward "weaker sections" of the population. One of the "Directive Principles of State Policy" set out in the constitution to guide governments is Article 46:

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

As Singh notes, certain features of the colonial order dealing with the tribes were continued by the independence constitution. The basic features continued were

1. scheduling, or separately identifying, particular populations for protective or developmental reasons;
2. the protection of scheduled tribal areas from encroachment by non-tribals — both to protect the tribal land base and, in the north-east, for security reasons. In fact the British allowed the migration of plains people into tribal areas in central India but forbade it in parts of the north-east;<sup>xxi</sup>
3. identifying special roles for executive officials. Looking to a centralized executive role to protect tribal people resembles the formal structures of centralized control in what is now Canada between 1763 and 1860.

The Constitution made the following provisions:

1. *Constitutional provisions that allow special developmental programs for tribal peoples and tribal areas.*

Article 46, one of the "Directive Principles of State Policy" has already been quoted; it is seen in India as an important statement of a policy goal:

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

By Article 37, this provision is non-justiciable. It therefore represents a moral and political commitment, but not a legal commitment.

Articles 15 and 16(4), like article 25 of the *Canadian Charter of Rights and Freedoms*, protects special provisions for the scheduled castes or scheduled tribes from the general

non-discrimination provisions in the constitution. These sections do not require the government to maintain special laws or programs, but they allow them.

Another facilitating provision is article 275 (1), which provides that the centre can make grants in aid out of the Consolidated Fund of India to a state

...to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purposes of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that state.

This clearly indicates a basic aspect of the scheme envisaged by the constitution. The centre would promote schemes for tribal advancement and provide special funding, but implementation, both legislatively and administratively, would be in the hands of the states (with qualifications to be noted). Unlike the constitution of Canada, where the federal government is given allegedly "exclusive" powers over "Indians, and Lands reserved for the Indians", the Indian constitution envisaged centre-state co-operation in tribal programs.

At independence the Congress party played a pervasive role in the country, forming governments at the centre and state levels. Jawaharlal Nehru was a commanding political figure nationally and internationally. The assumption was that centre-state co-operation in promoting the humanistic, secular, developmental goals of the constitution would continue. It was simply not envisaged that the Congress party would lose its pervasive role. The Congress party now has problems retaining a majority at the national level and forms governments in a minority of states. As a result, accounts of tribal issues in Indian life involve descriptions of political competition, usually on party lines, between governments at the centre and state levels. The assumptions about co-operation in the constitutional scheme do not fit the actual patterns of contemporary Indian political life.

## 2. *Legislative jurisdiction is with the states.*

While the constitution has a number of provisions dealing with the scheduled tribes and the scheduled areas, there is no provision assigning legislative jurisdiction over tribal matters to the central government. In Canadian terms, there is no section 91 (24). The subject of "Vagrancy; nomadic and migratory tribes" is under the concurrent jurisdiction of the central and state governments, but that is a special case.<sup>xxii</sup>

The result is that while areas are 'scheduled' under central legislation, the land laws that protect those scheduled areas are laws of the individual states. While it might, in theory, be



possible for the central government to pass land laws protecting tribal rights in the scheduled areas, that has not been done and is not seen as something that is part of the role of the central government. Loss of lands and forests by tribal peoples will occur illegally or under the provisions of state laws. There is no *Indian Act* in India. It is assumed that there cannot be such legislation at the national level and there are no equivalent state laws protecting lands and structuring local government. There is a constitutional framework to protect scheduled areas, and those areas are scheduled under a national law, but land laws and forestry laws for scheduled areas are those of individual states.

K.S. Singh notes that a "plethora of legislation has been enacted to prevent alienation of land, regulate money-lending, abolish the bonded labour system, and organize labour." Some laws are national, such as the basic law allowing the scheduling of land and the relatively recent law abolishing bonded labour, but the most crucial laws and policies relating to the resource base of tribal areas are those of the states.<sup>xxiii</sup>

The leading example of a pro-tribal state law is a 1970 statute in Andhra Pradesh that placed the onus on non-tribal claimants to prove that they had legally acquired tribal land. This apparently still stands out as the strongest law passed by a state government to protect tribal lands. It was challenged in the courts and upheld. It was enacted because of Naxalite activity among tribal people in the state. The Naxalites are a radical Maoist grouping. The legislation had to be approved by the state Tribal Advisory Council (established under the provisions of the fifth schedule, but normally inactive). As legislation dealing with scheduled lands it also had to be signed by the president (the equivalent of the Canadian governor general).<sup>xxiv</sup>

To the extent that social and economic development became the main thrust of tribal policy in India, it was shared by the central and state governments.<sup>xxv</sup>

To the extent that regional autonomy will be developed within states (as with the Bodo and Jharkhand examples, discussed later), the legislation implementing autonomy arrangements will be enacted at the state level, even though the centre may be the primary political actor in negotiating an agreement. At the time of writing, a Jharkhand autonomy bill had been passed by the Bihar legislative assembly but had not come into force because it had not been signed by the president. The centre and the Jharkhand leadership were trying to persuade the state to pass a much different bill.

3. *A special officer or commission at the national level.*

Article 338 (1) of the 1949 constitution provides for a "Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President". The special officer seemed to have a research and monitoring role. The initial reports of the commissioner provided detailed information on developmental problems in tribal areas. In 1990 the Janata Dal national government put through a constitutional change to create a "National Commission for the Scheduled Castes and Scheduled Tribes" to investigate, monitor, evaluate, and inquire into specific complaints, to participate in and advise on socio-economic planning, to make reports and recommendations, and to fulfil any roles assigned by the president or any national law. By section 338 (8) the commission has judicial powers to summon witnesses, documents and require testimony under oath. By section 338 (9) the centre and every state government is required to consult with the commission on all major policy matters affecting scheduled castes and scheduled tribes.

The essential non-administrative, non-legislative role of the office or body did not change. The constitutional amendment was explained to the author as representing the Janata Dal's interest in gaining ground with the tribal 'vote bank'. The amendment did not increase central government powers or increase the authority of tribal governments. It does not appear to have raised the level of visibility of this federal investigating, research and reporting role. The author's reading of the Indian news magazine *India Today* over the last seven or eight years has identified almost no stories involving the commissioner or the commission. In April 1990, the commission issued a report under the dramatic title "Atrocities on Scheduled Castes and Tribes; Causes and Remedies". This was, I am told, the initiative of a particular individual. It did not come from any continuing ombudsman role of the commissioner or the commission. One explanation given to the author was that while the present constitutional provisions envisage what Indians would call a high-powered commission, the individuals appointed to the commission were safe. In September 1993, *India Today* called the new commission a "non-starter".<sup>xxvi</sup>

4. *The scheduled tribes and scheduled areas in states outside the north-east.*

The scheduled tribes and scheduled areas covered by the fifth schedule to the constitution are those in states outside the north-east (Article 244 (1) (2)). The provisions apply in the states of Madhya Pradesh, Orissa, Bihar, Gujarat, Maharashtra, Rajasthan, Andhra Pradesh and Himachal

Pradesh. The provisions apply to scheduled tribes whether or not they are living on scheduled lands, but the main trust is in relation to scheduled areas.

Tribal Advisory Councils are to be established at the state level, composed of not more than 20 individuals. Three-quarters of the members are to be representatives of the scheduled tribes in the state legislature. The governor (equivalent to a Canadian lieutenant governor who, as in Canada, is appointed by the central government) determines the size and method of appointment and procedures of the Tribal Advisory Council.

The Tribal Advisory Council advises the governor. The governor has sweeping powers over the legal regime applying in scheduled areas. The governor can direct that any state or national law does not apply to a scheduled area. The governor has legislative power to make regulations for the "peace and good government" of any scheduled area. Specifically, the regulations can deal with land and money lenders. Regulations made by the governor must be assented to by the president. Additionally, the president can give directions to any state as to the administration of scheduled areas. Otherwise legislative authority and executive power are with the state.

These are rather amazing provisions. H.E.P. Venkat Subbaiah, a former governor of the state of Bihar, has noted that they have been described as a "constitution within the constitution" because they create a separate legislative power in the governor.<sup>xxvii</sup>

These comprehensive and strong Constitutional provisions have, however, remained unoperationalized... Most of the States have just made a few Regulations in respect to the transfer of land and money-lending. The report of the Governor [required under the constitutional provisions] is usually a mere compilation of departmental statistics... No direction has been issued by the Union Government in exercise of its executive authority notwithstanding the grave concern expressed at all levels about the state of administration in the tribal areas which continues to be far from satisfactory resulting in intermittent unrest amongst the tribal people...

The special role of the Governor in the Constitution is specifically relatable to the executive powers of the Union Government. However, this aspect has been missed in the conventions which have developed in the States about the functioning of the Governor in relation to his responsibilities for the administration of the scheduled areas. The Governor obviously acts on the advice of the State Cabinet.<sup>xxviii</sup>

Schedule 5 was an experiment that was never tried. Given that the governor would, in normal circumstances, take instruction from the state cabinet, the role envisaged was out of step with British parliamentary conventions. Tribal Advisory Councils are sometimes not set up and sometimes when set up do not meet.<sup>xxix</sup>

The British born anthropologist, Verrier Elwin, an official in post-independence tribal administration, was part of an investigation of tribal policy in 1960 and made comments on the fifth schedule of the constitution:

We discovered that the Fifth Schedule of the Constitution, which set up special areas all over tribal India in which the Governors were expected to take a special interest, had been an almost complete failure. Land was still being alienated on a staggering scale. Millions of tribesmen were in the clutches of the moneylenders. The great industrial projects have led to the dispossession of vast tracts of tribal land and, although proper compensation had been provided, this had often not been paid.<sup>xxx</sup>

5. *The scheduled tribes and scheduled areas in states in the north-east.*

The sixth schedule of the constitution deals with the tribes in the north-east. The provisions envisage district councils and regional councils. These are the basic provisions on tribal self-government in the constitution of 1949. Nine districts are listed in the current version of the sixth schedule. Regions and regional councils would exist within districts.

The district councils are to consist of no more than 30 individuals, not more than four of whom are nominated by the governor. The rest are to be elected by adult suffrage. The initial structure of the council is to be established by the governor, but the council has the authority to revise the structure, with the approval of the governor. The council has legislative authority over lands, forests, water for agriculture, shifting cultivation, local government, local police, health, sanitation, rules on chiefs or headmen, inheritance, marriage, divorce, and social customs. Council enactments are subject to approval by the governor (as are enactments of state legislative assemblies). The district councils can establish village councils or courts for the trial of suits and cases between parties all of whom belong to the scheduled tribes, except for serious criminal offences. The district council appoints the judges to such courts. Appeals lie to the High Court and the Supreme Court. The restriction of jurisdiction to suits simply involving tribal people can be dropped (4(5)). Councils can establish and manage primary schools, dispensaries, markets, cattle ponds, ferries, fisheries, roads, road transport and waterways "and may, with the previous approval of the governor, prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district" (6(1)). The governor can delegate functions relating to agriculture, animal husbandry, community projects, co-operative societies, social welfare, village planning or any other matter to which the executive power of the State extends (6(2)). "Executive power" is a phrase not used in the way it would be in Canada and seems to include what we would refer to as executive and legislative powers. The governor can

veto any legislation or decision of a council and can dissolve a council and assume control of the area. A state legislature can overrule such decisions (15).

6. *The reservation of seats in the legislatures, the civil service and the universities.*

Part XVI of the constitution deals with reservations. Section 330 (1) provides that seats will be reserved for scheduled tribes in the House of the People, the lower house. This was to last for 10 years, but it has been extended to 20, then 30, then 50 years. There are also reserved seats in certain state legislatures. There is very little Indian literature on the reserve seats for members of the scheduled tribes. One study has been published on voting in the 1972 Bihar state general election.<sup>xxx</sup> A second study examines voting in a single Bihar constituency in 1977 and 1980.<sup>xxxi</sup> A conservative critique of India's reservation policies can be found in Sowell, *Preferential Policies: An International Perspective* (New York: William Morrow, 1990), in which they are compared with preferential policies in Nigeria, Malaysia, Sri Lanka and the United States.

Professor Kisku, the first head of the Indian Council of Indigenous and Tribal Peoples, had held a reserved seat in the Lok Sabha, the national lower house. He held a junior portfolio in one of Indira Gandhi's governments. He said to the author that as soon as a tribal person was elected in a reserved seat "he is lost to us." This indicated that the individuals became party loyalists, more interested in perks and partisan fights than in tribal issues.

It seems clear that the tribal leadership, weak and localized as it is in India, does not come from tribal people elected to reserved seats. In the history of the Jharkhand movement, Jaipal Singh became a member of the Bihar state legislature. He switched to the Congress party, a move that badly fractured the Jharkhand movement he headed. This is the only story I have seen in the literature in which a prominent tribal spokesperson is also the holder of a reserved seat. At one point tribal members of the Bihar legislature and tribal members of the Lok Sabha from Bihar signed a joint petition for the creation of a Jharkhand state, but the literature does not suggest continuing work by tribal members on that or other tribal issues.

Reserved seats are handled differently in India than in New Zealand, the jurisdiction that Canadians are most familiar with on this matter. In India specific constituencies are designated as reserved for members of the scheduled castes or scheduled tribes. Only members of the scheduled castes or scheduled tribes can run in the constituency. All voters in the constituency, whether or not they are members of a scheduled caste or scheduled tribe, vote for the candidates.

Section 335 provides for special consideration for members of the scheduled castes and

scheduled tribes in government jobs. The matter of government jobs and seats in colleges and universities has been handled by legislation, and the story is very complicated. A few years ago the Mandal Commission recommended a significant extension of these patterns of reservation to members of "backward classes" who did not fall within the categories of scheduled castes or scheduled tribes. When Prime Minister Singh attempted to implement the Mandal Report recommendations, there were numerous demonstrations and at least one self-immolation. Implementation was delayed, partly because of a constitutional challenge. In 1992 the Indian Supreme Court ruled on the Mandal recommendations, specifying that the more privileged sectors of the "backward classes", dubbed the "creamy layers" in popular discussion of this matter, should be excluded from this system of preference. While the author was in India, in March 1993, a parliamentary committee was working out the details of how to implement the Mandal recommendations in the light of the Supreme Court judgement. While this is a very interesting area, it is not a matter of tribal self-government.

### **Revision of the Constitutional Scheme to Focus on Social and Economic Development**

Jawaharlal Nehru, India's first prime minister, had an interest in tribal issues and seems to have been anxious to implement the principles of the constitution. He is credited with a basic five-point formulation of tribal policy, the *panch sheel*. It appears in his foreword to the second edition of a book by the highly influential British born anthropologist Verrier Elwin. Elwin integrated himself with the independence movement and became an official in tribal administration after independence and apparently a valued adviser to Nehru.<sup>xxxiii</sup> The policy is a wonderful humanistic statement, reflecting the best sentiments involved in Indian tribal policy:

1. People should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.
2. Tribal rights in land and forests should be respected.
3. We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will, no doubt, be needed, especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.
4. We should not over-administer these areas or overwhelm them with a multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and

cultural institutions.

5. We should judge results, not by statistics or the amount of money spent, but by the quality of human character that is evolved.

However, Mr. Nehru also pressed for rapid industrialization in India, following the state-led model in the former Soviet Union. His industrialization policies often undercut his idealistic tribal policy. It was during his time that the mines and steel mills were built in the Jharkhand area of southern Bihar, with tremendous negative impact on the tribal populations. The realities of the displacement and marginalization of tribal people appear not to have been recognized in the period. Officially there was to be compensation and rehabilitation of people displaced by the projects, but it is now conceded on all sides that those programs were inadequate or sidetracked.

The emphasis of all policies since Independence has in fact been on economic development in the tribal areas rather than preservation of tribal cultures. Although funding for tribal development, as for other minority and disadvantaged groups, increased significantly in the 1970s after Mrs. Gandhi's *garibi hatao* ("get rid of poverty") election campaign, it was associated also with increased centralization of the planning process, which left the tribal peoples out of the decisions taken for their own "benefit". Numerous examples exist in the literature on tribal economic development of government practices and their consequences for the tribals. Access to the forests and its resources is denied to the tribals ostensibly for conservation purposes, but the actual practice is deforestation through the corrupt distribution of timbered tracts to contractors. Tribal lands are acquired to build steel plants and dams to provide employment and irrigation in tribal areas, but the more evident results have been that the tribals end up in slums near the work sites "working as casual labourers for private construction companies." Similarly, where there are valuable minerals on traditional tribal lands, mining operation leases are granted through the favour of Congress politicians to "unscrupulous mining operators" who then "evict the tribals from their land and make them slog for a pittance."<sup>xxxiv</sup>

K.S. Singh describes in more detail how the provisions of the fifth schedule were consciously abandoned in the implementation of social and economic development programs:

...the Fifth Schedule was conceived as only a transitional measure. The Commission, instead, favoured intensive development of tribal areas extending beyond the Scheduled Areas. Thus the 'area of development' defined in terms of the area of tribal concentration in which tribals accounted for 66% of the population became larger than the Scheduled area. The difference deserves to be noted. In the Scheduled area the tribals enjoyed the benefit of legislative protection in relation to their land etc. The 'area of development' which included and also extended beyond the Scheduled area was not covered by the

benefit of protective legislation to all tribes.

Fifteen years later, the 'area of development' under the tribal sub-plan of the Fifth Five Year Plan was enlarged to include the blocks of more than 50% of tribal concentration, thus bringing under its coverage an area of 4,33,952 square miles and a tribal population of 229,87 lakhs (1971 census). This accounts not only for 60 per cent of the tribal population within the sub-plan area, but also 63% of the total population of the country... The Scheduled Areas were enlarged to make them coterminous with the sub-plan area in the states covered by the Fifth Schedule. The Scheduled Areas Order of 1977 effected this union in the states of Bihar, Gujarat, Madhya Pradesh and Orissa; other states are likely to follow suit. The order rationalized the structure of the Scheduled area, and recognized the local administrative formations, *talugs*, blocks, *tahsils*, circles (instead of villages) as the units of the Scheduled areas.

As mentioned above, the area under the sub-plan covered 65 per cent of the tribal population in the states falling under the Fifth Schedule. Beyond this, lies the area of 'tribal dispersal' where tribal population lives in small pockets. These account for 33 to 40 per cent of the tribal population.

There are also "zones of primitive communities", about fifty of them who live in relatively isolated habitats. These communities have been identified as such in terms of their practice of a pre-agricultural technology, their subsistence on forest and also derived from sale of minor forest produce, low level of literacy, numerical smallness, a near stagnant economy and a population with slow or little growth rate etc.

Thus two patterns emerged from the historical development of the tribal regions. First, in the north-eastern parts of India, the concepts of 'exclusion' and autonomy of 'local institutions' enshrined in the Sixth Schedule have been developed further with the formation of the states in the 1960s and early 1970s in accordance with the principles of ethnicity. In the process the political model of the Sixth Schedule has been transcended and states with varying degrees of autonomy have come into being. Secondly in middle India and elsewhere in the country, the concepts of 'Scheduled Area', 'area of development', 'area of tribal dispersal', 'zones of primitive tribes' have been developed within the structure of the existing states. Thus all tribal regions did not develop, except in the North-East, into full-fledged states or autonomous territories organized on the basis of the principles of ethnicity. They have instead developed within the framework of the states, which were reorganized in the mid 1950s according to language, and as part of the culture, political and administrative traditions of the larger states.<sup>xxxv</sup>

But the development model was not stable. It cloaked too much exploitation of tribal people, despite its goals. It was centralized, despite the move to tribal blocks and other more focused schemes. And it did not recognize any regime of rights or self-government on the part of the tribes.

The rise of tribal movements of an agrarian nature from the mid-1960s questioned the assumptions underlying tribal development, as also those of community development. The harsher realities of economic exploitation of tribals overtook the romanticism of the early years.<sup>xxxvi</sup>

Subbaiah, a former governor of the state of Bihar, makes a similar comment:

In the wake of a new spirit of tribal unrest in the country during early Seventies, a



comprehensive review of the tribal situation was made by the Central Government. A new strategy for tribal development was evolved which comprised two distinct facets. First, separate development plans were prepared for tribal areas, popularly known as tribal sub-plan which conceptually covered aspects of the socio-economic systems of the tribal people irrespective of their formal classification. Second, it was decided to use the Fifth Schedule for providing the necessary administrative frame work for supporting the economic thrust and ensuring peace and good administration to the Scheduled Areas. In pursuance of that decision, the Constitution was amended in 1975 and the jurisdiction of the Fifth Schedule was extended to make it co-extensive with the tribal majority areas covered by the Tribal sub-plans. But the primary purpose of this important constitutional amendment has remained unattended for more than ten years for want of any action to evolve a suitable frame for peace and good government in the tribal areas and issue of any guidelines from the Central Government to the States in this regard.<sup>xxxvii</sup>

The real reform movement that developed was triggered by the move to tribal majority states in the north-east. That movement has led to demands for tribal autonomy outside the north-east and also for the refinement of tribal autonomy arrangements in the north-east.

The stories in India over the last couple of years have been about the struggles for greater autonomy for Jharkhand, the tribal region in southern Bihar (outside the north-east), and the Bodo struggle for a separate tribal council in the state of Assam (in the north-east). We will look first at the development of the tribal majority states in the hill areas of the north-east, something not envisaged at the time of independence, and then to the current struggles for autonomy in other areas.

### **The Development of Tribal States in the Hill Areas of Assam**

The reorganization of Assam and the border region, formerly called the Northeast Frontier Agency (NEFA), has taken place in stages and has led to the formation of four new predominantly tribal states: Nagaland, granted statehood in 1963; Meghalaya formed as a separate state in 1972 for the Garo, Khasi, and Jaintia tribes; Arunachal Pradesh, the name given to NEFA, created as a Union Territory in 1948, upon its conversion to full statehood in 1987; and Mizoram, formed into a Union Territory in 1971 and granted the status of a separate state in 1987. Of these several tribal movements, the two which have attracted the most attention because of their widespread popular support, explicitly secessionist goals and prolonged insurrectionary activities were those of the Nagas and the Mizos.<sup>xxxviii</sup>

#### *The Nagas and Nagaland*

The Nagas are a group of Tibeto-Burman tribes living in the isolated, rugged north-east of India. There are about twenty major Naga tribes and no common Naga language. The Naga were isolated from both the Hindu culture of India and the Buddhist culture of Burma and were

organized as separate village entities — "tiny sovereign-village states". For periods they fell under the suzerainty of the neighbouring Assamese. They paid tribute to the Assamese kings, and Naga youth were conscripted. But with the decline of the Ahom Kingdom in the eighteenth century, the Naga resumed their political separateness. With Christian missionary influence, dating from 1830, English became common, and when Nagaland was established as a state, English was declared the state language.<sup>xxxix</sup> English is the medium of instruction in the schools and colleges. This same official adoption of English has occurred in the tribal states of Arunachal Pradesh, Meghalaya and Mizoram.

The British began to assert control in part of the Naga area in 1832 and 1839. In part this was to secure the borders of British India. In part it was a response to patterns of Naga raids into the plains of Assam. The British sent in at least ten military expeditions between 1839 and 1850. Military expeditions in 1841 and 1845 concluded agreements or treaties with certain Naga leaders. The Naga pledged to end their raids against neighbouring peoples, to refer all disputes to the British authorities, and to pay annual tributes to the British as a token of allegiance. The British were established as sovereigns or suzerains in the area.<sup>xl</sup> But some external raiding and internal fighting continued, in spite of the new arrangements.

The British abandoned their policy of settling internal Naga disputes in 1852 in favour of a policy of non-interference. In part this reflected the diversion of British military capacity to the second Anglo-Burmese war. In part it reflected a conclusion that trade prospects with the Nagas were not very promising. But non-interference led to an increase of Naga raiding into neighbouring areas, and in 1865 the British decided to re-establish a military-administrative presence at Samaguting (Chumukedima) at the edge of the Naga areas, though not to attempt to occupy the Naga hills. But the Naga tribes resented the British authority, and raids against the British and British-controlled villages increased in the 1870s. This led the British to move their military-administrative headquarters to Kohima in the heart of the Angami Naga area. This headquarters could be established in Kohima only by force.

Though the British succeeded in defeating the Nagas at Kohima they suffered a great loss. Three British officers were killed, 4 wounded and 44 rank and file were either killed or injured. The defeat of Khonoma, in fact, marked the end of serious trouble and hostility in the Naga hills. Now the British government set up strong military posts at Wokha and Kohima. The Naga villagers were severely punished, mainly in the form of manual labour, which helped the British government in constructing roads and buildings etc.<sup>xli</sup>

After that time (1879) the Naga hills district was established and administered as a British territory. But it included only the Angami Naga. By 1908 the British had extended their control over the Kohima and Mokokchung Naga areas. British control over the Tuensang Naga areas on the border with Burma was achieved only by 1922. The Naga hill area was made part of the province of Assam, but it was designated a backward hill area, under special authority of the Governor General. The British did not attempt to integrate the Nagas into a larger polity. The policy was one of isolation. The *Government of India Act* of 1935 declared that the Naga hills district was an "Excluded Area".

Sir Robert Reid, the Governor of Assam, mentioned about the Constitution Act of 1935 which said, "Throughout the discussions previous to the framing of the new Act, the authorities concerned had no difficulty in agreeing that the Naga hills ought to be kept outside the purview of the new Constitution. They were accordingly declared to be an "Excluded Area" under the Government of India (Excluded and partially Excluded Area) Order, 1936, and have since the 1st of April, 1937, been administered by the Governor in his discretion." Thus the British wanted to have a separate identity. All this goes to suggest that the British established their sovereign control over the Naga hills and made it a part of the administrative system of British India but the people of the Naga hills were kept aloof from the mainstream of the country. Perhaps some British officials wanted to make the Naga hill areas a British colony (Crown Colony) even after India's independence. This is evident from the proposal of Robert Reid, the Governor of Assam which was submitted to the Governor General of India. Robert Reid had proposed that even after granting of independence to India, the Naga hills, north eastern frontier agency (NEFA) and the Chittagong hill tracts of East Bengal (now Bangladesh) should be retained as the "Crown Colony".

Therefore it is a different matter that the Home Government did not approve of Reid's proposal but the British policy of treating Nagaland as excluded territory and keeping the Naga people away from the national mainstream encouraged some misguided Nagas to demand an independent Naga State which in fact, became a bone of contention ever since India became independent in 1947 and thereafter.<sup>xlii</sup>

Dr. Mao, as this passage makes clear, opposes the Naga who still seek independence. Prime Minister Jawaharlal Nehru also saw Naga independence sentiments as reflecting missionary and British influences.<sup>xliii</sup>

In 1946 the Naga National Council made a submission to the British cabinet mission considering independence asking for "local autonomy" within an "autonomous Assam, in a free India". A year later they asked for an independent state, outside India. At the end of a ten-year period, the Naga would decide whether to join India or continue as an independent entity. Nehru wrote to the Naga National Council in 1946 arguing that the Naga territory was too small to survive as an independent state between huge countries like India and China. He noted his

policy was to give the tribes "as much freedom and autonomy as possible so that they can live according to their own customs and desires."<sup>xliv</sup> A nine-point agreement was worked out between Sir Akbar Hydari, the governor of Assam, as representative of the government of India, and the Naga National Council in Kohima in June 1947.

The first two articles of the agreement were related to judicial and executive matters. All civil cases and criminal as well, arising between the Nagas would be disposed of by the duly constituted Naga Courts in accordance with the Naga Customary Laws as would be introduced with the consent of the duly recognised Naga Representative Organization. In case of life imprisonment or death sentences, the person concerned would have the right to appeal to the Governor. In respect of executive matters the general principle was laid, according to which what the Naga National Council is prepared to pay for, the Naga National Council should control... The most important provision was that no law passed by the Provincial or Central Legislature which would materially affect the terms of this agreement or the religious practices of the Nagas, would have legal force in the Naga Hills, without the consent of the Naga National Council. The Naga National Council was empowered to impose, collect and spend the land revenues and house taxes. The Nagas were assured that there would not be alienation to a non-Naga without the consent of the Naga National Council. The last provision which came to be known as the 9th point, read as follows — "The Governor of Assam as the Agent of the Government of Indian Union will have a special responsibility for a period of 10 (ten) years to ensure the due observance of this agreement; at the end of the period the Naga National Council will be asked whether they require the above agreement to be extended for a further period or a new agreement regarding the future of the Naga peoples would be arrived at."<sup>xlv</sup>

The ninth article was ambiguous. Zapu Phizo, President of the Naga National Council, understood that it gave the Naga an option for independence after 10 years.

The Constituent Assembly charged with drafting an independence constitution established an Advisory Committee on Tribal Areas, under the chairmanship of Sardar Vallabhai Patel, and a sub-committee under Gopinath Bordoloi, the chief minister of Assam, to assess and advise on the future administration of the tribal and excluded areas in Assam. Assam was treated as a special case. Bordoloi brought certain Nagas onto his committee. The result was the sixth schedule of the constitution, which deals exclusively with the tribal areas of Assam. Those areas were placed under district councils or regional councils, which were given authority to regulate agriculture, the allotment and occupation of land, cottage industries, forests and the establishment of local village or town councils. They had broad powers over customary matters such as the inheritance of property, marriage laws, education and local infrastructure. They had taxing powers. The hill areas had representation in the state legislature of Assam. These provisions met wide opposition among the Naga, and both 'moderates' and 'extremists' boycotted

the elections of the district councils of the Naga hills district and the general election of 1952. There was a basic problem of the legal and political legitimacy of the new provisions.

Zapu Phizo claimed to have held a plebiscite in which 99 per cent of the Naga chose independence, though the process seems to have been inadequate.<sup>xlvi</sup> The Naga issue was taken seriously by the national government, and Phizo had a meeting with Nehru at Gauhati in December 1951. In 1952 he urged a Naga boycott of the first general election in India and non-cooperation on all fronts. Nagas were to give up any government jobs and not to pay taxes. The government restricted the activity of the Naga National Council and issued an arrest warrant for Phizo. In 1953 Phizo set up an underground Naga government in the Tuensang area.

The most unfortunate thing, however, was that he took assistance from neighbouring countries (like Pakistan, China, Burma, etc.) which not only bore animosity towards India but were also jealous of India's progress and prosperity at that time.<sup>xlvi</sup>

In South Asia there is a constant concern about the black hand of neighbouring countries in internal dissension. India, Burma, China, Pakistan and Bangladesh have all aided insurgent movements in neighbouring countries.

The unrest became major in the Naga area. The Councils were abolished and any assembly by more than five persons prohibited. The area was declared a disturbed area on 20 July 1955, under national emergency legislation. The Indian military conducted raids against Naga rebel bases. The "Naga Federal Government" established by Phizo was declared illegal. Phizo escaped and went to England in 1960.

Throughout the entire Nehru period [with the exception of Nehru's meeting with Phizo]...the central government refused to have anything to do with the Naga secessionist leaders. When the Naga movement turned into a violent insurrection, the central government adopted a policy of suppression by military means, which at times involved an entire Indian Army Division and various other paramilitary and police forces, the complete suspension of civil liberties in the hills, and other drastic measures such as the regrouping of entire villages to separate them from the guerillas.<sup>xlvi</sup>

Six moderate Naga leaders met with Nehru in New Delhi in 1956. Nehru promised a separate administrative unit for the Naga when hostilities were ended. Work toward a peaceful autonomous solution began. Moderates formed the Reforming Committee of the Naga National Council. They held a Naga Peoples' Convention in August 1957 at Kohima, with 1,735 representatives of different Naga tribes and 2,600 Naga observers. Representatives were selected to negotiate political autonomy with the governor of Assam and the government of India.

Negotiations occurred with Prime Minister Nehru in September 1957. In November the sixth schedule to the constitution was amended to establish the Naga Hills Tuensang Area (bringing together Naga areas in Assam and in NEFA). The scheme was under the administration of the governor of Assam and under central government control.<sup>xlix</sup>

Phizo denounced the 1957 arrangement, but apparently about 3,000 Naga rebels left the underground movement after it was in place. A general amnesty was declared. Some rebels continued to fight.<sup>i</sup> Naga negotiators formulated the demand for a separate Naga state within the Indian union. While they proposed reorganizing the 1957 Naga Hills Tuensang Area as a state, the Naga negotiators also envisaged integrating the contiguous Naga areas into the new state and envisaged the continuation of the Inner-Line Regulation, which restricted migration and settlement in the area. These positions were ratified through two further Naga Peoples' Conventions, held in 1958 and 1959. Negotiations began in 1960.<sup>ii</sup> There was some resistance at the centre, but Prime Minister Nehru saw statehood as a political solution to the problem of Naga insurgency.

The parties reached agreement on 30 July 1960. There would be a joint governor for Assam and Nagaland.<sup>iii</sup> Nagaland would have one seat in the national lower house, the Lok Sabha, and one in the upper house, the Rajya Sabha. The question of bringing contiguous Naga areas into the new state was put off, with the government of India noting the regular constitutional provisions for the adjustment of state boundaries. Phizo, based in London, opposed the arrangements. Four hundred Naga rebels attacked a military post at Purr in Tuensang area on 25 August 1960. Other attacks occurred, and four hostages were taken. An interim government for Nagaland was established in 1961. Its chairman, Imkongliba Ao, was assassinated in August 1961.

Article 3 of the Indian constitution requires that any proposal to form a new state by excising territory from an existing state must be referred to the existing state. The legislature of the state of Assam approved the creation of Nagaland in August 1962. The resolution indicated opposition to the creation of the new state on administrative convenience grounds, but recognized the commitment of the central government to the move. Opposition legislators expressed their apprehension that the creation of Nagaland would encourage other tribal groups to make similar demands.<sup>liii</sup>

Nagaland was formally established as a state in 1963. The Indian army continued its

military operations against the insurgents until 1978, despite cease-fire agreements in 1964 and 1975. There are still accounts of fighting by Naga rebels.<sup>liv</sup> Naga militants denounce the state leaders as puppets of New Delhi.

In the neighbouring state of Manipur, old animosities between Naga and Kuki have flared into serious warfare, resulting partly from increased numbers of Kuki fleeing repression in Burma. In fighting in 1993, more than 85 tribal people were killed and as many as 28 villages destroyed. One element of the situation is a call by some Naga for parts of Manipur to be included in Nagaland. In competition, one Kuki group is calling for a separate Kukiland comprising parts of Manipur and Burma. The Kuki insurgents have been trained by the Kachin insurgents in Burma and have Chinese weapons. At the time of writing, there were large numbers of national military and quasi-military forces in the state.<sup>lv</sup>

### *The Mizo and Mizoram*

The Mizo went through an internal modernization struggle in the 1940s and 1950s, ending the power of traditional chiefs, described as autocratic. They then turned to relations with India.<sup>lvi</sup>

The Mizo insurrection began later than that of the Nagas, in 1959, after a famine during which the Assam government allegedly failed to provide adequate relief to the people. During the famine, a Mizo National Famine Front was formed, whose members crossed into Burma to secure food from tribal peoples living across the border. After the famine ended, the Mizo National Famine Front was converted into a political organization with the name Mizo National Front (MNF), led by L. C. Laldenga.<sup>lvii</sup>

In 1966 Laldenga declared independence for Mizoram. The Indian Army was sent in to suppress the insurgency. After the revolt was largely suppressed, the Mizo Hills district was separated from the state of Assam, first as a Union Territory in 1971 and later as a full state in 1987. Prime Minister Indira Gandhi, unlike her father, was prepared to negotiate with insurgents, and Laldenga met her in New Delhi in 1982. Indira Gandhi intruded in state politics to an unprecedented degree, as the Mizoram story indicates:

The Congress [party] won the 1984 elections to the Mizoram Legislative Assembly by emphasizing its new relationship with Laldenga, whose own interest also lay in defeating the more moderate opposition to the Congress, which had been in power between 1977 and 1982.

In 1986, Rajiv Gandhi and Laldenga signed an accord granting full statehood to Mizoram after which the incumbent Congress chief minister was removed and replaced by Laldenga. Once again, therefore, in Mizoram as in Nagaland and in the Punjab, both Mrs. Gandhi and her son departed from the consistent policies of the Nehru period of refusing

to have any dealings with secessionist leaders and preferred instead to make alliances with any local and regional forces that would secure or regain power for the Congress itself.<sup>lviii</sup>

## **Autonomy Movements Outside the North-East Hill Areas**

### *The Jharkhand Movement*

The Jharkhand Santal leader, Professor Kisku, one of the founders of the Indian Association of Indigenous and Tribal Peoples, cites the tribal majority states of the north-east as a precedent for tribal autonomy in other parts of India. In his 1991 statement to the UN Working Group on Indigenous Populations he cited the existence of Nagaland, Mizoram, Arunachal Pradesh and Meghalaya, going on to state

There is no reason why the same principle cannot be extended to the tribal areas of central India and other areas which have been agitating for this status ever since India gained independence.<sup>lix</sup>

The Jharkhand area comprises the southern half of the state of Bihar and the smaller contiguous tribal areas in West Bengal, Orissa and Madhya Pradesh. This is a large area inland from Calcutta. The population includes some 30 tribes, including the large Santal and Munda tribes. The area had been virtually exclusively tribal, but its isolation has been broken down, and Hindu cultural influence is strong. With industrialization in the area, tribal peoples have lost both land and their numerical majority.<sup>lx</sup> The combined population of scheduled castes and scheduled tribes in the area would be around 6 million, less than half the 14.2 million population of the Jharkhand area of southern Bihar.<sup>lxi</sup> If the nine additional districts in Orissa, West Bengal and Madhya Pradesh are added to the 12 Jharkhand districts in Bihar, the total population of Jharkhand would be 35,098,991.<sup>lxii</sup>

The area is resource rich: 100 per cent of India's known copper deposits, 50 per cent of the coal, 40 per cent of the bauxite and 23 per cent of the iron. The area has all India's major steel mills and India's first fertilizer plant. It has six hydroelectric dams and produces 90 per cent of the electricity for the state of Bihar.<sup>lxiii</sup> One Jharkhand leader states that 72 per cent of the entire revenue of the state of Bihar comes from the Jharkhand area, but only 20 per cent goes to the development of the area.<sup>lxiv</sup> It is said that Jharkhand produces 40 percent of the nation's mineral wealth.<sup>lxv</sup> It is called the Ruhr of India, yet it is one of the poorest areas in India in terms of per capita income, with one of the lowest rates of village electrification.

The existence of multiple tribal groups, considerable acculturation and a non-tribal



majority have raised questions about the nature of the autonomy movement. Is it a cultural movement? Is it simply a local movement aimed at controlling exploitation from outside the region? Jharkhand is a Hindi term meaning a land with thick clusters of forest. Current formulations of the political arguments suggest that all who live in Jharkhand are Jharkhandis — that some kind of regional nationality has emerged. In this new nationality, the tribal peoples have contributed much of the distinctiveness and authenticity for the identity. Dr. Ram Dayal Munda, an important tribal Jharkhand leader, refers to a Jharkandi culture, adding that "The bases of this culture are provided by the tribal cultures of the region."<sup>lxvi</sup>

The Jharkhand movement dates back to 1911-12 when a series of organizations were formed, one of which made representations to the Simon Commission which held hearings in 1929.<sup>lxvii</sup> In 1938 three organizations merged into the Adivasi Mahasabha under the leadership of Ignès Bech and called for a separate tribal state to be established. At the end of the 1940s the organization was renamed the Jharkand party. The major figure in the Jharkhand party was Jaipal Singh, a Munda tribal. Singh was an Anglican who held an M.A. from Oxford and received some financial support from Christian missionaries. In the 1952 elections, the first after independence, the Jharkhand party emerged as the second largest party in the Bihar assembly with 33 seats. It won 32 seats in 1957, remaining the second largest party. In the 1963 elections the Jharkhand party merged with the Congress party. Prime Minister Nehru had planned that the Jharkhand party would share power with Congress. Jaipal Singh became a cabinet minister in a state Congress government. But Singh's move split the Jharkhand party, and even though he subsequently left Congress to re-form the Jharkhand party, the movement was fragmented.<sup>lxviii</sup> In the 1967 elections the Jharkhand party did not win a single seat in the Bihar assembly or the Lok Sabha. What proved to be temporary Jharkhand parties won some seats in 1967 and 1969, but they did not last through to the next elections.

The States Reorganization Commission reported in 1956. It rejected the idea of a separate state of Jharkhand on the basis (i) that tribal people were a minority in the Jharkhand region, (ii) there was no common language, and (iii) the economic balance of the neighbouring states would be disturbed by removing districts from them to form part of the new state.<sup>lxix</sup> It must be understood that the rationale for reorganization was language, not religion or ethnicity, so it is not surprising that the commission rejected statehood claims for both the Naga tribes (who also lacked a common language) and the Jharkhand region.<sup>lxx</sup>

In 1979 Sibu Soren emerged as a new leader, forming the Jharkhand Mukti Morcha (JMM). In the 1980 mid-term election the JMM won all the reserved seats in the Lok Sabha. But as with Singh before him, many thought Soren had become corrupt after being elected. He lost his seat in the 1984 election. In 1986 the All Jharkhand Student Union was formed under the leadership of Surya Singh Besra. Organizations called 'student unions' had been important in the agitations in Assam and Punjab. As well Dr. Ram Dayal Munda emerged as a leader. He was the first non-Christian leader of prominence, being a traditionalist. He became vice-chancellor of Ranchi University (the president, in Canadian terms). He currently heads the department of tribal and regional languages at the university. He was one of the three Jharkhand delegates in the first Indian tribal representation at the UN Working Group on Indigenous Populations in 1987 (along with Lutheran Bishop Minz and Professor Kisku, who had been a Congress M.P.).

In 1987 a Jharkhand Coordination Committee was formed in a meeting of 438 delegates representing 48 organizations. The meeting was convened by Dr. B.P. Kesri, head of the department of tribal and regional languages at Ranchi University. The JCC offered the possibility of overcoming the factionalism that had plagued Jharkhand politics and also represented an ascendancy of a tribal intellectual elite.

The entry of such intellectuals as Ram Dayal Munda, Nirmal Minz, B.P. Kesri etc., into the Jharkhand politics has led to the reformulation of its ideology, that is, its socio-cultural reorganization through the re-establishment of tribal values. Also there is an emphasis on a separate tribal identity and cultural security...

The Jharkhand Movement in its present stage is different from the past both in character and form. The Sadans who are non-tribals and who have long settled in the Chotanagpur region have joined the movement in large numbers along with other non-tribals.

According to the JCC declaration the demand for a separate state of Jharkhand is based on the Jharkhandi nationality. Thus the reconsolidation has been on the basis of tribals and non-tribals inhabiting the Jharkhand area. The AJSU which has emerged to oppose any kind of cooptation by the ruling party is the leading force of the movement. Under its leadership the movement has taken its earlier militant position of 1938-47 and its main strategy is organization of bandhs [general strikes] to demonstrate the strength of the movement. However, the reconsolidation effort has not succeeded in bringing about a unified political party.<sup>lxxi</sup>

With this combination of a militant All Jharkhand Student Union and an elite Jharkhand Coordinating Committee, able to negotiate with government leaders, there was a major attempt at resolution of the long-standing Jharkhand issue while the author was in India in March 1993. A general strike was called, and rail shipments of ore out of the Jharkhand region were blocked. This was strategically important, because coal is shipped from Jharkhand to electricity

generating stations in other parts of India. While the general strike was on, negotiations took place between Jharkhand leaders and representatives of the national government.

The politics of the situation are relevant. The Congress party formed a minority government at the centre. The Bihar state government was Janata Dal and opposed the creation of a separate Jharkhand state. It supported a regional autonomous arrangement and had passed a Jharkhand Area Development Council Act, which had not come into force because it required the president's signature. The state opposition was Congress party, and it too was opposed to a separate Jharkhand state (creating some political problems for the centre on the issue). The Janata Dal chief minister in Bihar, Laloo Prasad Yadav, put together a Muslim/backward classes coalition as his political base. He implemented the recommendation of the Mandal Commission on increased reservations for members of the 'backward classes', something that had been blocked at the centre by intense controversies. Laloo's strategies in relation to minorities seemed to have been proven successful in December 1992, when Bihar was one of the few areas in India not to suffer communal violence in the wake of the destruction of the Babri Masjid at Ayodhya.<sup>lxxii</sup>

The union home minister, S.B. Chavan, said in Pune on September 8, 1992 that the "formation of either a separate state or a Union territory of Jharkhand is the only solution to the Jharkhand problem."<sup>lxxiii</sup> The centre apparently preferred a Jharkhand union territory without a legislative assembly encompassing only the Jharkhand region of Bihar. The Jharkhand leadership was probably willing to accept a union territory (for certain of the tribal majority states in the north-east evolved through this stage), but they opposed any arrangement that lacked a legislative assembly. A union territory would separate the Bihar Jharkhand area from the rest of the state, and that was opposed by both the Janata Dal government of Bihar state and the state opposition Congress party. The centre would not have been concerned with undercutting Chief Minister Laloo, but they were in danger of undercutting the Congress opposition as well.

Talks began between Jharkhand leaders and the centre in 1989, with a second round in Delhi in August 1989.<sup>lxxiv</sup> At meetings in Delhi in September 1989, the centre accepted the proposal for the formation of a Committee on Jharkhand Matters to advise the government. The committee included Professor Ram Dayal Munda and Bishwar Prasad Keshari, two leading Jharkhand tribal leaders. It also included three specialists, Dr. Bhupinder Singh, a highly respected former senior tribal administrator, Dr. Suresh Kumar Singh and Mr. K.N. Prasad. Dr.

B.S. Lalli, Joint Secretary, Ministry of Home Affairs, was the convenor of the committee. It was to work immediately and report in October 1989, but state and national elections intervened. The report was submitted in May 1990 and tabled in the Lok Sabha in March 1992. Committee member Munda has written of the report and its recommendations:

The draft report considered the Jharkhand area as a distinct cultural unit, and has recommended that status of a separate State be given to the area. However, under the present circumstances it would be difficult for the Central Government to give Jharkhand the form of a State or a Union Territory. Experts have proposed that the Chotanagpur and Santal Pargana area [in Bihar] be given a special status of Jharkhand council. The experts were of the opinion that such Councils could also be formed in the Jharkhandi cultural areas of Bengal, Orissa and Madhya Pradesh. The specialists also recommended a Jharkhand Cultural Development Authority for the entire Jharkhand area. However, all the Jharkhandi organisations including the Members of Parliament from the Bharatiya Janata Party, Congress, Janata Dal and others, who were present as observers, broke their political boundaries and recommended statehood for the Jharkhand area. It was also unanimously suggested that a committee be formed to determine the exact boundary of the state on the basis of cultural identity.<sup>lxxv</sup>

The most effective opposition to the creation of a new state or to an effective autonomous council or councils comes from the governments of the four existing states that would lose territory or authority. At the centre, the various national parties are in support of a separate union territory or a separate state.

The All Party Jharkhand State Movement Committee, a co-ordinating committee, called a one-day general strike for 15 March 1993, to be followed by an indefinite economic blockage. Fifty Jharkhand activists were arrested on the eve of the strike, and more than 20 companies of paramilitary forces were sent to Jharkhand to maintain order.<sup>lxxvi</sup>

The *Times of India* published a supportive editorial:

The issue is simple enough: the demand for autonomy of the people of Jharkhand is perfectly justified. The problem arises because conceding the demand would inevitably launch a process of reorganization of states which would alter the internal map of India through the creation of a large number of small states. It is this that the involved politicians try to evade as they hold Jharkhand as hostage to their indecisiveness. This state of affairs obviously cannot go on for too long. While the leaders of the nation overcome their fear of states reorganisation and the carving out of smaller, more manageable, more participatory and more democratic states, Jharkhand must soon be given adequate autonomy — even constituted as a "sub-state" within Bihar to begin with — as a significant reassurance to its people that the process is on in all seriousness.<sup>lxxvii</sup>

Agreement on a settlement was announced on 22 March 1993 after lengthy talks between the national minister for internal security, Rajesh Pilot, and the Jharkhand leaders, negotiated in

consultation, it was said, with representatives of the state government.<sup>lxxviii</sup> There would be an elected council of 125 members. The council would have more or less complete financial and administrative autonomy over 16 districts of Bihar and jurisdiction over 50 subjects. The term 'sub-state' was being used to indicate that the agreement went considerably further than the Bodo Accord, agreed to earlier in 1993. The central government made four promises for action by the centre alone. Delhi would take the initiative to form autonomous councils in the adjacent tribal areas in the states of West Bengal, Orissa and Madhya Pradesh. The centre would set up recruitment boards for tribal employment in central government undertakings. A central university would be established in Jharkhand. (There are a small number of central universities in India, and they are the most prestigious institutions; the best known is Jawaharlal Nehru University in Delhi.) As well the centre would facilitate communication between the centre of Jharkhand and the more isolated areas by building new railway lines linking Ranchi with those areas.<sup>lxxix</sup>

Quickly the chief minister of Bihar, Laloo Prasad Yadav, indicated that the state was not in agreement with what had been worked out between the centre and the Jharkhand leadership. He denied that the agreement had been drawn up in consultation with representatives of the state government.<sup>lxxx</sup> Laloo referred to his government's Jharkhand Area Development Council Act as the proper framework for change; that bill had been passed by his government, but without the signature of the president could not come into force. It was unacceptable to the Jharkhand leadership and regarded as inadequate by the centre. Laloo claimed that the blockage had "fizzled" and that dissention had developed between the tribal peoples and the backward castes. He also suggested that nine districts should be excluded from any autonomy arrangement.<sup>lxxxi</sup>

A bill was put together to implement the March agreement, drafted primarily by Dr. Munda and Dr. Bhupinder Singh. The bill was submitted to Chief Minister Laloo by the central government in the week of 11 July 1993. At the time of writing it had not been enacted.

### *The Gorkhaland Movement*

The Gorka faced particular problems in India and were victimized as foreigners from Nepal whose presence in India was not fully accepted. The Gorka National Liberation Front (GNLF) was established in 1980 and attempted to get support from the King of Nepal. It also circulated its documents to the United Nations and the major powers. The GNLF had two meetings with the

home minister of Nepal. But their problem was in India. In March 1986, 6,000 Nepalese were expelled from the state of Meghalaya on grounds that they had no entry permits. Assamese militants then expelled the Nepalese, with a few hundred more, to West Bengal. The Nepalese, under the leadership of Subhash Ghising, petitioned for an autonomous jurisdiction.

In the 1988 Gorkhaland Accord, West Bengal agreed to establish the Gorka Hill Development Council. The accord was brokered by the central government and put in place by state legislation. It is a modest system of autonomy, and there were accounts of a budget fight between the council and the government of West Bengal in the newspapers in India in March 1993.<sup>lxxxii</sup>

### *The Bodo Movement*

The Bodo are the largest tribal group in Assam. They live in the plains area of Assam and were not included in either the fifth or the sixth schedule of the constitution. Dr. Bhupinder Singh has called this omission a "quirk of history".<sup>lxxxiii</sup>

A major issue for the Bodo has been language. In 1960 Assamese was introduced as an official language. It was made a medium of instruction in Assam universities in 1972. In the 1970s there was a fight with the Assam government over the use of Roman script rather than Assamese script for the Bodo language. The Assam government prevailed. In 1987 the All-Bodo Students Union raised the demand for a separate Bodo homeland and an insurgency began.

A 1993 newspaper story outlined some of the political background:

The origins of the Bodo movement can be traced to the passage of the Official Language Bill in 1960 which led to the assertion of separate tribal cultures by the All-Party Hill Leaders' Conference, the Mizo Hill District Council and the Plains Tribal Council of Assam (PTCA). The PTCA — the precursor of the present-day All Bodo Students' Union (ABSU) and the Bodo People's Action Committee (BPAC) — first articulated a larger version of the Bodoland demand under the name Udayachal.

In 1987, the leadership of the Bodo movement passed into the hands of the ABSU-BPAC combine...

Bodo leaders admit that territorially and financially a separate state may not be a viable proposition. Nevertheless, they have stuck to the view that good government is no substitute for self-government. To this end the ABSU-BPAC launched a mass struggle towards the end of 1986.<sup>lxxxiv</sup>

The ABSU-BPAC gained some access to the centre and suspended their agitation in 1988. A separate group, the Bodo Security Force, continued insurgent action, keeping pressure on politicians. The ABSU-BPAC became the moderate Bodo leaders. Between 1988 and 1992 there

were nine rounds of tripartite talks. On 20 October 1992, the ABSU-BPAC leaders declared in Delhi that the talks "had yielded no positive results except bitter experiences and vague verbal assurances...". They threatened renewed agitation: "Assam will be burning again."

The new minister of state for internal security, Rajesh Pilot, started a fresh round of talks. The central government made it clear that they were not sympathetic to a separate Bodo state. The defence minister, Sharad Pawar, made that clear in a public statement. A key adviser was Dr. Bhupinder Singh, also a key member of the Committee on Jharkhand Matters. He was publicly credited with devising the model of autonomy accepted by the Bodo leaders.<sup>lxxxv</sup>

An agreement was signed on 20 February 1993 by Assam and the ABSU-BPAC leaders for the establishment of a separate Bodo Autonomous Council (BAC). By the agreement the BAC will have control over an area north of the Brahmaputra river in the western part of Assam that has a population of 1.8 million people. The area includes 25 tea plantations and about 2,000 villages. The Bodo language will be used in the tribal areas. Special courts will be established to administer tribal laws. The chief minister of Assam, Mr. Hiteswar Saikia, offered a general amnesty to Bodo militants and rehabilitation assistance, on the model of the ULFA [United Liberation Front of Assam] Surrenderers Resettlement Scheme. At a public rally on 7 March 1993, 11 Bodo militants surrendered with their arms.

The agreement was immediately denounced by the Bodo Security Force. Other opposition is expected, for the Bodo got less than they had been demanding. Certain tribal areas that had been in the area the Bodo had demanded were not included under the BAC (the areas of the Rabhas on the southern bank in central Assam and the Boro Kacharis and other non-Karbi tribes in the autonomous hill district of Karbi Anglong). Certain Bodo people are not covered — those living east of Dorrang district (an area with some Bodo militants). As well the agreement had no provision on the restoration of tribal lands that had been lost to non-tribals.

The BAC will be composed of 40 members, 35 of whom will be elected and 5 nominated by the governor of Assam. Rajesh Pilot urged the Bodo to ensure that women and non-tribals were elected to seats on the council. The BAC will have jurisdiction over 38 subjects, including education, socio-economic development, land reforms, co-operatives, forests, fisheries, agriculture, revenues, public works, tourism, transportation and local trade and commerce. The state government will handle police and law and order functions. The BAC, the news accounts state, will have more autonomy than the autonomous councils under the sixth schedule of the

constitution. Dr. Bupinder Singh has written that an objective was "maximum autonomy to the Bodos within the framework of the Constitution."<sup>lxxxvi</sup>

The BAC will have some financial autonomy. That was the reason for the fights over the tea gardens, the best source of tax revenue in the area. The Bodo had sought control over 109 tea gardens and in the end settled for 25. The tea gardens are a controversial issue on both sides. The chief minister of Assam, Hiteswar Saikia, (Congress party) had assured the tea workers' unions that no tea gardens would be included in an autonomy deal. The agreement has split the state cabinet, with four ministers saying that they will lobby against the 25 tea gardens coming under the BAC.

While the Bodo leaders gave up their demand for a separate state, the Assam government relented on its position that no tea garden would be allowed to come under the jurisdiction of the council. And what's more, the state government also agreed to release all Bodo activists in jail. Prominent among those in custody include three Bodo MLAs, held for their alleged involvement in two bomb blasts in Guwahati last November.<sup>lxxxvii</sup> The bomb blasts in question killed 30 people.

The autonomy legislation will be passed by the legislature of the state of Assam. The extent to which the BAC will be dependent upon Assam is not clear. Assam will draw up the budget for the BAC and collect some of its revenues on its behalf. Assam recently dismissed the members of the elected Karbi Anglong District Council (a council listed in the sixth schedule of the constitution) in controversial circumstances, and such an action against an elected Bodo Council would probably be possible. The central government has indicated that its role now is simply to monitor Assam's compliance with the accord. A journalist asked Rajesh Pilot how he could ensure that the accord was implemented properly. The reply:

All the three parties involved — the Bodos, the Assam government and the Centre — share the responsibility to make the accord a success. On our part, we have set up a cell that will monitor the progress of the implementation of the accord on a daily basis. We are prepared to step in if anything goes wrong.<sup>lxxxviii</sup>

The central government will monitor. It will apply political pressure if there are problems (and if it chooses to do something about the problems). The centre takes the position that it does not have the power to put such agreements in place, though the centre took the lead role in negotiating both the Bodo Accord and the Jharkhand Accord. Only one account pointed out that the Bodo Accord had not been signed by the centre — only by Assam and the Bodos.<sup>lxxxix</sup>

In the meantime the 'moderate' Bwiswamutuary, head of the ABSU, described the BAC agreement as a "stepping stone to our ultimate goal" of a separate state.



In April 1993, the Bodo Security Force (BSF) kidnapped Bolin Bordoloi, an executive of Tata Tea and the son of the chief minister of Assam. The BSF demanded a ransom of 150 million rupees. Apparently the tea industry had secretly paid the militants some 3 billion rupees in ransoms over the previous five years. In response to the kidnapping of Bordoloi, Assam police secretly detained three or four individuals for their connections with the BSF, using special powers provided to deal with 'troubled areas'. A second tea executive was kidnapped in June 1993. That month another tea company announced that it had paid a 20-million rupee ransom for the release of an executive earlier in 1993.<sup>xc</sup>

### **Tribal Political Organization**

Certain of the Jharkhand leaders began a national tribal organization, the Indian Council of Indigenous and Tribal Peoples. Three Jharkhand leaders, Professor Kisku, Dr. Munda and Bishop Minz attended the UN Working Group on Indigenous Populations in 1987 representing the ICITP. Professor Kisku, with the support of a protestant Christian organization in New Delhi, organized a seminar in April 1992 entitled "Who are the Indigenous Peoples of India?". The title referred to the fact that the government of India denied that the tribal peoples were indigenous. The seminar was an academic gathering, with scholarly papers on the issue. The evidence seemed strong that the tribal peoples, or at least major sections of them, represented the earliest populations in the sub-continent.

In April 1993, with support from the Indian Social Institute, a Catholic organization in Delhi, the ICITP held a pre-General Assembly meeting, attended by about 65 tribal people. The meeting came immediately after an ISI-organized seminar. The pre-General Assembly meeting elected three individuals for each of six zones: the north, the north-east, the central (Jharkhand), the west (Rajasthan, Gujarat), the south (Tamil Nadu, Kerala, Karnataka) and the south-east (Andhra Pradesh, south Orissa, eastern Madhya Pradesh). Dr. Kisku, who had been running the organization out of his back pocket and not sharing information or roles with others, was not elected to this new planning board. Bishop Minz, one of the established Jharkhand/ICITP leaders became the convenor of the new planning board. The General Assembly was planned for New Delhi on 15-17 November 1993, followed by a three-day cultural celebration. Dr. Munda indicated they hoped for a thousand representatives from each of the six zones. They hoped to raise 1.6 million rupees to fund the event, in equal parts from foreign sources, government

corporations, religious and cultural organizations and directly from government. If India gives funding, it would be the first time the government of India has given organizational funding to a tribal political organization.<sup>xcv</sup>

### *The Role of Women*

The visible tribal political leadership appears to be male. All the members of executive of the Indian Association of Indigenous and Tribal Peoples, a fairly new body, attending a meeting in New Delhi in April 1992 were male. I have seen or heard no references to a tribal woman's organization, but it must be remembered that tribal people have not been organized at the national level until very recently. Indeed the first fairly representative assembly was held only in April 1993.

The local situation is probably different. Certainly tribal women have been active in Jharkhand protests.<sup>xcvii</sup>

As noted earlier, there are a number of references in the literature to the general proposition that women had more equality and respect in tribal societies than they have in contemporary Hindu society. Concern is expressed that with greater exposure of tribal peoples to the majority populations, the status of women in tribal communities will drop. Verrier Elwin noted certain negative effects of Hindu society on tribes, including the promotion of younger marriages and sometimes imposing a ban on remarriage by widows.<sup>xcviii</sup>

Father Walter Fernandes has commented on these issues:

What one notices here is a community resource-management-oriented society rather than an individual property-based one. The first feature of such a society is that it is equitable. The second implication mentioned in Menon's paper as well as in many others is the relatively high status of women among the tribals compared to those in mainstream Hindu caste society. Most tribals still retain many signs of women's equality though as a result of modernization their status has deteriorated more than that of men. Studies have indicated that in the tribal movements today, women are more aware of their ethnic identity than men.<sup>xcix</sup>

Dr. Bhupinder Singh has made similar comments:

...the majority of tribal societies have invested women with status near-equal to that of men. In fact, some tribal societies like the Khasi in north-eastern India have been matrilineal and thus have placed women on a high pedestal. In other tribal societies, if women have toiled more than men, they have had a share of participation in domestic and social deliberative councils.<sup>xcv</sup>

Some literature on tribal women has emerged recently.<sup>xcvi</sup>

## **The Internationalization of Indian Tribal Issues**

As in Canada there have been attempts by Indian tribal peoples to gain international attention and support for their struggles.

One unusual story involves the Ho people, in a particularly inaccessible part of southern Bihar. In 1936-37 the British recognized Ho control of their area and formulated Wilkinson's Rules about rights in the area. The Ho from the Kolhan area joined with the JMM, a Jharkhand political organization, in a large rally in 1981. In February of that year they sent a delegation to New Delhi with a memorandum to the Commonwealth Secretariat arguing that Kolhan was a republic, loyal to the commonwealth and the Crown, but not a part of India. The petition was given to the representatives of 35 Commonwealth countries then in New Delhi for a Commonwealth heads of government meeting. Sharon Venne and Wallace Manyfingers, two First Nations people from Canada, were in New Delhi at the same time lobbying on issues connected with the patriation of the Canadian constitution. In August 1981, two representatives of the Ho visited the Commonwealth Secretariat in London and United Nations headquarters in New York to lobby for independence. On their return, a large public meeting was beginning when police surrounded the people and arrested two leaders and charged them with treason.<sup>xcvii</sup>

The Ho story is a fragment, but it is like the Canadian First Nations delegations to London, Geneva and New York. It was an attempt to get a hearing beyond the state-controlled system that the tribe was experiencing as oppressive.

Tribal representatives from India began attending sessions of the United Nations Working Group on Indigenous Populations in 1987. They found that other tribal and indigenous peoples did not understand the situation in India. On most subjects, outsiders find India far too confusing and complex to try to understand. While some bases of common understanding have been worked out among indigenous peoples from the Arctic, from the Indian areas of the Americas, and from the Sami areas of northern Europe, there has been little contact between the tribal peoples of Asia and western indigenous peoples. None of the current international organizations of indigenous peoples does this bridging.<sup>xcviii</sup> Perhaps that will start to change.

The tribal representatives who went to Geneva found that the Indian government representatives at the Working Group and in the Sub-Commission were ignorant and uninterested in Indian tribal issues. Government representatives said things that no intelligent politician would ever say in New Delhi. They said that it was impossible to work out the sequences of populations

in South Asia. They said that the tribals had all been assimilated, that they did not survive as distinct peoples within India. Indian diplomatic representatives were not used to dealing with these kinds of issues in Geneva or New York. Canadian diplomatic representatives had to adjust on this front much earlier than those from India.

The applicability of the concept of 'indigenous' to Asia is still contested. Certainly Asian groups have been claiming that status, though Kingsbury suggests that it may be somewhat opportunistic:

The power of the lexicon shapes the way in which claims are formulated and groups define themselves: thus, for instance, the scramble to be considered one of the "backward classes" in India, or the rapid adoption among many non-state groups in Asia of the self-description "indigenous people" as it has become an empowering term internationally, even where the very same group may still have origin myths which recount their migration and subordination of another group still living in the same territory.<sup>xcix</sup>

As time goes on the parallels between the experience of tribal peoples in India and tribal and indigenous peoples in other parts of the world will come to be better understood. At the moment it is understood in the context of the negative impact of development projects. India has supplied two well known horror stories: the Bastar forestry project and the Narmada Valley hydroelectric project. This paper was prepared in part to suggest that there are some positive stories, relating to political autonomy or self-government. The stories may not seem very positive to readers, but it must be remembered that India is a fractious, competitive place, and these stories reflect that basic fact. In the political milieu of India, they are stories of how tribal peoples have gone about taking greater control of their own lives.

Can we in Canada learn anything about indigenous self-government from the Indian experience? The major difference is in scale. Individual tribes in India outnumber the entire Aboriginal population of Canada. Direct application of Indian models would be impossible. Yet the Indian experience is a major confirmation of any system that recognizes tribal or indigenous self-government. The Indian experience is interesting both in providing a somewhat parallel account of the political dynamics of policy change on self-government and in illustrating the range of powers that can be included in self-governing units.

## Notes

- 
- <sup>i</sup>The only significant union territory is the national capital, Delhi. The states and union territories are set out in Schedule 1 of the Constitution. I have relied on Durga Das Basu, *Constitutional Law of India*, sixth edition (Prentice-Hall of India, 1991).
- <sup>ii</sup>"India to have 18 official languages", *Bangkok Post*, 22 August 1992, 7.
- <sup>iii</sup>Pathak, "People of India: Did You Know?", *India Today*, 15 April 1993, 76. Only the first volume of the massive study has been published to date.
- <sup>iv</sup>These figures were taken from an Associated Press story on India, "Tales from the Bible on TV Survive Islam Threat in India", *New York Times*, 12 April 1993, A5.
- <sup>v</sup>See McDonald, "Saffron nationalism: minorities fear upsurge of Hindu revivalists", *Far Eastern Economic Review*, 11 March 1993, 22.
- <sup>vi</sup>Ghimire, "The BJP: A shot in the arm", *India Today*, 30 June 1993, 30; Ghimire, "Looking beyond Ayodhya", *India Today*, 15 July 1993, 38.
- <sup>vii</sup>Gargan, "Indian troops are blamed as Kashmir violence rises", *New York Times*, 18 April 1993, 1; Physicians for Human Rights and Asia Watch, "The Crackdown in Kashmir: Torture of Detainees and Assaults on the Medical Community", March 1993.
- <sup>viii</sup>Huber Anderson, *The Hour of the Fox: Tropical Forests, the World Bank, and Indigenous People in Central India* (University of Washington Press, 1988); see also Brass, *The Politics of India Since Independence* (Cambridge: 1990), 181-182.
- <sup>ix</sup>Fernandes, *National Development and Tribal Deprivation* (Indian Social Institute, 1992), 9-10.
- <sup>x</sup>Chaudhuri, *Tribal Transformation in India*, 5 volumes (New Delhi: Inter-India Publications, 1992), volume 1, viii.
- <sup>xi</sup>K.S. Singh is a former senior government official on tribal issues and a prolific writer on the subject. He is now retired but continues to play an active role in tribal issues in India. The reference to tribal people occupying 20 per cent of the land mass of India is found in his book, *Ethnicity, Identity and Development* (New Delhi: Manohar, 1990), 31.
- <sup>xii</sup>Rana, "Jharkhand Movement in a Wider Perspective", in *Jharkhand Movement: Origin and Development*, ed. Narayan (New Delhi: Inter-India Publications, 1992), 115.
- <sup>xiii</sup>Pathy, "Political Economy of the Ethnic Peoples of India", *Social Action* [Journal of the Indian Social Institute] 43 (1993), 42.
- <sup>xiv</sup>Mahapatra, "Group discrimination in Orissa", in *Case Studies on Human Rights and Fundamental Freedoms*, ed. Veenhoven (Nijhoff, 1976), volume 4, 47.
- <sup>xv</sup>"Bihar: New Thrust", *India Today*, 28 February 1993, 59.
- <sup>xvi</sup>A recent article suggested Burmese support for "ethnic insurgent groups in the Indian areas bordering Burma". See Manchanda, "Reasons of state: India opts to do business with Burmese junta", *Far Eastern Economic Review*, 6 May 1993, 12.
- <sup>xvii</sup>See Vidyarthi, "Inter-group Conflict in Contemporary India", in *Case Studies on Human Rights and Fundamental Freedoms*, cited in note 14, volume 3, 135; Minz, "The Jharkhand Movement", in *National Development and Tribal Deprivation*, cited in note 9, 352. Bishop Nirmal Minz notes British codification of customary law in the Jharkhand region, giving the examples of Wilkinson's Law in the Ho Country, the Santal Pargana Land Act and the Chotanagpur Tenancy Act. See Minz, "Cultural Identity of Tribals in India", *Social Action* 43 (1993), 37.
- <sup>xviii</sup>Singh, *Ethnicity, Identity and Development*, cited in note 11, 32.
- <sup>xix</sup>Part XVII of the constitution deals with language. Section 345 allows the individual

---

states to adopt one official language or more.

<sup>xx</sup>This is a continuing matter of contention in India. In 1985 the Supreme Court ruled in the *Shah Bano* case that a Muslim was bound to pay maintenance to his indigent wife after divorce. This drew the count into an analysis of Muslim personal law. Muslim religious leaders contended that the Court had misinterpreted Muslim law. In 1986 the Congress government of Rajiv Gandhi reversed the decision by national legislation. Hindu nationalists still point to this as appeasement of the Muslims. See Rahman, "Religious rights versus women's rights in India", *Columbia Journal of Transnational Law* 28 (1990), 473; Sanders, "Collective rights", *Human Rights Quarterly* 13 (1991), 380.

<sup>xxi</sup>Brass, *The Politics of India Since Independence* (Cambridge: 1990), 131.

<sup>xxii</sup>Item 15, Concurrent List, Seventh Schedule to the Constitution.

<sup>xxiii</sup>Singh, *Ethnicity, Identity and Development*, cited in note 11, 36.

<sup>xxiv</sup>Interview, 15 March 1993, with Father Walter Fernandes, head of the Indian Social Institute, New Delhi. Father Fernandes, an Indian Jesuit Priest, was involved in the lobbying around the legislation in Andhra Pradesh in 1970. See Rajanikanth Prasad, "Naxalite Movement in Tribal Areas", in *Tribal Transformation in India*, cited in note 10, volume 3, 271-282.

<sup>xxv</sup>Ramashish Roy comments: "Planning for tribal development has now become a concurrent exercise with the planning at State and National level...". See "Origin and Evolution of Jharkhand Movement", in *Jharkhand Movement: Origin and Development*, cited in note 12, 95.

<sup>xxvi</sup>Mitta, "Running aground: factional infighting and procedural wrangles have made the commission a non-starter", *India Today*, 15 September 1993, 90.

<sup>xxvii</sup>Subbaiah, "A Note on the Administration of Scheduled Areas", in *Jharkhand Movement: Origin and Development*, cited in note 12, 76.

<sup>xxviii</sup>Subbaiah, 76-78.

<sup>xxix</sup>An example is the Tribal Advisory Council established in Bihar in 1960 but that ceased to meet. See Roy, "Origin and Evolution of Jharkhand Movement", in *Jharkhand Movement: Origin and Development*, cited in note 12, 96.

<sup>xxx</sup>Verrier Elwin, *The Tribal World of Verrier Elwin* (Oxford, 1964, reprinted by Oxford India Paperbacks), 246-247.

<sup>xxxi</sup>Sachchidananda, *The Tribal Voters of Bihar* (New Delhi: National Publishing House, 1976).

<sup>xxxii</sup>Mandel, "Mobilization of Tribal Electorate", in *Tribal Transformation in India*, cited in note 10, volume 3, 244-258.

<sup>xxxiii</sup>The book by Elwin was *A Philosophy of NEFA* [the North-East Frontier Agency] (Shillong, 1960). It is likely that Elwin drafted the five-point statement.

<sup>xxxiv</sup>Brass, *The Politics of India Since Independence*, cited in note 21, 181, quoting from an unpublished paper by the Indian scholar Bose, "The Congress and the Tribal Communities".

<sup>xxxv</sup>Singh, *Ethnicity, Identity and Development*, cited in note 11, 33-35.

<sup>xxxvi</sup>Singh, 11.

<sup>xxxvii</sup>Subbaiah, cited in note 27, 78.

<sup>xxxviii</sup>Brass, *The Politics of India Since Independence*, 175.

<sup>xxxix</sup>Official state languages are common in India, as well as the provision on official

---

languages and recognized languages in the constitution.

<sup>xi</sup>Ashikho Daili Mao, *Nagas: Problems and Politics* (New Delhi: Ashish, 1992), 20.

<sup>xlii</sup>Mao, 27-28.

<sup>xliii</sup>Mao, 31.

<sup>xliiii</sup>Mao, 3.

<sup>xliv</sup>Mao, 38.

<sup>xlvi</sup>Mao, 41.

<sup>xlvi</sup>Mao, 50.

<sup>xlvii</sup>Mao, 53.

<sup>xlviii</sup>Brass, *The Politics of India Since Independence*, 176.

<sup>xlix</sup>Mao, 62-64.

<sup>i</sup>Mao, 66.

<sup>li</sup>Mao, 68-70.

<sup>lii</sup>State governors are the equivalent of Canadian lieutenant governors, though they can actually run governments if president's rule is imposed on a state. As well, the pre- and post-independence arrangements for tribes envisaged a special legislative role for governors in relation to tribal areas, something that at least in post-independence India has never been acted upon.

<sup>liii</sup>Mao, 82-83.

<sup>liv</sup>In July Naga insurgents killed 25 military in an ambush. The insurgents were said to have a training camp in Bangladesh. See Hugh, "Intelligence failure: Naga guerrillas intensify operations to press for freedom", *India Today*, 31 July 1993, 19.

<sup>lv</sup>"Manipur gore", *India Today*, 31 May 1993, 16; Das Ahmed, "Manipur: The hidden war", *India Today*, 30 June 1993, 52.

<sup>lvi</sup>Bhagabati, "Tribal Transformation in Assam and North-East India", in *Tribal Transformation in India*, cited in note 10, volume 3, 499.

<sup>lvii</sup>Brass, *The Politics of India Since Independence*, cited in note 21, 177.

<sup>lviii</sup>Brass, 178.

<sup>lix</sup>Document in the author's possession.

<sup>lx</sup>Jha, "Jharkhand Politics of Bihar: Paradigm of Non-Performance", in *Jharkhand Movement: Origin and Development*, cited in note 12, 105, gives the figures for tribal people as 45 per cent, 40 per cent and 30 per cent of the total population in 1941, 1951 and 1961 respectively.

<sup>lxi</sup>Das, *Jharkhand: Castle over the Graves* (New Delhi: Inter-India Publications, 1992), 187.

<sup>lxii</sup>Minz, "The Jharkhand Movement", in *National Development and Tribal Deprivation*, cited in note 9, 345.

<sup>lxiii</sup>Rana, Chapter 13, in *Jharkhand Movement: Origin and Development*, cited in note 12, 116.

<sup>lxiv</sup>Minz, "The Jharkhand Movement", in *National Development and Tribal Deprivation*, cited in note 9, 353.

<sup>lxv</sup>Roy, "Origin and Evolution of the Jharkhand Movement", in *Jharkhand Movement: Origin and Development*, cited in note 12, 121.

<sup>lxvi</sup>Munda and Keshari, "Recent Developments in the Jharkhand Movement", *India International Centre Quarterly* 19/3 (1992), 72.

<sup>lxvii</sup>This initial history is taken from Roy, "Origin and Evolution of the Jharkhand

---

Movement", in *Jharkhand Movement: Origin and Development*, cited in note 12, 96-100. As well the writer has some familiarity with the Jharkhand movement since the leaders of the Indian Association of Indigenous and Tribal Peoples are Jharkhand leaders. The Indian tribal representation at the United Nations Working Group on Indigenous Populations has been from IAITP, and those leaders invited the author to speak at an IAITP conference in New Delhi in April 1992. I met them again in India in February 1993.

<sup>lxviii</sup>Singh was seen as having been bought off and now allied with non-tribal development interests. He was criticized for not promoting separate statehood for Jharkhand before the States Reorganization Commission and for giving electoral nominations to non-tribals. See Minz, "The Jharkhand Movement", in *National Development and Tribal Deprivation*, cited in note 9, 362.

<sup>lxix</sup>Minz, 361.

<sup>lxx</sup>Mishra, Chapter 16, in *Jharkhand Movement: Origin and Development*, cited in note 12, 139-140.

<sup>lxxi</sup>Minz, 365.

<sup>lxxii</sup>Ahmed, "A new respectability", *India Today*, 15 February 1993, 20.

<sup>lxxiii</sup>Narayan, *Jharkhand Movement: Origin and Development*, cited in note 12, 17.

<sup>lxxiv</sup>This account of the negotiations and the committee is taken from Munda and Keshari, "Recent Developments in the Jharkhand Movement", *Indian International Centre Quarterly* 19 (1992), 77-82.

<sup>lxxv</sup>Munda and Keshari, 80.

<sup>lxxvi</sup>"50 Jharkhand activists held on bandh eve", *Times of India*, 15 March 1993, 1.

<sup>lxxvii</sup>"Jharkhand Once Again", *Times of India*, 18 March 1993, 10.

<sup>lxxviii</sup>"Jharkhand leaders agree to sub-state", *Times of India*, 22 March 1993, 1.

<sup>lxxix</sup>Conversation with Dr. Munda, Geneva, 18 July 1993.

<sup>lxxx</sup>"Laloo unhappy with Jharkhand pact", *Times of India*, 23 March 1993, 7.

<sup>lxxxi</sup>"Oneupmanship game over Jharkhand", *The Hindu*, 23 March 1993, 9.

<sup>lxxxii</sup>See Basua, "Ethnic identity and ethnopolitics: regional movements in India", in *Tribal Transformation in India*, cited in note 10, volume 3, 516-520.

<sup>lxxxiii</sup>Singh, "Bodo accord only the first step", *Times of India*, 8 June 1993.

<sup>lxxxiv</sup>Bangal, "Role of moderates in Bodo accord", *Times of India*, 18 March 1993, 10.

<sup>lxxxv</sup>"The invisible pilot", *Times of India*, 14 March 1993, 3.

<sup>lxxxvi</sup>"Bodo accord only the first step", *Times of India*, 8 June 1993.

<sup>lxxxvii</sup>"Finding a home: the Bodos of Assam get an autonomous council", *Sunday*, 28 February-6 March 1993, 42.

<sup>lxxxviii</sup>"Distant Thunder", *Sunday*, 14-20 March 1993, 60.

<sup>lxxxix</sup>"A Bodoland deal", *Frontline*, 26 March 1993, 40.

<sup>xc</sup>"Desperate measures", *India Today*, 31 May 1993, 18; "Assam: Losing business", *India Today*, 31 July 1993, 86.

<sup>xc</sup>Conversation with Dr. Munda, Geneva, 18 July 1993.

<sup>xcii</sup>See, for example, Areeparampil, in *Jharkhand Movement: Origin and Development*, cited in note 12, 164, 166.

<sup>xciii</sup>*The Tribal World of Verrier Elwin*, cited in note 30, 342.

<sup>xciv</sup>Fernandes, "Introduction", in *National Development and Tribal Deprivation*, cited in note 9, 5.

<sup>xcv</sup>"Deepening Dilemmas of Tribals and Technology", in *National Development and*



---

*Tribal Deprivation*, cited in note 9, 328-329.

<sup>xcvi</sup>Vir, *Tribal Women: Changing Spectrum in India* (New Delhi: Classical Publishing Company, 1990). The author is also aware of two or three additional recent titles.

<sup>xcvii</sup>Areeparampil, "Forest Andolan in Singhbhum", in *Jharkhand Movement: Origin and Development*, cited in note 12, 167-168.

<sup>xcviii</sup>See Sanders, "Indigenous Peoples on the International Stage", *Social Action* 43 (1993), 1-7, for a discussion of the beginnings of regional organizations in Asia.

<sup>xcix</sup>Kingsbury, "Claims by Non-State Groups in International Law", *Cornell International Law Journal* 25 (1992), 497. Kingsbury has also contributed a chapter, "Indigenous Peoples as an International Legal Concept", to a forthcoming book, *Indigenous Peoples in Asia*, ed. Barnes.