

**ETHNIC AUTONOMY
QUESTION IN
N. E. INDIA**
Search for an Answer



Niru Hazarika

**ETHNIC AUTONOMY
QUESTION IN N.E. INDIA:
SEARCH FOR AN ANSWER**

By

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SPECTRUM PUBLICATIONS

GUWAHATI: DELHI

SPECTRUM PUBLICATIONS

Pan Bazar Main Road , P. O. Box No. 45,

● **GUWAHATI - 781001. (Assam)**

Tel (0361) 2517059 **email** ghy@spectrumpublications.in

298 B Tagore Park, Model Town-I,

● **DELHI - 110009**

Tel (011) 2724-1674. **email** dli@spectrumpublications.in

First Published 2005

© Author

ISBN 81-87502-96-7

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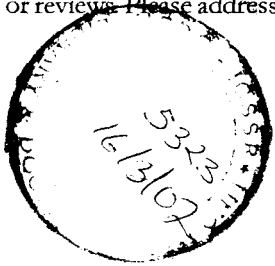
Fax/Tel: (0361) 2544791, **email** unipub@sancharnet.in

Akarshan Bhawan

23 Ansari Main Road, Daryaganj,

● **NEW DELHI-110002.**

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005323

Published by Krishan Kumar on behalf of **Spectrum Publications** and
Printed in India.

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1

GRASSROOTS DEMOCRACY AND STATE AUTHORITY

The unrest amongst the major ethnic groups claiming autonomy to safeguard their interest is emerging as a prominent factor in the struggle to protect the existing political and administrative map of Assam. It is a very sensitive question to each and every social group in the State. Nobody can deny the fact that when demands are made with racial and ethnic ties for autonomy, the dilemmas of democratic governance are posed very starkly. It is more true in Assam because of its social and cultural diversities. In Assam excluding the Autonomous Districts of Karbi Anglong and North Cachar Hills there are nine Scheduled Tribes: Barmans in Cachar; Boros, Boro-Kacharis; Deori Hojais; Kacharis, Sonowal; Tiwas; Mech; Misings and Rabhas. In the Autonomous Districts of Assam there are fourteen main Scheduled Tribes and sixteen main Scheduled Castes.

Linguistically also several plains tribal communities occupy significant positions. The following chart shows the fifteen numerically biggest languages in descending strength in Assam.:

LANGUAGE	NUMBER OF PERSONS
Assamese	12,958,088
Bengali	4,866,532
Bodo/Boro	1,184,569
Hindi	1,035,474
Nepali	432,519

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Mising	381,562
Karbi	355,032
Oriya	149,782
Santali	135,032
Manipuri	126,987
Garo	114,779
Rabha	112,424
Dimasa	84,654
Munda	75,420
Kurukh/Oraon	54,202
Other Languages	365,393
All Languages (Total)	22,414,322

Thus the society in Assam is unique in character due to ethno-cultural pluralism which is also playing an important role in the world of politics and administration of the State. The ethnic pluralism is an inalienable part of the political and administrative processes of the State of Assam.

Prior to the British rule and even after that, the hill people came in close contact with the plains people of Assam mainly for commercial purposes. Since they could not produce all the necessary requirements, they used to come down to the neighbouring markets in the plains of Assam, with their forest goods and products of crafts for exchange with their essential requirements. These commercial relations emerged as the source of mutual understanding between the hills and plains people resulting even in the process of assimilation also. The Indian rulers also adopted a policy of tolerance and non-interference in the internal affairs of the hill tribes. However; considering the differences in social and cultural life between the hills and the plains people the British rulers tried to introduce an

administrative device suitable to hills without affecting the plains people.

The British rulers thought that the form of civil administration adopted in the plains was not suitable to the hills. In the hills the administration must be simple and direct. The British rulers cited an example that the land tax was the principal source of revenue in the plains but it was not applicable to the hill areas where land was under cultivation. Further the problem of exploitation by the traders and the businessmen also contributed to this thought of the British.

Again, the political status of the hill areas became an issue hotly debated before the Simon Commission. Promode Chandra Dutta was in favour of inclusion of the hill areas. Kanaklal Baruah also expressed a similar opinion with regard to the Khasi and Jaintia Hills, but Lt. Gatphoh and others in a Memorandum to the Government of Assam said that the Khasi and Jaintia Hills should not be declared as backward areas. Rev. Nichols Roy, while expressing his views against inclusion of these areas suggested that the British portion of the Khasi and Jaintia Hills district should be detached from the district and included in the plains district. Dr. J.H. Hutton, the Deputy Commissioner of Naga Hills and N.E. Parry, Superintendent, Mizo Hills were in favour of exclusion.

The recommendations of the Simon Commission were similar to those of the Provincial Government. The Commission laid down that the typically backward tracts except perhaps the Khasi and Jaintia Hills should be excluded. The excluded areas should further be divided into excluded and partially excluded areas. The partially excluded areas appeared to be more developed than the former but not so fully developed as to directly participate in the reformed scheme. However, the Commission did not specify the backward areas to be totally excluded or to be partially excluded.

Ultimately, the Government of India Bill 1935 provided for the excluded and partially excluded areas as follows:

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Part 1 Excluded Areas: North East Frontier, Sadiya, Balipara and Lakhimpur, Naga Hills and Lushai Hills district.

Part 11 Partially Excluded Areas: North Cachar Hills, Garo Hills, Karbi Hills, British portion of Khasi and Jaintia Hills District other than the Shillong Municipality and Cantonment.

The Bill was introduced in the House of Commons and it attracted the attention of almost all the members of the House. A suggestion was forwarded by Gadgan, a member of the Simon Commission that the list of excluded and partially excluded areas should be redrafted. His suggestion was supported by several members of the British Parliament including Winston Churchill. The House of Commons also felt that a further enquiry should be made into the question. Accordingly, instruction was issued to the Government of India which again requested the Government of Assam to prepare a fresh list of the areas. The Government of Assam while responding to the request of the Government of India stated that the tribals in the plains did not want to be excluded, whether total or partial.

The Government of India Act 1935 reclassified the backward areas as excluded and partially excluded areas. However, the actual demarcation of these areas was to be made by the Order in Council. In Assam three categories of hill areas emerged— the Frontier Tract, Excluded Areas and Partially Excluded Areas.

The Indian National Congress was very critical of the provision for Exclusion and Partial exclusion of the hill areas. At its annual meeting held at Faizpur in 1936 it declared.

“This Congress is of the opinion that the creation of Excluded

and Partially Excluded Areas is yet another attempt to divide the people of India into different groups with unjustifiable and discriminatory treatment and to obstruct the growth of uniform democratic institutions in the country. The separation of these areas is intended for the exploitation of the mineral resources and forest wealth in these areas and keep the inhabitants of these areas apart from the rest of India for their easier exploitation and suppression. The Congress, therefore demands the abolition of Excluded and Partially Excluded Areas.”

In considering the list of areas to be excluded and making recommendations, the Government of India wrote, “Balipara, Sadiya and Lakhimpur are essentially frontier areas inhabited by tribes in an early stage of development. Balipara has no defined outer boundaries and extends to the confines of Bhutan and Tibet. Sadiya and Lakhimpur or the Tirap Frontier Tract included areas which were virtually unadministered and only partially explored territory.” As regards Balipara and Sadiya there existed a boundary between Tibet and India. In 1914 there was a tripartite convention which contained an agreement about the Frontier Line between India Tibet. The agreement was ratified by the Tibetan Authorities and the Line specifying the northern frontier of Assam was known as the Macmahon Line. The existence of this Line was not known to the Government of Assam for long time. On the other hand there was no notification under section 60 of the Government of India Act 1919 specifying the Frontier Line. Thus the position was very peculiar in Assam.

Though the Governor of Assam was vested with authority over the Frontier Tracts he could not exercise the authority by virtue of the provisions of the Government of India Act 1935 applicable to the area. He had to do so as the Agent of the Governor General under section 123 of the Act. All the costs were also borne by the Government of India which was inclined to treat these areas as tribal

areas within the meaning of section 311 of the Act. On the other hand the local officials treated this area as consisting of two parts—areas which they called Excluded Areas and stretched upto the “Inner Line” boundary and the tribal areas which they understood to mean the area beyond the “Inner Line”. The area bounded by it was occupied by a somewhat mixed population, while the hill portions beyond it were inhabited by tribes. However, it was clear that the Naga tribal area on the Eastern Frontier fell under one category. The Balipara Frontier Tract which included the Subansiri area was the tract over which there was the smallest measure of control and administration. This Tract and like Sadiya Tract were inhabited by the tribe as Nishi, Apatani, Momba, Mishimi, Khamti etc. The Tirap Frontier contained Sinphaws and a number of tribes classed as Nagas, who belonged mainly to the Konyak group. The policy on these Frontiers was to establish administration and control over the whole area right upto the Frontier and a five year plan was sanctioned by the Government of India.

(b) *Excluded Areas*: The Excluded Areas of the Naga Hills district, Mizo Hills district and the North Cachar sub-division fell within this category over which the Provincial Legislature had no jurisdiction. The Naga Hills district was the home of a large number of tribes grouped as Nagas, such as Ao, Angami, Sema, Lotha etc. These groups spoke different languages and practised different customs and traditions. The Mizos, though consisting of different clans, spoke one common language. The Kukis in the North Cachar hills and elsewhere were the people of the same stock as the Mizos and spoke the same language and dialect. The North Cachar hills, on the other hand accommodated Kachari, Naga, Karbi and Khasi people etc. However, Kacharis were the largest group in the area.

(c) *Partially Excluded Areas*: Looking to the Partially Excluded Areas it was found that those areas consisted of the Khasi Hills district, Garo Hills district and the Karbi Hills which fell in two districts of erstwhile Nagaon and Sibsagar. Those areas were

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administered by the Provincial Government, but the Governor had the power to withhold or apply the laws of the Provincial Legislature with or without notification or to make special laws. The Khasis were the only tribe in this area who spoke a Monkhmer dialut, all other tribes spoke Tibeto-Burmese languages. The Garos inhabited a number of villages in the Mymensing district of erstwhile East Bengal in addition to many other villages in the Districts of Kamrup and Goalpara in Assam. The Khasi population was found not only in the British portion of the Khasi and Jaintia District but also the States round and about Shillong were inhabited by the Khasis. These States, twenty five in number, had the special feature that their Chiefs were elected in a few cases by a free election, though in the majority of cases the election was confined to a particular clan, the electorate consisting of *Myntries* of the clan in some States by a joint election and *Myntries* and electors were elected by the people in general.

Of the people in the Partially Excluded Areas, the Khasis were the most advanced and the Karbis the least. Unlike the Mizo Hills these areas had much contact with the people in the plains, as these were situated between the Brahmaputra and the Surma Valleys. They had also representatives in the Provincial Legislature.

As regards the degrees of development, the Garo and Karbi Hills appeared to be the most backward. These Frontier Tracts were inhabited by the people who were not exposed to the civilisation. The Khasi people were benefitted by the fact that capital of the Province was situated in the area. In the Garo Hills however, the Christian Mission had spread some education along with Christianity, but the Karbi Hills had suffered from the fact that it was divided between two districts and thus it remained nobody's child.

Since both the Governor of the Province and the Ministry could disclaim sole responsibility for the area, this partial exclusion in a way had been responsible for their backwardness. The Sub-Divisional officers and the Deputy Commissioners of these hills had taken little interest in them and hardly any touring was done by

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the officers in the area. However, the Districts made some amount of progress. The Khasi Hills provided Ministers to the Provincial Government. The Mizos who were benefitted by the Missionaries could no be said to be behind the people of the plains. In literacy particularly they were in better position than a good number of the plains areas. Among Nagas also a number of persons of college education were found, though the District as a whole appeared to be less advanced than the Mizo Hills. While education had made progress in all areas, the conditions of life and pursuit of non-agricultural professions could not be said to have reached the level attained in the plains, though the degree of intelligence necessary was undoubtedly available in most of the areas, and even in the tribal areas. The skill of many tribes in weaving and tapestry contained the elements of a very attractive cottage industry. They made there articles only for their own use. They were accustomed to *jhum* cultivation. Attempts were also made to introduce terracing and improved methods of cultivation as well as growing of fruits. A certain amount of political consciousness was noticed when the tribes of the Sadiya Frontier Tract demanded representation in the Provincial Legislature. The concept of Government by the people through their chosen representative was not a new concept for the hill people. What was required was the understanding of the responsibility of the higher stage of administration.

Here a reference may be made of the view expressed by the hill people at the time of visit of the members of Sub-Committee. In the Mizo Hills District the idea of the Superintendent who constituted himself the President of the "District Conference" was that the district should manage all affairs with the exception of defence in regard to which it should enter into agreement with the Government of India. A Constitution based on this principle was later drafted by the Conference. In Naga Hills, although the original resolution as passed by the Naga National Council at Wokha contemplated the administration of the area more or less like other parts of Assam, a demand was subsequently put forward for an

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“Interim Government of the Naga people” under the protection of a benevolent “guardian power” who would provide funds for development and defence for a period of ten years after which the Naga people would decide what they would do with themselves.

In other areas moderate views were found. In the Garo Hills the Draft Constitution asked for all powers of Government including taxation, administration of justice etc. to be vested in the legal Council and the only link proposed with the Provincial Government was in respect of subjects like higher education, medical aid etc. other than the subjects of defence, external affairs and communications which were not provincial subjects. The Karbi Hills and North Cachar Hills which were less vocal, probably would have been satisfied if the administration of justice was left to the local people. The Khasi Hills proposals were for a Federation of the States and British portions: otherwise the proposal were similar to those of the Garo Hills. A feeling common to all of the hills districts was that the people of the same tribe should be brought together under a common administration. This would lead to a demand for rectification of the boundaries.

Whatever the capacity of different Councils and Conferences to manage the affairs of the areas might be, the general proposals for the administration of those areas had to be based on the following consideration:

(a) It was difficult to ignore the existence of distinct customs and traditions and tribal organisations in the region. For example the Khasis and the Garos had a matriarchal system, the Mizos had hereditary Chiefs, the Ao Nagas had a Council of elders called “Tatar”. The laws of succession of the Mizos permitted the youngest son of the family to inherit the property of his father. Similarly, in the case of Garo society the youngest daughter used to get her mother’s property.

(b) The fear of exploitation by the people of the plains on account of their superior organisation and experience of business

compelled them to think that if suitable provisions were not made to prevent the people of the plains from acquiring land in the hill areas, a large number of plains people would settle down and not only occupy land belonging to the hill people but would also exploit them in the non-agricultural professions. Thus the hill people seemed to attach special value to the existing system of "Inner Line" to cross which the non-tribals required a pass and the provisions prohibiting non-tribals from setting down or carrying on business without the approval of the district officer. It was felt that even industries should not be started in the hill areas by the non-tribals because that might mean exploitation of the people and land by the non-tribals. In addition, there was the question of preservation of their unique ways of living and language, method of cultivation etc. There was the opinion that these could be protected only by transferring the administration of these areas entirely to the hands of the hill people themselves.

(c) In making suitable financial provisions it was feared that unless suitable provisions were made or powers were conferred upon the local Councils, the Provincial Government might not set apart adequate funds for the development of the tribal areas.

The provisions of the Government of India Act 1935 were based on the assumption that the legislation passed by the Provincial Legislature was often likely to be unsuitable for application to the hill areas. A mechanism provided for 'filtering' the legislation was therefore needed to empower the Governor of the Province to apply or not to apply such legislation. The main provisions were that certain areas had been scheduled as Partially Excluded Areas. It was possible for any area to be transferred from the category of Excluded to that of the Partially Excluded by an Order-in-Council and in similar way from the category Partially Excluded to the category of Non-excluded; legislation would not be applicable automatically to any such scheduled area even if it was a Partially Excluded area but would have to be notified by the Governor. The Governor had the power

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to make alterations to the legislation. The continuance or otherwise of exclusion could not be considered solely from the point of view of the general advancement of an area. If that were so, all that would be necessary in the case of areas like Lushai (Mizo) Hills which were considered sufficiently advanced, would be to remove the feature of exclusion. Such action was suitable in certain areas in other parts of the country, but in the case of the hills of Assam, the fact that the hill people had not been assimilated with the people of Assam in the plains areas, though a large number of tribal people grouped as plains tribals had gone a long way towards such assimilation. The policy of exclusion had created a feeling of alienation in them.

The anxiety of the hill people about their land and their fear of being exploited undoubtedly was the driving force for making special provisions. The people from advanced or crowded areas might occupy their land. Therefore, they thought that the hill people should be given maximum protection for their land and provision for the control of the problem of immigration into their agricultural and non-agricultural areas.

It is difficult to deny that the Provincial Government could not command the confidence of the hill people. The hill people were always under the impression that the Provincial Government was amenable to the pressure of the advanced areas. They had the suspicion that even the elected Head of State under the Constitution might be influenced by the pressure of the plains people on whom he had to depend at the time of election. To remove the suspicion and the fear of being exploited it would appear necessary to provide as far as possible such constitutional provisions which would give no room for suspicion and fear of exploitation. Further in the hill areas land was not considered as the property of any individual. It belonged to a clan which was demarcated by the natural boundaries of hills. However, the boundaries were guarded very strictly. Any encroachment of the land by another clan might result in war between

them. Since *jhum* cultivation required a large area the encroachment of their land by the outsiders might cause scarcity of land. After discussions the tribal people arrived at a decision that they would demand that the control of land had to be entrusted to them only. It would certainly give them relief of the fear of exploitation and power to prevent immigration into their land. The Sub-committee accepted their decision and recommended that the hill people should have powers of legislation over the occupation and use of land. However, the reserved forest area under the Assam Forests Regulation Act 1891 was excluded from their control.

As regards the Civil and Criminal Courts it was felt that local customary laws should be followed with least interference and the Tribal Councils and Courts should be maintained. The Sub-committee recommended that the hill people would have powers to administer their own social laws. The criminal cases which were not very serious and offences against the State were left to the tribal communities to be dealt with at the direction of the village Chiefs in accordance with the customs and traditions of their society.

The Sub-committee decided to establish Councils on the line of Local Boards which existed in the rural areas. The fear of exploitation which was deeply rooted in the minds of the tribal people was considered very seriously by the members of the Sub-committee and they decided to introduce some regulations to prevent entry of undesirable persons into their areas.

The hill people were safeguarded by the recommendation of the Sub-committee that the local council with a three-fourth majority of its members could introduce a system of licensing for money lenders and businessmen.

Except in the case of Khasi States all powers relating to mines and minerals were vested in the Provincial Government. The members thought that since the mineral resources of the country were limited these should be administered centrally with efficient hands to save these from devastation. While entrusting this

responsibility in the hands of the provincial Government the Sub-committee made it clear that the policy of the Provincial Government in this regard would be made in consultation with the local councils.

The decision to create Regional Councils was also appreciated by the Hill people specially the people of Naga Hills and the North Cachar hills. They thought it would be able to satisfy the sub-groups of the Naga community. Similarly the North Cachar Hill accommodated different groups of people like Naga, Kuki, Khasi etc. These Regional Councils would not only grant autonomy to each group of people but it would also keep them away from involving in frequent frictions. It was on this ground that the Regional Council was created.

The Sub-committee on Tribal and Excluded Areas recommended creation of Autonomous Councils for the districts with powers of legislation over the land, village, forests, social customs, administration of local laws, powers over villages and town committees etc. with corresponding financial powers. These were far in excess of powers of the local bodies.

While recommending the creation of Autonomous Councils several questions emerged in the minds of the members, such as, what if the Council or the Executive misuse the powers or prove incapable of reasonably efficient management? Some of the districts were on the borders of India. What if their acts prove prejudicial to the security of the country? Experience all over the country indicated that the local bodies mismanaged their affairs. In these cases, in the opinion of the Committee, the Governor should be given the power to declare an act or resolution of the Council as illegal or void.

A detailed discussion took place in the Sub-committee on the problem of suitable service for the hills. The number of suitably qualified candidates from the hill people themselves was not adequate and therefore the utilisation of the services of other candidates could not be ignored. The members found that there had been a certain amount of feeling against the plains officials notably against the

inferior staff. The Committee did not realise the need for a separate service to serve only the hills. However, the Committee recommended that while appointing officials in the hills due proportion of the hill people should be kept in mind.

The Committee felt the need of special attention to be paid to the development of the hills. The Hill Councils recommended by the Committee were entrusted with greater powers than the local bodies in the plains. Since the hills were of strategic importance it was recommended to keep constant touch with them to maintain the development and administration of these areas. With this end in view the Committee suggested constitution of a Commission to examine the state of affairs periodically and report. The Commission should include representatives of the tribes also.

All the hill people expressed a desire for rectification of the district boundaries so that the people of the same tribe could be brought under a common administration. Since the terms of reference of the Committee did not cover that issue it could not make any investigation into the problem.

In the hill areas, a certain number of non-tribal people resided as permanent residents. Generally they followed a non-agricultural profession and a small number of them cultivated lands. The Sub-committee recommended that these non-tribal residents should not be allowed to contest elections to the Provincial Legislature. However, the Committee did not deny the need of their representation in the local Council, provided they were sufficiently numerous in number.

Thus the Sub-committee recommended creation of a District Council and a Regional Council as self-governing institutions for the tribal areas in the hills of erstwhile Assam which gave enough scope to preserve their customs, traditions and culture and to develop themselves in their own way.

Assam thus gave shelter to and embraced as her own large number of groups of people professing different religions, having

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different cultures and speaking different languages and dialects. Gradually they integrated themselves into one society with a sense of unity.

The neo Vaisnavite movement initiated by Saint Sankardeva in the closing decade of 15th century A.D. may be considered as an epoch making phenomenon in the socio-religious life of medieval Assam. Sankardeva tried to bring the people of heterogenous nature under the umbrella of one religion. Dr. Banikanta Kakati stated that Sankardeva had given new life, letters and a new State. The main idea of his teaching was to maintain inter-relationships amongst four "Varnas" in the Hindu society without affecting the dignity of each individual's labour and responsibility. His main concern was the unity and feeling of oneness in the Assamese society. Koches, Kacharis, Misings, Nagas, Ahoms etc., were brought to the fold of Vaisnavism by the sincere efforts of Sankardeva, e.g. he accepted Govinda, a Garo, Johari, a Mising and Candhan, a Muslim as his disciples. He made people understand human value and work culture.

With the process of development the adverse affect of multi-colour culture of the Assamese society has become a serious threat to the State of Assam. The British rule caused several hindrances through administrative techniques like Inner Line Regulation, creation of Excluded and Partially-excluded Areas etc. in the process of unity and integrity of the people in the State. As the State machinery proceeded with various efforts to achieve "Unity in Diversity" it is experiencing "Diversity in Unity". Similarly the efforts of the State to resolve ethnic conflicts are becoming sources of new conflicts in the same area or in old conflicts in new areas. The more it tries to resolve ethnic conflicts, it is entering into explain situations.

Since independence Assam is experiencing movements on different occasions— both peaceful and violent. Of these the ethnic-autonomy movements are noteworthy. Assam is the only State in India which is witnessing a never ending process of creation of new administrative devices without any positive results. Any effort of

the State to solve one problem gives birth to a new one and the old problems takes on a new colour.

Let me make a brief analysis of the terms 'Autonomy' and 'Ethnicity'. Both are evolving terms. Referring to the term 'Autonomy' it is seen that it is not a self-contained concept, it can never be divorced from the concepts of responsibility, responsiveness and accountability. The most notable aspect of it is that it is not merely a gift to be received from the higher authority, it has to be earned to a great extent through self-rule which again depends on scientific self-analysis. While talking about autonomy one must not confine it to institutional and organisational autonomy only. It has to be realised in terms of planning, programming, and budgeting and their successful implementation to achieve the predetermined ultimate goals i.e. public welfare. It has again to be realised that autonomy is not dependent on the relationship of different individuals within a particular group only, it is dependent on the external relationship also.

Coming to the word 'ethnicity' I may refer to what Paul Brass said about the ways of defining it. There are three ways of defining ethnic groups: in terms of objective attributes, with reference to subjective feelings and in relation to behaviour. An objective definition assumes that there must be some distinguishing cultural features that clearly separates a group of people from another.

De Vos defined 'ethnicity' as a sense of ethnic identity consisting of the subjective, symbolic or emblematic use by a group of people. They may use any aspect of culture in order to distinguish themselves from other groups. This definition is used to create internal cohesion and differentiate themselves from other groups.

The term "Ethnic" comes from the Greek word "Ethnikoes" which refers to-

Nation not converted to Christianity;

Races or large groups of people having common traits;

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Groups in an exotic primitive culture.

Birendra Nath Dutta, in his writings makes it clear that the word ethnic refers to a "Social group which consciously shares some aspects of a common culture and is defined primarily by descent." "Race" and "Ethnic" are very close to each other with differences that the word "Race" refers to the biological aspect of group difference, "Ethnic" to the combination of the cultural aspect plus a putative biological element because of the assumption of common descent. For analysis of the Ethnic Autonomy Movement in Assam I consider this concept is more convenient than other concepts.

The Ethnic Autonomy Movement may be called a Revolutionary Movement to the extent it attempts to create a new political order aiming at radical change, even with violence. These elements are reflected in the Ethnic Movements in Assam to some extent. The study of the grievances of the communities launching Movements for ethnic autonomy it becomes clear that these are rooted very deeply in the sense of deprivation and exploitation. The leaders of the Movements have been convinced that grievances could not be redressed only through ethnic autonomy in the field of administration. They have strong faith in democratic decentralisation process in administration. From this one may also assume that these Movements are power oriented. In addition to the theory of Relative Deprivation, I have a desire to spell out a new theory to be called *Hide and Seek Theory* which will be of great help to understand these movements and ethnic conflicts in Assam.

What is the expression of the Relative Deprivation Theory? Gurr has said that Relative Deprivation may be expressed as a gap between expectation and perceived capabilities, which may emerge due to:

- When expectations remain same but capabilities decline;
- When expectations rise but capabilities decline;
- When expectations rise but capabilities remain same/

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stable/stagnated.

On the other hand the *Theory of Hide and Seek* may be expressed in the following:

Inability of the Leaders

- to integrate word, work and thought
- to control greediness
- to maintain behavioural consistency
- to utilise bureaucracy for the best interest of the nation

Ability of the followers

- to realise that money is the sole determinant of man's behaviour;
- to peep to the private life of their leaders;
- to organise and bargain constantly;
- to control bureaucracy with money power.

Most leaders fail to lead people or solve the problems because they are like elephants in the forests whose legs are tied up by iron threads. They are yet to acquire power/moral courage through self-sacrifice and devotion to the cause of the state. Here the question arises - Should a ruler of the modern State be a philosopher king as envisaged by Plato, the Greek philosopher? Or when Democracy fails, how to make it a success? While searching for the answer one finds it in what Plato said in one of his letters, which he wrote after being disgusted with the rule of incompetence and selfishness. "When I considered all this, the type of men who were administering affairs and the condition of Law and of Public Morality- the more I considered it and the older I grew, the more difficult appeared to me the task of decent Government. It was impossible to act without friends or political association and these were not easy to find among the politicians, since their method of Government is false to the

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principles and traditional institution of our country. To find a new man for the job is an impossibility. Moreover, statutes and usages alike were degenerating in Athens with surprising rapidity and so, and although at first I was filled with an ardent desire to enter politics, when I considered all this and saw how chaotic the political situation was, I felt completely baffled. I continued to consider how on earth some improvement could be brought about, not only in the administration, but also society as a whole and I was constantly on the look out for an opportunity to intervene. But finally I came to the conclusion that every city without exception is badly governed and that the state of legislation is everywhere so deplorable that no Government is possible without drastic reconstruction combined with some good luck. And so I was forced to extol true philosophy and to declare that through it alone can real justice both for state and for the individual be discovered and enforced. Mankind will find no cessation from evil until either the real philosophers gain political control or else the politicians become by some miracle real philosophers.”

Plato's thinking underwent a radical change and the process of change was started with his hair growing grey, with wrinkles spread on his forehead and with his steps heading towards a place from where no retreat is possible, at about the age of seventy he gave note of surrender in his laws. Since the competent rulers were not available Plato had no other way but to readmit the law into the plan of his state. As Dr. Sukhbir Singh said, 'Law is the civilisation; it is the slow bought gain of mankind during which men have striven to lift themselves above savage beasts; it is the differential of humanity. In the absence of law men will always drift into selfish competition for the sake of private advantage'.

Thus Plato proceeded from the rule of free intellect to the rule of law and the supremacy of law at the age of seventy years. In the book "Laws" Plato depicted the second best State with emphasis on the existence of laws. The modern State of Assam is also facing

a similar crisis. To bring back a favourable situation for public good and a total reform of the State machinery, specially of the personnel system, is required very urgently. In other words Plato moved from the rule of intellect to the rule of law and we are to move from the rule of law to rule of intellect. However under no circumstances one should be replaced by the other. On the other hand it is a combination of both which can be adopted for getting over the serious crisis faced by the State.

Looking to the modern State it becomes an open secret that the gaps and flows of legislation including those of the Constitution of India are more used by the politicians and the administrators than the utilisation of explicit and specific laws or provisions of the Constitution. The hidden selfish interest of the rules are reflected in their actions, reactions and behaviour. Further, with the spread of education, improvement of communication and impact of science and technology it does not take much time and energy for the public to know the motive of the political man as well as the administrative man. But the most serious problem lies with the fact that to correct them with the help of the judicial system which prevails in the modern State in that whenever the public demands justice or express grievances for redressal, documentary proof is required. Further experience shows that the judicial activism in the modern State in most cases move towards protection of the wrong doers or the criminal instead of establishing justice in the state and society. Every time when people approach officials for getting things done on merit of the case, they have to return with disappointment. What are the reasons for it? The probable reasons may be (1) More dependence of the officials on the interpretation of the rules and regulations by the members of the clerical class for their application. Nobody can deny the fact that in the administrative process the clerical class plays a very significant role, but they should not be considered as policy analysts or interpretators. This is the task of the officials. (2) At the stage of implementation also, it is transparent that more weightage

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is given by the implementing authorities to the phone calls or notes from the concerned Ministers or MLAs than to the rules and regulations. It results in two adverse affects: (a). Politicisation of the administration and (b). Shifting of responsibility from the shoulders of the administrators to that of the politicians diverting the clients to their representatives which causes heavy rush at the doorstep of the politicians. (3) Increase of corruption in the form of bribes may be considered another reason. Bying and selling of jobs have become the common practice between the job seekers and the employers. Since two parties are involved it is no longer secret but becomes an open secret. In this case both the receiver and the giver of the bribe hide their motive from the genuine aspirants of the job (4) The election which is the basis of democracy has been reduced to the level of a contract between the voters and the candidates. (5) Induction of criminals into politics is the practies of the day and is encouraged by the political party only to gain power which indicates lack of farsightedness of the leaders. (6) Every political party directly or indirectly gives clarification immediately after coming to power that it did not take the help of insurgent groups in the election to the State Assembly and so these group are not above suspicion. 7. Very frequently clarifications appear in the news papers from the politicians and the administrators that they are free from nepotism, favouritism, misappropriation of public fund, misuse of power etc. From this one can come to the conclusion that they are not successful enough to command the confidence of the public. (8) There are allegations that the political parties are also involved to some extent in the act of politicisation of the ethnic issues in the state. (9) Lack of monitoring over the developmental programmes by the field officers causes the increase of misuse of public funds; (10) The nexus between Ministers and Civil Servants is the serious ailment in the politics and administration of the State. Lack of seriousness in taking decisions by the policy formulators is also revealed in the recent past. As per decision of the Supreme Court of India regarding preservation of the forest land for the survival of mankind, the

Government of Assam undertook the task of implementing the policy of eviction. It revealed serious lapses in the administrative processes of the State. The households constructed by people on illegally occupied land were also provided electricity, telephone, water supply etc. by the administration. This is an act of gross negligence of duty or corruption. Further allegations appeared in the newspaper of unauthorised occupation of land by officials and politicians also. In addition, while submitting an affidavit by the Government of Assam to the Supreme Court of India blaming the ethnic groups of the State for illegally occupying the forest land, it invited a very strong reaction by the tribal communities and the MLAs including a Cabinet Minister.

From this it is very clear that the administration of Assam lacks accountability. The obedience to law in negative terms is the rule of the day in Assam. One must note that leadership does not emerge in a vacuum and the State must acquire power from the grassroot level through efficient and dedicated service to the people. What is needed in Assam today is true statesmanship and an efficient civil service.

In this connection I will deal with mainly two questions—Leadership and State power as unifying forces by highlighting one or two issues of the politico-administrative world of Assam.

LEADERSHIP: The traditional villages worked as democratic institutions under the leadership of the village Headman. The administration had wide authority over every aspect of village life. It was the privilege of the village elders to occupy the positions of great respect and importance. A village was a unit by itself, self contained, self-controlled and self-reliant in the socio-economic functions. The whole administration was monitored by the village headman. However, the religious matters were taken care of by the religious leaders. The village headman was the chief authority to finalise the policies and to supervise their implementation. It may be noted that though the full responsibility had been entrusted to

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him for the administration of the village and for its defence, he worked within the framework of the customs and traditions of the village community. People's participation was direct and active through the *Gaon Sabha (RajjMel)* which was organised either in the house of the headman or at the prayer house or *Namghor*. The leadership of the headman was accepted by the villagers without any hesitation.

With the emergence of the modern system of administration in independent India the villages have been exposed to different types of administrative environment which is full of bureaucratic exercises. The experience shows that instead of widening the path to "Village Swaraj" or "Village Autonomy" through democratic decentralisation the political leaders of the modern state are narrowing down the path to "Village Swaraj." Gradually the influence of the leadership of the headman is diminishing.

It is true that in the process of development of the country the traditional village headman's leadership has lost its effectiveness. Traditions are also changing with the change in the social needs. The impact of science and technology, modernisation of way of life and spread of education cannot be ignored in this regard. Similarly the tribal self-governing institutions were also subject to certain limitations. Their functions were confined mainly to the provision of civil and criminal justice only. Their contributions to the socio-economic development of the tribes were almost nil. The status and the role of the leadership at the grassroots level was not thought of seriously by the Governments of modern Assam in the changing situation. The environmental changes in the rural areas of Assam were not taken note of by the Governments. The problems, needs and the environmental dynamics were inadequately perceived by the policy formulators and the policy analysts of Assam. It is true that the process of development does not permit us to retreat to the old systems village administration. At the same time one has to realise that the effective administrative leadership at the grassroots provides

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the plunk for building up strong leadership at the state and the central levels.

The rural people in Assam are simple and straight in thought and deed. Therefore, in most cases they fail to understand the real motive of the political and administrative leaders. In this situation it becomes very easy for a deceitful leader to be active in the folds of 'Democracy' and 'Welfare' concepts as a 'Political Man' or as an 'Economic Man' to satisfy his selfish interest without the fear of being detected. To make people aware of the hazards of the changing socio-political situation or to make them ideal citizens or ideal individuals of the society no efforts have been made by the Government of modern Assam. One can come to this conclusion for two reasons. First, most colleges and schools after independence have been established at the initiative of the public and Second, Government lacks supervisory or monitoring role to maintain the efficiency of the educational institutions and there are allegations of adoption of job selling practice as regards the appointment of teachers. Several political parties tacitly started politicisation of the educational institutions. From this situation it becomes clear to think that the political leadership at the state level fails to realise the crucial role to be played by the educational institutions in the process of development of the state. Unfortunately, the traditional village leadership disappeared and the modern village leadership is yet to develop for the satisfaction of the rural people.

What is needed in Assam is the moral leadership as described by James MacGregor in his book "Leadership" as "By moral leadership I mean, first that the leaders and led have a relationship not only of power but of mutual needs, aspirations and values; second, that in responding to leaders, followers have adequate knowledge of alternative leaders and programmes and capacity to choose among those alternatives and third, that leaders take responsibility for their commitments- if they promise certain kind of economic, social and political change, they assume leadership in

the bringing about of that change. Moral leadership is not mere preaching or the uttering of pieties or the insistence of social conformity. Moral leadership emerges from and always returns to the fundamental wants and needs, aspirations and values of the followers. I mean the kind of leadership that can produce social change that will satisfy followers' authentic needs."

Leadership is relational, collective and purposeful. Leaders and followers are interlinked in functions. The crisis of leadership in Assam arises due to the irresponsibility of men and women in power. Further people in Assam have started looking to private lives of the leaders instead of looking into the leadership. While criticising the political leaders for corruption, criminalisation of politics, politicisation of ethnic question, violation of human rights, the people as voters are guided by money power and individual benefit at the time of elections. The ethnic assertion is the child of weak political leadership, high and hidden interest of the leaders, use of money and muscle power in the struggle for power, indifference or lack of sensitiveness of the administrators to the major problems of the state.

STATE POWER: The decline of State power as a unifying and integrating force in Assam is a serious threat to its plural society. The political upheavals may be looked into from the time of independence. When India was about to gain Independence from the British rule some groups of people demanded secession from Assam to join Bengal. One of such groups was from Sylhet. Since 1874 Sylhet tried to secede from Assam and join Bengal. Ultimately, on 3 June 1947 Mountbatten announced that Sylhet should be amalgamated with Bengal after a referendum. Accordingly, Sylhet joined East Bengal by a referendum.

Then the question of reorganisation of States came on the basis of the recommendations of the State Reorganisation Commission, which submitted its report on 30 September 1955 to the Government of India. The Commission summed up the idea

behind its recommendations in the following words: "It is the Union of India that is the basis of nationality. It is in that Union that our hopes for the future are centred. The States are but the limbs of the union and while we recognise that the limbs must be healthy and strong, any element of weakness in them should be eradicated..."

The States Reorganisation Commission in its visit to North East India received a large number of memorandums, demands etc. Looking to those demands it becomes clear that the Assam Congress Committee, the local unit of the Communist Party of India, the Tripura State Congress Committee and the Government of Assam were strongly in favour of the status *quo*. Assam, however, welcomed the amalgamation, if possible of Cooch Behar, Manipur and Tripura and the closer connection with the administration of the North East Frontier Agency, which was constitutionally a part of Assam. The hill districts wanted formation of a hill state. This demand was repeated in the Tura Conference of the tribal leaders in October 1954. It contemplated the unification of all the hill districts mentioned in part A of the Sixth Schedule to the Constitution of India, including the Naga Hills district. The National Council wanted Independence from Assam and India. There were demands for the formation of a "Kamatapur State" consisting of Goalpara, Garo Hills, Cooch Behar, Darjeeling and Jalpaiguri and a "Purbanchal" State consisting of areas around Cachar.

The demand for creation of a Hill State consisting of all the hill districts of the North East not considered by the State Reorganisation Commission was not unanimous. Considering the mixed reactions on the demands, the Commission came to conclusion that the formation of a Hill State in the region was neither feasible nor in the interest of the tribal people themselves. The hill districts should, therefore, continue to form part of Assam and no major changes should be made in the existing constitutional pattern. But the Nagas continued to demand Independence from Assam and India. Ultimately the Government of India decided on 1 August

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1960 to creat a Nagaland State.

While the process of creation of Nagaland State was on the pipeline there was a demand for the declaration of Assamese as the official language. Various organisations and institutions including the Assam Sahitya Sahba raised their voices in favour of the demand. On 3 March 1960 in an answer to a question on the floor of the Legislative Assembly the Chief Minister of Assam said, "The Government have not taken a decision on the subject yet. I would, however, mention that the Government have not underestimated its importance or the request that has made by the Assom Sahitya Sabha and other institution for the declaration of Assamese as the State language. I highly appreciate the zeal and enthusiasm with which the demand for the declaration of Assamese language has been made, particularly by the Assamese speaking section of our population. The Government would prefer to wait till they get the same demand from the non-Assamese speaking population for the declaration of Assamese as a State language. The Government feels that the question should be judged more from the point of view of appreciation and acceptance than from the point of majority and minority, as the Government is afraid that its object would not be achieved."

There was a mixed reaction to the statement made by Bimala Prasad Chaliha, then Chief Minister of Assam on the floor of the Legislative Assembly. The people of Cachar appreciated the statement of the Chief Minister, but he faced criticism in the Brahmaputra Valley. The Assam Pradesh Congress Committee recommended that while Assamese should be the official language, there should be no imposition whatsoever of Assamese on the non-Assamese districts. The Chief Minister of Assam accepted the recommendations of the APCC and declared on 23 June 1960 that the Official Language Bill would be introduced in the Assembly. This statement was also not free from criticism. Specially the people from Cachar and the Hill districts criticised the statement. In spite

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of these criticisms the Bill was in the Assembly on 10 October 1960 and received the assent of the Governor and became an Act. The Assam Language Act of 1960 gave momentum to the demand for separate Hill States, which allowed the struggle to continue for a decade. The North East Reorganisation Act of 1972 dismantled Assam and it resulted in the creation of Meghalaya, Mizoram, Arunachal Pradesh as separate political units. Today all these units are separate States of North East India.

On 19 September 1972 the Assam Legislative Assembly met, and it faced a serious problem on the medium of instruction in the Universities of Assam. After a detailed discussion on the problem the Assembly passed a resolution on 23 September 1972 as “This Assembly do now resolve that the medium of instruction at the University stage for Gauhati and Dibrugarh Universities should be Assamese. English should, however, be continued as the medium of instruction. In the spirit of the Official Language Act, this Assembly do further resolve that a separate University be set up with the territorial jurisdiction over the district of Cachar and that the Government of India be moved in the matter.” While supporting the resolution Charan Narzary of PTCA reminded the Government that since Assam is a multi-lingual State the question of imposition or subjugation of language should not arise.

The All Assam Students’ Union also raised its voice in its meeting at the Assam Engineering College in September 1972. The Organisation unanimously resolved that:

a. Assamese shall be the only medium of instruction in higher education within the geographical territory of the State;

b. For the benefit of the students not having Assamese as mother tongue the Gauhati University Academic Council’s decision to provide English as an alternative for the interim period of ten years will be valid. and

c. The State Government shall take necessary steps to enable

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the Universities to implement Assamese as the only medium of instruction after expiry of the interim period.

The Academic Council of Gauhati University on 12 June 1972 resolved that:

- i. Assamese shall be the medium of instruction in all Colleges under the jurisdiction of Gauhati University;
- ii. English shall continue as an alternative medium of instructions till such time and not exceeding ten years as may be considered necessary by the Academic Council;
- iii. Students have the option to answer either in Assamese or English in the University Examination.

Again the illegal immigration issue has affected the unity and integrity of the State very seriously. Asok Mitra, former Registrar General and Census Commissioner has explained in his article in *The Assam Tribune* on 16 May 1983 entitled "Unity and Nationality" how Assam's population increased from 3.3 to 14.6 million between 1901 to 1971. Misra quoted B.C. Allen, the Census Chief that in 1901 the estimated volume of non-natives in the Assam Plains Division alone was 0.63 million in the 1931 Census. Mullan, the census Chief of 1931 estimated the number of persons born outside the region but counted in the Brahmaputra Valley in 1931 at 1.1 million or roughly 23 percent of the population of 4.72 million. The influx from Mymensing alone was 0.3 million.

Coming to 1951, midway between the splitting of India in 1947 and the Reorganisation of States in 1956, R.B. Baghaiwall, Census Chief of 1951, estimated the population born in Pakistan (erstwhile East Pakistan) in Assam's Plains Division at 0.8 million of which 0.54 million would be non-refugees and 0.26 million refugees. The total population in 1951 of the born in India outside Assam and Pakistan but counted in the Assam Plains Division was 0.43 million.

The last Governor of Assam, Lt. General (Retd) S.K. Sinha

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submitted a report on illegal migration into Assam to Shri K.R. Narayan, then President of India on 8 November 1998 in which he said, "The unbated influx of illegal migrants from Bangladesh into Assam and the consequent perceptible change in the demographic pattern of the State, has been a matter of grave concern. It threatens to reduce the Assamese to a minority in their own State as happened in Tripura and Sikkim.

Illegal migration into Assam was the core issue behind the outbreak of insurgency in the State. Yet we have not made much tangible progress in dealing with this all important issue.

There is a tendency to view illegal migration into Assam as a regional matter, affecting only the people of Assam. Its more dangerous dimension of greatly undermining our national security, is ignored. The long cherished design of greater East Pakistan/Bangladesh, making inroads into the strategic land link of Assam with the rest of the country, can lead to severing the entire land mass of the North East, with all its rich resources, from the rest of the country. This will have disastrous strategic and economic consequences".

The then Governor of Assam arrived at the above conclusion after prolonged discussion about illegal migration with a large number of people in Assam of different backgrounds and different shades of opinion. This included politicians, leaders of the minority community, journalists, lawyers, Government officials, both serving and retired, social workers and so on. He had also discussed this issue with the High Commissioner at Dhaka. Besides, he has extensively toured the border areas of Assam with Bangladesh, visiting a number of land and riverine BOPs of the Border Security Force. Further he had studied the relevant literature and statistics on the subject.

While underlining the consequences of the problem the Governor also said:

"The dangerous consequences of large scale illegal migration

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from Bangladesh both for the people of Assam and more for the nation as a whole, need to be emphatically stressed. No misconceived and mistaken notion of secularism should be allowed to come in the way of doing so.

As a result of population movement from Bangladesh, the spectre looms large of the indigenous people of Assam being reduced to a minority in the home State. Their cultural survival will be in jeopardy, their political control will be weakened and their employment opportunities will be undermined.”

The problem of foreign nationals took a serious turn in 1979 when the unprecedented Assam Movement was launched by the All Assam Students' Union from June 1979 to 14 August 1985 against illegal migration. The situation for this movement occurred due to the death of Hiralal Patowary, M.P. representing the Mangaldoi constituency, inviting a fresh bye-election to Lok Sabha. The Janata Party Government in Assam wanted revision of the voters' list as it contained a large number of foreigners. Everyday lakhs of people came out of their houses to participate in the Movement at the calls of the student leaders. On 15 August 1985 the historic Assam Accord was signed between AASU and AAGSP and the Government. But the Accord could not solve the problem permanently. It has given some temporary relief. Non-implementation of the Accord and the foreign nationals issue are now major sources of conflict in the State. In addition to this the IMDT Act is aggravating the situation in Assam. As regards the IMDT Act it was passed by Parliament in the background of large scale violence in 1983 including the massacre at Neille during the Assam Movement. Under the IMDT Act two individuals living within a radius of 3 kilometres of a suspected illegal migrant could file a complaint accompanied with a deposit of Rs 10/-. This restriction of a radius of 3 kilometres has been revised and said that the complainant should be from the same police station. The procedure for screening, examination by the District Tribunals and to approach the Appellate Tribunal is very elaborate involving a

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lot of time. It is certain that the IMDT Act has invited conflicting views, some of these are:

Following the submission of the report of the Kargil Review Committee, the Prime Minister of India set up a Group of Ministers on 17 April 2000 to review the national security system. While referring to the illegal immigration, the Group of Ministers stated, "Illegal migration has assumed serious proportions. There should be compulsory registration of citizens and non-citizens living in India. This will facilitate preparation of a national register of citizens.

The Illegal Migrants (Determination by Tribunal) Act 1983 was enacted for facilitating effective action against illegal migrants. Ironically it served the opposite purpose for retarding deportation of illegal migrants. The IMDT Act should, therefore be repealed."

Jayanta Kumar Roy, formerly Centenary Professor of International Relations of Calcutta University also said that the IMDT Act of 1983 institutionalised the chronic inaction/despondency of Union/State Governments in coping with infiltration. It is a sort of record in contemporary world history that the IMDT Act not only perpetuates in infiltration but protects infiltrators by placing the onus of proof on Government functionaries who do not have the minimum of resources to generate the proof. (Article: "Migration from Bangladesh to India"; published in "Dialogue", a journal of Astha Bharati, New Delhi, January-March 2002 issue).

The then Governor of Assam pointed out clearly in his report that on the plea of protecting genuine Indian citizens, the IMDT Act was formulated but in practice, it has been found to be primarily serving the interests of the illegal migrants.

On the other hand the supporters of the IMDT Act stated that the number of infiltrators is very small and it cannot pose as a threat to the security of the country. They feel that this Act will give the minorities protection from great hardships and harassment.

Interestingly, the political parties are not expressing unanimous

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opinion on the IMDT Act and the problem of infiltration. The Asom Gana Parishad Government headed by Prafulla Kumar Mahanta, ex-president of AASU as Chief Minister and Bhriugu Kumar Phukan as the Home Minister along with several other prominent movement leaders in the Ministry and the State Assembly had the power of administering the State. The Congress party under the leadership of Hiteswar Saikia was then in the Assembly as the Opposition. The party leaders of the Congress had experience of very strong and fearless public opinion, unprecedented support of the public of the movement and the violent activities claiming hundreds of lives, insecurity, mutual distrust, and irreparable loss of students in the State. Both the parties- ruling as well as opposition played a very unsatisfactory role in making efforts to solve the problem of foreign nationals in the state. It gives enough scope to sustain the conflicting situation in Assam. There was change in the leadership of AASU but no change has been noticed in the attitude of the leaders towards the problem of illegal migration even now. Sarbananda Sonowal, an ex-president of AASU, who joined the Asom Gana Parishad and was elected to the Assam Legislative Assembly from the Moran constituency is making personal efforts to repeal the IMDT Act by approaching the Supreme Court. Further the Present leaders like Samujjal Kumar Bhattacharjya, adviser to AASU, Prabin Boro, president of AASU and Amiya Kumar Bhuyan, General Secretary are making every effort to solve the problem of illegal immigration into the State. They organised public meetings, Seminars, Workshops to mobilise public opinion both at the State and the National levels. They had talks with the Governments on this issue met Members of Parliament individually, and demanded a Joint Session of the Parliament. But the problem is still remaining in its original form.

The historic Assam Accord stated:

“Clause 5:2: All persons who came to Assam prior to 1.1.1966 including those amongst them whose names appeared on the electoral rolls used in 1967 election shall be regularised.

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Clause 5:3: Foreigners who have come to Assam after 1.1.1966 inclusive and upto 24 March 1971, shall be deleted in accordance with the provisions of the Foreigners Act 1946 and the Foreigners (Tribunal) Order 1964.

Clause 5:4: Names of the foreigners so detected will be deleted from the electoral rolls in force. Such persons will be required to register themselves before the registration officers of the respective districts in accordance with the Foreigners Act 1939 and the Registration of Foreigners, Rules 1939.

Clause 5:8: Foreigners who came to Assam on or after 25th March 1971 shall continue to be detected, deleted from the voters list and expelled in accordance with the law. Immediate and practical steps shall be taken to expel such foreigners.

Clause 5:9: Government will give due consideration to certain difficulties expressed by AAS/AAGSP regarding the implementation of Illegal Migrants (Determination by Tribunal) Act 1983.

The IMDT Act as an instrument to implement Clause 5 of the Assam Accord or to solve the problem of foreigners in Assam is failing to serve its purpose. The law formulated by the national legislative body i.e. Parliament must be non-controversial and free from ambiguity and it must be result-oriented, specially when it is done in the case of complicated and sensitive issues. The All Assam Students' Union repeatedly warned the Government about the difficulties created by the Act. It has organised national level seminars on the problem on two occasions in New Delhi.

Recently a national seminar was held at the Constitution Club, New Delhi on 'Foreigners Problem, Assam Accord and IMDT Act' on 7th and 8th May 2002. The seminar was attended by Intellectuals; Political Parties, Students' Organisations, Artists, Employees Union, and a handful of M.Ps and some others. While expressing views on the problem Amiya Kumar Bhuyan, General Secretary of AASU stated in his address that the IMDT Act is a self defeating Act. It is

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surprising to note that Assam is the only State in which this Act is applicable. It must be repealed in the greater interest of the nation. He said, "The impact of non-implementation of the Assam Accord is manifold. The influx of illegal migrants has become a threat to Indian democracy. The voters' list in Assam contains 3.70 lakh doubtful voters and the Chief Election Commissioner is aware of it Infiltrators have occupied land in these tribal belt and blocs causing tensions and unrest amongst the tribal communities, and the infiltrators cause threat to the national security, emergence of anti-national activities and economic backwardness." The AASU also appealed to the Government of India to utilise the Joint Session of Parliament for the repeal of the IMDT Act.

Here again reference may be made of the report of the Governor of Assam to the President of India which says, "The opponents of the Act demand its immediate repeal as it is a highly discriminatory legislation applying only to Assam and not to any other State. They argue such a legislation should not have been on the statute of any sovereign State. It gives freedom to an alien to enter this country, secure in the knowledge that the country he has entered illegally, will have to prove that he is an illegal migrant to deny him citizenship. Under the Foreigners Act which applies to the rest of the country and which in consonance with the practice followed the world over, it is for the foreigner to prove that he is an Indian national to claim Indian citizenship. The IMDT Act shifts the burden of proof on the complainant or the police, to establish that the person complained against is a foreigner.

This act caters for the appointment of two retired High Court Judges, sixteen district Tribunals to two retired District/Additional Judges with supporting staff. The border organisation of 4000 police men process the cases of alleged illegal migrants. The efforts of these agencies maintained at the cost of hundreds of crores to the Exchequer, extending over a period of 15 years, has led to the identification of only 9,599 illegal migrants. Out of these only 1,454

could be deported. These statistics amply establish the futility of continuing the IMDT Act in the present form.

Apart from the conflicting views of the proponents and opponents of the IMDT Act, those working for executing its provisions have been facing difficulties as indicated here:

(a) The Tribunals have been starved of funds and resources. Out of 16 District Tribunals only 5 are functioning. The remaining 11 Tribunals have only one person each on the bench and as such are non-functional. Salaries and TA bills of the staff are not paid in time. Essential facilities, like transport and telephone are lacking and funds are often not available to buy even postage stamps.

(b) The border organisation required to process these cases has been encountering difficulties at every step. Often by the time a complaint is received or the police initiates enquiry against a suspect, that individual shifts to another location and is not traceable. When the individual is available, he insists that he is an Indian national and while the Police tries to collect evidence, he often disappears. The process of absconding also occurs at two stages—before the case is heard by the Tribunal and during the 39 days period allowed to the person to appeal to the higher tribunal or face expulsion. During trial by Tribunal Prosecutors, witnesses do not appear because there is no provision for paying them their traveling expenses.

This is not a healthy situation in a democracy. Any attempt to suppress the grievances of the people and to make a superficial show of State's involvement in keeping its promises may bring a collapse of the State power. It is allowing fast stabilisation of people's pressure on the State and emergence of new pressure from the masses. The people with conflicting views will form different organisations opposite to each other, creating violent and chaotic situations in the State. Insensitiveness to public opinion, deaf ears to the grievances and demands of the people, politicisation of the issues or problems by the State will certainly pose a threat to social cohesion and multi-ethnic unity and integrity.

ETHNIC QUESTION: Disappearance of the British rule from our country on 15 August 1947 could not put an end to the ethnic problem in North East India. Rather it appeared as a very significant issue in the Constituent Assembly Debates resulting in the formation of a Sub-committee under the chairmanship of Gopinath Bordoloi on 27 February 1947. The Sub-Committee examined the problems of North East Frontier (Assam) Tribal and Excluded Areas and submitted its report on 28 July 1947. On its recommendations the Sixth Schedule to the Constitution of India was provided by the Constituent Assembly as a solution to the problem of the hill people in the North East. Most probably it was the best administrative and political strategy to be adopted in a country searching for unity in diversity. (Details in the *Ethnic Movement* Chapter)

Local Democracy. The constitutional developments and national movement in India outlined in the enactment of the India Independence Act by the British Parliament in 1947. The Act closed the chapter of British rule and ushered in the dawn of freedom.

Independent India accepted the welfare concept of the State and the Constitution provided for a strong Centre to have efficiency in the administration and to make effective solutions of the problems arising in the States or in any part of the country. The framers of the Constitution were not very confident in the strength of the rural masses and therefore, did not give much attention to the grass-root level democracy through the *Panchayati Raj* Institutions.

Now we have seen the role played by the Centre in maintaining the unity and integrity of the nation and solutions of the problems in different parts of the country. Though the Centre is strong enough, it is helpless. Whenever problems arise in any part of the country the people of that locality have to surrender their democratic rights either to the State terrorism or private terrorism.

The values in the society change from time to time. Along with this the nature of the social problems are also changing. Each

generation is like one nation accompanied by its own peculiar problems and aspirations. There is a vast gap in theory and practice of the moral principles and social laws and the services and the service needed. Further each individual/group tries to justify its action in its own way.

How to build a strong and united nation? There is no other way but to develop the family, humanist aspect of all religions, schools and Panchayati Raj Institutions as massive pillars to build up a strong India. Here an attempt is made to highlight very briefly the Panchayati Raj Institutions in the context of the views of Mahatma Gandhi and the efforts of the latef Rajiv Gandhi towards this end.

Historical Background: The beginning of the present Panchayati Raj system in Assam is associated with the arrangement of *Chowkidari* system in the villages for the protection of life and property of the people. The *Chowkidari* system required the villages to provide some arrangement for collection of taxes and payment of salaries to the *Chowkidars* to secure service from them. Before 1870 the *Chowkidari* system was administered by certain regulations. In 1870 the *Chowkidari* Panchayat Act was passed and it provided for the establishment of Panchayats in any village consisting of more than sixty houses. The responsibility to create any Panchayat was entrusted to the District Magistrate. However, a provision was made to establish a Panchayat for more than two villages provided they were contiguous to one another. The functions of the Panchayat were confined to the *Chowkidari* system only. The Commission on Decentralisation made an attempt to delegate more powers regarding sanitation, water supply etc. These provisions were incorporated in the Local Self-Government Act 1915. But the *Panchayats* established under this Act faced a lot of problems due to conflicts amongst residents of the village.

In 1926 the Rural Self-Government Act was passed. The main purpose of this Act was to provide an administrative system in which the villagers could participate in the solution of their own problems.

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The members of the *Panchayat* were elected on adult franchise. In the beginning the *Panchayats* were given few functions and provision was made in the Act for increase of functions in course of time.

In 1948 the Panchayat Act provided for two tier *Panchayat* system— Rural *Panchayat* and Primary *Panchayat*. The Rural *Panchayat* would be serving more than one village and the administrative area of the Primary *Panchayat* would be a village. Under this Act 2656 Primary *Panchayats* and 422 Rural *Panchayats* were established. But the Act also failed to serve the villages satisfactorily.

The Constitution of India in Article 40 provided that the State shall take steps to organise Village *Panchayats* and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. In the meanwhile the Government of India introduced the Community Development Programme and the National Extension Service Scheme in 1952 with the aim of achieving the goals of a Sovereign Democratic Republic. In 1957 the Study Team headed by Balawantrao Mehta investigated the whole problem of *Panchayati Raj* and recommended the establishment of a three-tier system- *Zilla Parishad*, *Anchal Samiti* and *Gaon Panchayats* in rural areas. Accordingly the Assam *Panchayati Raj* Act 1959 provided for establishment of *Mokhuma Parishad*, *Anchalik Panchayat* and *Gaon Panchayats*. The *Anchalik Panchayats* could not function satisfactorily and as a result in 1972 it was abolished and a two-tier *panchayat* system was established. *Mokhuma Parishad* was entrusted with the executive functions in the fields of public health, education, agriculture, welfare, small scale industry, Cooperative Society etc. The *Gaon Panchayat* was entrusted with several development functions.

– In 1986 the Assam *Panchayati Raj* Act re-introduced the three-tier *Panchayat* system. Under this Act 2486 *Gaon Panchayats*, 217 *Anchalik Panchayats* and 43 *Mokhuma Parishad* were created in the rural areas of Assam. The *Mokhuma Parishad* was entrusted with the following functions:

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- (a) Scrutiny and Approval of the budget prepared by the *Anchalik Panchayat*,
- (b) Review of the works of the *Anchalik Panchayat*,
- (c) To guide and coordinate its activities;
- (d) To advise the Government in distribution of funds.

Thus the *Mokhuma Parishad* again became an advisory body in 1986. The *Anchalik Panchayats* were entrusted with the functions in respect of sanitation and health, public works, education and culture, administration, welfare of people, forests, breeding and protecting cattle and village industries. The *Gaon Panchayat* has also been entrusted with the functions in the above areas.

In 1990 the Government of Assam issued an Ordinance by which the Assam Panchayat Act XVII of 1986 has been renamed as Principal Act. This Act provided that if in the administrative area of the *Gaon Panchayat* the population of Scheduled Castes and Scheduled Tribes (Plains) is 33.3% or more than the total population, in that case the President of the *Gaon Panchayat* must be elected from amongst the Scheduled Castes and Scheduled Tribes. Further 30% of the total number of seats in the *Panchayati Raj* must be reserved for women.

The Constitution (Seventy-third Amendment) Act 1992 was given a constitutional status to the *Panchayati Raj* under Article 243. In conformity with the Seventy-third Amendment the Assam Panchayati Raj Act was passed and it provided for a three-tier *panchayat* system in Assam. For the first time *Zilla parishad* had been introduced as the highest tier of the Panchayat Raj in Assam.

Mahatma Gandhi and Village Raj: Mahatma Gandhi's vision on rural reconstruction had two major objectives— first, economic development by eradication of the economic ills of Indian villages and second, human resource development by building up the rural society on human values like, truth, non-violence, love and fellow-feeling. These objectives cannot be achieved without full

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development of all the faculties of an individual's life and removal of harmful socio-religious superstitions amongst the villagers and obsolete customs and traditions. Gandhi talked about real "Swaraj". It is possible only in a society based on self-support and self Government. In Gandhi's own words, a village with "Swaraj" is a complete republic, independent of its neighbors for its own vital wants and yet interdependent for many others in which dependence is a necessity. Thus every village's first concern will be to grow its own food crops and cotton for its cloth. It should have a reserve for cattle, recreation and play ground for adults and children. Then if there is more land available, it will grow useful money crops, thus excluding ganja, tobacco, opium and the like. The village will maintain a village theatre, school and public hall. It will have its water works ensuring clean water supply..... Education will be compulsory upto the final basic course. As far as possible every activity will be conducted on the Cooperative basis. There will be no castes such as we have today with their graded untouchability... The Government of the village will be conducted by the *Panchayat* of five members annually elected by the adult villagers, male and female, possessing minimum prescribed qualifications... Individual is the architect of his own Government".

Village sanitation received top priority in Gandhi's scheme of rural reconstruction. He was in favour of easy, economic and effective methods of solving the problem of rural insanitation. To him sanitation was the most important part of the village administration scheme. It was the effective way of dealing with the diseases, since for him nature was the first physician, which was continuously repairing what man has damaged.

Self-sufficiency is the keynote of the economy of this rural society. It means that all the requirements of life, specially food and other necessities of life must be grown or manufactured in the village. For this the people have to adjust their taste to the productive potential of the locality. Sericulture and cottage industry are the

foundation of its economy. Development of village industries will eliminate exploitation of the masses. The most important industries to be developed in any village are *khadi*, hand grinding, hand-pounding, paper-making, match-making etc. All these can be achieved through education and training.

For Gandhi, the people should non-cooperative democracy could not be realised without the *Panchayat* working as the basic and effective unit of Government since Democracy, in his opinion, could not be worked by twenty men sitting at the Centre. It had to be worked from below by the people of every village. He was confident that the will of the people would assert itself through the effective working of the *Panchayat*. When *Panchayati Raj* is established he assured us, public opinion will do what violence can never do. The present power of the *Zamindars*, capitalists and the *rajās* can hold sway so long as the common people do not realise their own strength. The people should non-cooperate with the evils of *Zamindari* and Capitalism. In *Panchayati Raj* only the *Panchayat* will be obeyed and *Panchayat* can only work through the law of its making. Gandhi was sure that imbalance between rural and urban India would be removed through the mechanism of *Panchayati Raj*, for it would enable the rural masses to have their due share of political power. In *Panchayati Raj*, he said, "the man who should be counted most should be the *Kisan*. The *Kisan* knows how to increase production and the fertility of the land.

Instead of concentrating power in big cities it should be distributed among the thousands of villages of India which would carry on the governance of the country through voluntary cooperation. The functions of *Panchayati Raj* would cover every aspect of life of the village community, since its task is to transform a village from a dung heap to a tiny Garden of Eden where dwell highly intelligent folk whom no one can deceive and exploit.

From the above views of Gandhi it may be understood easily that he was a realist and not an utopian. It is true that mere economic

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development is not the indicator of the progress of the nation. It must be accompanied by the development of human resources. It is based on self-service and self-governance principles, and not on spoon feeding system. The ideas of Gandhi were deeply rooted in our rural and social culture which Fred W. Riggs interpreted in terms of Ecology and in modern academic terms of the Environment. In Assam the system in the rural areas is favourable for development of the village on Gandhian lines.

Distortion of Traditional System of Administration: In Assam a traditional village worked as essentially a democratic institution based on social customs and traditions. It had the authority over every aspect of village life in Assam. It was the privilege of the village elders to occupy the positions of leadership and importance. The village was the unit by itself, self-contained, self-regulated and self reliant in the socio-economic functions. The whole village administration was monitored by the village headman and the religious leader. Dr. Maheswar Neog, an eminent scholar of Assam called *Namghar* as a little Parliament. Because it was a place in which most decisions were taken after threadbare discussion affecting the village. There are even to-day *Satras* in the biggest river island viz, Majuli, such as Auniati, Dakhinpat, Garamur, Kamalabari and Bengenaati. These *Satras* worked as very strong federations of villages in Assam commanding mainly religious loalyty and played an important role in the social life of the people. They could maintain unity and integrity of the people living in different parts of the State.

The *Namghar*, or prayer house provided the villagers with a common platform for free and frank discussions, covering their socio-economic life also. A village assembly meeting at the *Namghar* often tried offences against any individual and the society and delivered inviolable judgements. The rural community life centred round the *Namghar* and *Gaonbura* and there existed a code of humanism, morality and selflessness. It was common amongst the villagers to help the helpless people, and to extend cooperation to

somebody who fell ill or affected by any natural calamity. In other words they observed army like discipline in normal life. They used to work like one man in all walks of life: they moved together for cultivation, for fishing, for funerals or for feasts. Thus among the villagers the enviable spirit of unity, discipline and social consciousness was practised. But now the very spirit of democratic society has been destroyed with the emergence of competitive electoral politics in the village.

History and antiquity are silent about the introduction of the silk industry in India. But some authorities claim that it was first introduced in Assam for more detailed study please see the book "The Silk industry of Assam" by Prabin Baishya. The history of the silkworm is associated with the rural Assam from time immemorial. The mulberry, *Eri* and *Muga* silkworms were very familiar domesticated insects, which produced the bulk of silk. Availability of food plants and a favourable climate helped the growth of sericulture resulting in satisfactory advancement. It was almost obligatory for every village house to rear and weave silk fabrics. It remained to be the national dress of the average women in Assam and common costume for them. In contemporary Assam this culture has not become almost foreign to many rural people. Due attention was not paid by the administration to build up those cottage industries with some up-to-date methods for stabilising rural economy.

Agriculture and allied pursuits constitute the major source of livelihood throughout the region. The plains follow a method of cultivation similar to the all India pattern. The power used is derived mainly from a pair of bullocks and steel hoes. The shifting cultivation, however, does not require ploughing. The shifting cultivators clear the jungle and burn the cuttings and small holes are made with iron capped sticks, hoes or large knives while seeds of maize, cotton, chillies etc. are sown. Rice is also grown in some places.

It is generally felt that practical ways to bring about significant stabilisation of the agrarian economy in the rural areas is through

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expeditious changes over wasteful methods to some scientific methods. It is true that some tribes/communities were socio-economically wedded to their traditional methods of farming. The gradual introduction of new techniques without affecting their social values, traditions and modes of thinking would have stabilised the rural economy. No serious effort has been made in this direction. The result is that the high consumption of time and body energy, low production and low social status compel the village dwellers to convert themselves from cultivators to the seekers even of low-paid jobs in any urban area.

Further Assam has the unique distinction of having the largest area under tea cultivation. It produces more than fifty percent of the total tea in India. The tea industry feeds about a million people who are dependent on it for their livelihood. Interestingly enough this tea community consists of persons belonging to Bihar, Orissa, Andhra Pradesh and Tamilnadu Though they came from different parts of the country having different socio-religious habits and beliefs they are living together without any constraint of social relationship. Their profession, the easily available essential commodities, satisfaction of fundamental needs, similar living patterns etc. work as a very strong tie to keep them together. Though the tea gardens are situated in the rural areas, they failed to attract our rural indigenous people for employment and tea gardens were excluded from the jurisdiction of the *Panchayati Raj*.

In the entire North East India cane and bamboo are profusely available and numerous articles of everyday use were made by the members of the traditional society of the region like mats, hats, baskets, vessels, chairs, tables etc. The Naga cane crafts also include bowls, and containers. The *Panchayati Raj* is the most neglected part of Assam's administrative system.

Rajiv Gandhi and Rural Administration: After Mahatma Gandhi a serious thought was given by Rajiv Gandhi to rebuild the Indian villages. He said, 'Development has to mean development of our

villages, that must be transformed. Indeed once the villages are developed the cities will be automatically benefitted, for pressure on the cities will be lifted, and the unending migration from villages to cities will be checked. People, instead of fleeing from villages will stay back and work in the villages and as a result the villages will progress. We must, therefore, shed the mentality of depending on the Government for everything. This can best be achieved through *Panchayati Raj*.⁷

Realising the need for effecting *Panchayati Raj* in modern India for building up a strong multi-color nation based on unity and integrity the Government of India introduced the Seventy-third Amendment to the Constitution of India. The philosophy behind the amendment is as follows:

SEARCHING	For an institutional frame for a carings humane and responsive administration at the local level;
RECOGNISING	The strength and weaknesses of the present district administration dominated by the elite services;
NOTICING	That administration was not adequately accountable to those whom it was designed to serve, inspite of the administrative and political wings being generally efficient and enlightened;
RECALLING	Numerous instances and complaints of callous, indifferent, negligent and even cruel responses of the district administration to the individual and/or small group/community causes;
FINDING	That the lack of responsiveness of the administration is due to non-

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	accountability;
AFFIRMING	That administration can be made responsive only if it is made representative;
RAJIV GANDHI	Conceived the idea of a third tier of representative governance the district level and below, thereby bringing in a basic change in the architecture of Indian polity;
DEVELOPING	The aforesaid ideas, Parliament enacted the Seventy-third and Seventy-fourth Amendment of the Constitution with the explicit purpose of transferring power to the people.

The wide tours of Rajiv Gandhi in the rural areas might have compelled him to give a serious thought to the village administration and accordingly he initiated the movement for rural reconstruction in modern India and thereby tried to rebuild our rural society on a Gandhian line. The notable feature of the amendment is that the *Panchayati Raj* Institutions have been given constitutional status by incorporating them in Article 243 of part IX of the Constitution. It provides for a three-tier *Panchayati Raj*. For the first time in the history of local administration a reservation has been made of 30% seats for women. The Act provides for filling up of all seats in *Panchayats* by persons elected directly from territorial constituencies in the *Panchayat* area. The term of office of the members of the *Panchayat* shall be five years. The Act says that the Governor of the State shall, as soon as, may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992 and thereafter at the expiration of every five years constitute a Finance Commission to review the financial position of the *Panchayats* and to make recommendations to the Governor. The Governor shall also appoint

a state Election Commission to direct and control the election to *Panchayats*. Article 243C of the Constitution mentions 29 problems to be dealt with by the *Panchayati Raj*. These are— Agriculture including agricultural extension, land improvement, implementation of land reforms, land consolidation and soil conservation, Minor irrigation, water management and watershed development, animal husbandry, dairy and poultry, fisheries, social forestry and farm forestry minor forests produce, small scale industries, rural housing, drinking water, fuel and fodder, roads, culverts, bridges, ferries, waterways and other means of communication; rural electrification including distribution of electricity; non-conventional energy source; poverty alleviation programme; education including primary and secondary schools; technical training and vocational education; adult and formal education; libraries, cultural activities; markets and fairs; health and sanitation including hospitals, primary health centres and dispensaries; family welfare; women and childrens development; social welfare including welfare of handicapped and mentally retarded; welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes; public distribution system and maintenance of community assets.

Thus Rajiv Gandhi took a bold step to develop the rural areas of India. Immediately after the election in 1991 the Government of Assam under the leadership of Hiteswar Saikia took a strong step to translate the ideals of Mahatma Gandhi and reiterated by Rajiv Gandhi into reality. The *Panchayat* elections were held in Assam in February 1992 after a gap of about thirteen years. The election may be considered as a landmark in the history of *Panchayati Raj* in Assam. It brought with it new ideas and social values. The Assam *Panchayati Raj* Act passed in 1986 during the rule of Asom Gana Parishad replaced the Assam *Panchayati Raj* Act 1972. No election was held under the Act of 1986 till 1992. In 1992 the Congress Government initiated the process and delimited the administrative area of a *Panchayat* constituting one *Gaon Panchayat* for every 6000 to 10,000 people and thus increased the number of *Panchayats* from 714 to

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2486. Another notable feature of the *Panchayati Raj* in Assam is that for the first time the tea gardens have been included within the administrative area of *Gaon Panchayat* with a view to see that the employees of the tea gardens are not deprived of their legitimate rights to participate in the local self-government and get actively involved in development activities for their own upliftment. The *Anchalik Panchayats* have been reintroduced by forming 196 such bodies. The *Mokhuma Parishad* has become a policy making and supervisory body. The important feature of the *Panchayati Raj Act* of 1992 is the reservation of 30% of seats for woman candidates besides giving adequate representation to the Scheduled Castes and Scheduled Tribes.

In 1994 the Assam Panchayat Act was passed and all the above provisions have been incorporated in the Act. The main provisions of the Act are as below:

A three-tier *Panchayati Raj* Institutions viz, *Zilla Parishad*, *Anchalik Panchayat*, *Gaon Panchayat* have been introduced by the Act. In the *Gaon Panchayat* area there will be a *Gaon Sabha* consisting of persons registered in electoral rolls relating to a village or group of villages. The *Gaon Sabha* shall consider; (a) the report in respect of development programmes of the *Gaon Panchayat* relating to the preceding year and development programmes proposed to be undertaken during the current year; (b) the promotion of unity and harmony among all sections of society in the village and (c) any other matter as may be prescribed.

The State Government by notification can declare any local area comprising a revenue village or a group of revenue villages or forest village or a tea garden area or hamlet forming a part of revenue village or for a forest village or tea garden area to be a *Gaon Panchayat* with a population of not less than 6,000 and not more than 10,000. The *Gaon Panchayat* shall be consisted of ten members to be directly elected by the voters of the territorial constituencies of the *Gaon*

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Panchayat area.

For each Development Block there shall be an *Anchalik Panchayat*. Every *Anchalik Panchayat* shall consist of:

(a) One member from each *Gaon Panchayat* to be directly elected from the territorial constituencies of the *Gaon Panchayat* under *Anchalik Panchayat*;

(b) The Presidents of *Gaon Panchayats* falling within its jurisdiction;

(c) The members of Lok Sabha and the members of Assam Legislative Assembly representing the constituencies within it.

For every district there shall be a *Zilla Parishad*. The areas covered by a Municipal Board or Municipal Corporation will be excluded from the jurisdiction of *Zilla Parishad*. It shall consist of:

(a) The members directly elected from the territorial constituencies of the district;

(b) The Presidents of *Anchalik Panchayats*;

(c) The members of Lok Sabha and Legislative Assembly.

Thus in the Act of 1994, provision has been made for direct election of all the three tiers of *Panchayati Raj* Institutions. It also provides for, as stated above, reservation of seats for women, Scheduled Castes and Scheduled Tribes. As regards the functions not much change has been made on the earlier Acts.

For the first time the Act of 1994 provides for constitution of the finance Commission and Election Commission for *Panchayati Raj*. The Finance Commission shall have the following functions:

(a) To call for any record from any officer or authority;

(b) To summon any person to give evidence or produce records;

(c) Such other power as may be prescribed.

Thus the *Panchayati Raj* institution is a strong device for realisation of the principles of decentralisation, self-determination,

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self-regulation, autonomy from the national level down to the grass root level. These principles are already in existence in the administration of an independent State in the modern world. The interest area of all these concepts are common and these are also evolving concepts. Further these concepts touch and present in every aspect of the State's administration in a way similar of the network of nervous system of any living organism. The most sensitive part of the principle of decentralisation is the exercise of the right to secede by the actors in the process of decentralisation. Both developing and developed countries are not free from this fear.

Looking to the French administrative reforms it is found that the French Socialist party came to power in May 1981 and the leader Francois Mitterand won the race for the Presidency. Decentralisation of administration was proclaimed by President Mitterand as, "la grande affaire" of his Presidency. The Socialist Party was also ready to do it in 1974 had they won the election, but the continuous public debates following the Guichard Report and the left's take-over of many local authorities in the meantime, made the moment even more propitious in 1981. The decentralisation process was initiated by the Law of 2nd March 1982 and are rooted in the following four principles:

- No tier has authority over another;
- Transfer of executive functions to the Presidents of Departmental and Regional Assemblies previously exercised by the Prefect;
- Powers are shared with corresponding transfer of financial resources;
- Elevation of Region to a fully fledged tier of local government.

The principles of decentralisation faced controversies in France like any other country. There are two opposite views: According to the view expressed by the *Etatistes* Decentralisation meant

greater local autonomy, relative financial independence. Assemblies elected by adult franchise, may fragment the nation and constitute a serious threat to the authority of the State.

The advocates of decentralisation on the other hand see that the state should be placed in the hands of men, who constitute a self-service nation. No reform can be introduced without participation of citizens. The imposition of the reforms from above cannot work successfully.

The impact of the pluralist theory on the federal structure of Government in the United States for decentralisation may be noted here. The recent attacks in the U.S.A on the pluralist theory of democracy are based on the fact that a decentralised federal structure helps the groups in the society to exert undue influence in the policy making process and it excludes a large portion of the population from having any say on the decisions affecting their lives. It may ignore the national or general interest.

In the midst of this controversy, India is making a fresh effort to rebuild the villages through the *Panchayati Raj* by amending the Constitution to give true meaning to the principle of decentralisation. The Government of Assam also is constrained by the strong desire of different elite groups for gaining political power and fame and for enhancing their richness. They do not hesitate for throwing out all democratic values of social life. Political and administrative machineries are seriously affected by corruption. Family and educational institutions are suffering from a motivational crisis. There remains only the traditions of the society and the village administrative machinery which can easily be controlled and directed by the rural masses for their upliftment. The adoption of the principle of Decentralisation may be considered as the best and willingly acceptable principle for the contemporary society of Assam. The culture of the democratic way of life, community feeling, strict family control over the children, respect for teachers and village elders, charitable services etc. were parts of village life. The impact of

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modernisation in the western pattern caused a distortion of all those traditions in the rural society. Even in the West the scholars have developed the concepts of comparative politics and comparative public administration as the field of study in developing countries. The comparative administration gives emphasis on the problems of the developing countries in the context of sociological changes. Fred Riggs has analysed his ecological theory in which he admitted the influence of social customs and traditions on the members of "Sala". Max Weber analyses Bureaucracy, especially the organisational aspect of it which was prevalent in the traditional society of Assam. The principle of hierarchy was reflected into the laws of family administration, laws of inheritance and social relationship of the traditional society. The difference in religion, language and culture could not affect the unity and integrity of the society. Experience shows that any administrative system divorced from the social culture of the locality cannot achieve its goal. The recent effort to restructure the village administration through *Panchayati Raj* Institutions is the best way to be followed for building a strong nation. At the same time utmost care is required to see that the principle of Decentralisation should be extended to a point where the national interest cannot be affected.
