

Understanding Northeast India: Past Journey And The Ways Forward

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Abstract:

The Northeastern Region of India constitutes an important part of the Indian Union which however is perceived as a 'problematic' area in many senses of the term. This paper looks at how the various parts of the region ultimately started forming a political unit as a result of the past administrative policies of the Colonial power. The present has to be contextualised in the past so that the situation is fully absorbed and understood as far as the Northeastern Region and the aspiration of the people are concerned. Only then, solutions can be worked out together when problems arise.

Key words: Northeastern Region; Colonial Power; NEFR; Historical Context; Post Colonial India.

Introduction

The existence of the Northeast India Region can be traced back to 1972 when the various states of the region were carved out of the North Eastern Frontier Region and the Assam Province. In the beginning, the area was famous as the Seven Sisters, until Sikkim was added as the eighth state of the region. Media call this region as "Chicken-neck" too on account of the small tract connecting the entire India with Northeast India between West Bengal and Assam. The emergence of Northeast India can be understood in the context of the historical processes that took place in the early parts of nineteenth century. The following are some of events that had helped shape the Northeastern Region as a political entity:

1. Scot Report, August 1816 : Some tribal unrest developed arising out of internal quarrels among the Zamindars on collection of revenues. In 1815 the Company's apex authorities at Calcutta appointed David Scot, a Magistrate of Rangpur, to make an enquiry into the tribal unrest in Garo Hills and to get an understanding of the administrative problems in the region. The Report of Scot submitted in August 1816, recommended, among other things, to separate certain tribal areas from the district of Rangpur and to

place them under the charge of a separate officer to be designated as 'Civil Commissioner of North-East Rangpur'. This Recommendation of Scot was accepted and approved by the Governor General-in-Council, and was implemented. Soon after, this scheme for separate administration of the tribal areas and Regulation was considered to have laid the foundation for a separate pattern of administration of tribal areas of the north east India under the British rule.

2. The Regulation X of 1822: The Scot Recommendation for separate treatment of the tribal backward tracts of the north east India was incorporated into the Regulation X of 1822. The Regulation opened with these words: "There exist in different part of territories subordinate to the Presidency of Fort William races of people entirely distinct from the ordinary population, and to whose circumstances therefore the system of Government established by the General Regulation is wholly inapplicable." The Regulation stated that the tribes inhabiting the 'North-Eastern Frontier' including "the Garrows and similar rude tribes" required different system of treatment from the general Regulations and that the tribes should not be made dependent on the Zamindars of the British provinces. Therefore the Regulation laid down that "With a view, therefore, to promote the desirable object of reclaiming these races to the habit of civilized life, it seems necessary that a special plan for the administration of justice, of a kind adapted to their peculiar customs and prejudices, should be arranged and concerted with the headman, and that the measures should at the same time be taken for forcing them from any dependence on the Zamindars of the British provinces". The Regulation deemed it indispensable to suspend the operation of the existing rules for the administration of civil and criminal justice, and generally of the Regulations of Government within the tract of country comprised in or bordering on the hills and jungles occupied by these tribes, and to appoint a Commissioner with full power to conclude arrangements with the chiefs, and to conduct the entire administration of the tract in question, subject only to such orders and instructions as he may receive from time to time, from the Governor-General-in-Council." To this end, the Regulation laid down Rules to govern the specified hill tracts and "the race of mountaineers and rude tribes" inhabiting therein. This Regulation of 1822 clearly indicated a policy for a different pattern of administration for the tribal areas of north-

east India (separated from the general population under general Act and law) to be followed by the British administration. On the basis of this Regulation, a new form of administration was introduced, described as the 'Non-Regulated System' – in which the powers of Collectors, Magistrates and Judges were centralized in the same hands.

3. Government of India Act of 1833 and 1853: It appeared that the Government of British India had strong inclination to acquire more control over the 'backward tracts' though these tracts were then under the authority of the East India Company (till 1858). The British government enacted the Government of India Act of 1833 and 1853 which entrusted the Governor-General-in-Council to make laws for the 'backward tracts' (tribal territories of the north east India) although the territories were not yet under the British sovereign. Actually the British government took over the said backward tracts from the Company in 1858, following the Sepoy Mutiny of 1857. Naturally, question was raised about the legality of such laws made by the Governor-General-in-Council in respect of the tribal areas which were under the Company (and not under the British sovereign). Therefore the Indian Councils Act of 1861 was enacted, with provisions validating such impugned laws.

4. The Garo Hills Act, 1869: The next step of the British policy of exclusion of tribal areas from the general administrative set up (initiated by the Regulation of 1822) took place in the form the Garo Hills Act, 1869. The Act removed the Garo Hills "from operation of general Regulations and Acts" and "from the jurisdiction of the Courts of Civil and Criminal Judicature and from the control of the offices of revenue constituted by the Regulations of the Bengal Code". The responsibility of administration of Civil and Criminal justice, the superintendence of settlement and realization of the public revenue within the said territory were vested in the officers to be appointed by the Lieutenant Governor. The Act also provided that the Lieutenant Governor had the powers to extend any of the provisions of this Act to the Jaintia Hills, the Naga Hills, and the Khasi Hills. This was indicative of the British intention to exclude all the tribal areas from the purview of general Regulations and Acts, and to put them under a different pattern of administration and create separate procedural machinery for the administration of criminal and civil justice in the tribal areas of the northeast.

5. The Scheduled Districts Act, 1874: In February 1874, the management of Assam was taken out from the Lieutenant Governor of Bengal, and Assam was formed into a separate administrative unit called the 'Chief Commissionership of Assam'. Soon after this separation, the Scheduled Districts Act 1874 was enacted in April, the same year. The main objective of this Act was to remove the uncertainty which had existed regarding the actual operation of a number of laws in various parts of the British India. The uncertainty had related to the local enforceability of the enactments and even as regards their being in operation or not. The Act sought to remove such uncertainty and confusion. In this Act, the term 'Scheduled Districts' was introduced and used to mean "those remote or backward tracts or provinces of British India which had never been brought within or had from time to time been removed from the operation of the general Acts and Regulations and jurisdiction of ordinary courts or in which that operation was not complete, and officers were supposed to be guided by the spirit of indispensable laws, or were actually guided by such laws as had somehow or other been considered to be in force." The Act vested in the local government the power to declare as to which laws were in force or not in force in certain specific areas in question, and also the power to extend to any Scheduled District or to any part thereof, any enactment which was in force in British India. Under this Act, the entire Chief Commissionership of Assam was declared as a 'Scheduled District'; and along with it 'Garohills', 'North Lushai Hills', 'Mokokchang Subdivision of Naga Hills District', and 'South Lushai Hills', and parts of Chittagong Hill-tracts, were also made Scheduled Districts.

6. The Assam Frontier Tracts Regulation 1880 empowered the Chief Commissioner of Assam to remove any part of that area from the operation of the laws and Regulations in force therein. The Preamble of the Act stated that it was expedient "to provide for the removal of certain frontier tracts in Assam inhabited or frequented by barbarous or semi civilized tribes from the operation of enactments in force." In other words, the stage of backwardness of the tribes of such tracts was given as the reason for such separate treatment of them.

7. The Montague-Chelmsford Report of 1918 which recommended for reforms in the British India, was in favour of continuance of the

erstwhile British policy of separation of the tribal tracts from the operation of general laws and Regulations. The Report stated that there were certain backward areas (tribal hill tracts) to which the political reforms could not apply as the people of these areas were primitive and “there was no material on which to found political institutions.” The Report recommended that such tracts should be administered by the Governors.

8. The Government of India Act 1919 incorporated the recommendations of the Montague-Chelmsford Report. The accepted recommendation in respect of the ‘backward tracts’ was framed and inserted as ‘Section: 52A’ into the pre-existing Government of India Act 1915, and by inserting this Section (52A) into the Act of 1915, it became the Government of India Act 1919. Section:52A clause (2) of the Act of 1919 provided that “the Governor-General in Council may declare any territory in British India to be ‘backward tract’ and that any Act of the India legislature shall not apply to the territory (declared as backward tract) in question, or any part thereof.”

9. In exercise of the powers provided under Section: 52A of the Act of 1919, the Governor-General in Council specified and declared the following tribal inhabited territories of Assam as “backward tracts”:

- (1) The Garo Hills District.
- (2) The British portions of Khasi and Jaintia Hills District (other than the Shillong Municipality and Cantonment).
- (3) The Mikir Hills (in Nowgong and Sibsagar Districts).
- (4) The North Cachar Hills (in Cachar District).
- (5) The Naga Hills District.
- (6) The Lushai Hills District.
- (7) The Sadiya Frontier Tract.
- (8) The Balipara Frontier Tract.
- (9) The Lakhimpur Frontier Tract.

This specification of the tribal territories as “backward tract” as a separate category of area different from the general population under the British administration, may be considered as the seed for the future “Tribal Areas” specified under the Sixth Schedule of the Constitution of independent India. It may be noted here that the consolidation of the British colonial rule and administration in north east India from 1765 onward, took a

long time – different parts of the region came under the British rule at different point of time. The Britishers established their rule over the Assam Plains in 1826, Cachar Plains in 1830, Khasi Hills in 1833, Jaintia Plains in 1835, Mikir Hills (now, Karbi Anglong) in 1838, North Cachar Hills in 1854, Naga Hills (now, Nagaland) during 1866-1904, Garo Hills in 1872-73 and Lushai Hills (now Mizoram) in 1890. A number of changes took place in form of administration over Assam. On February 6, 1874 the management of Assam was taken out from the Lt. Governor of Bengal and put it under a separate Chief Commissioner. In 1905, when Bengal was partitioned, Assam was made a part of the Province of Eastern Bengal. In 1912, Assam was once again made a separate unit under a Chief Commissioner. Finally, under the provision of the Government Act of 1919, Assam became a Governor's Province in 1921. All throughout these stages of administrative, political and constitutional development, the British had a continuity of policy for a separate management of tribal affairs and tribal areas of the north east India.

10. The Indian Statutory Commission, 1930, otherwise commonly known as the Simon Commission, examined in details, among other things, the political and administrative status of the tribal areas called the 'backward tracts' which were specified and declared under the Act of 1919. In its Report, the Commission stated that there were 'backward tracts' (as specified and declared under the Act of 1919) in five of the eight Provinces of British India, namely, Assam, Bengal, Bihar & Orissa, Punjab and Madras, comprising 120000 square miles with a population 11.25 millions. [The rest three provinces (viz, Bombay, the United Province and the Central Province) did not have backward tracts.] Of these, the whole of Assam backward tracts alone covered 50,000 square miles with a population of half a million tribesmen. The Commission found that these backward tracts were not included within any constituency and had no vote for election to the provincial legislatures. However, the Commission considered that these backward tracts needed to continue to be excluded from the general constitutional arrangements. The Commission reasoned that "the stage of development reached by the inhabitants of these areas prevents the possibility of applying to them methods of representation adopted elsewhere. They do not ask for self-determination, but for security of land tenure, freedom in the pursuit their traditional method of livelihood, and the reasonable

exercise of their ancestral customs. Their contentment does not depend so much on rapid political advance as on experienced and sympathetic handling, and on protection from economic subjugation by their neighbours." The Commission also suggested certain principle of policy that "the responsibility of Parliament for the backward tracts will not be discharged merely by securing to them protection from exploitation and by preventing those outbreaks which have from time to time occurred within their border. The principal duty of the administration is to educate these peoples to stand on their own feet, and this is a process which has scarcely begun." Considering the question as to what kind of arrangement should be made for the backward tracts in connection with the constitutional changes which the commission was going to propose, the Commission recommended that a strong centralized administration would be desirable for the backward tracts for the reason that "the typical backward tract being a deficit area, no provincial legislature is likely to possess either the will or the means to devote special attention to its particular requirements."

11. The Government of India Act, 1935: Consequent to the Simon Commission Report, the Government of India Act, 1935 was enacted. In this Act a chapter was devoted for the matter of backward tracts (tribal areas). Accepting the recommendation of the Simon Commission Report, the Act of 1935 abandoned the terminology of "backward tract" and replaced by a new terminology for the tribal areas as "Excluded Areas" and "Partially Excluded Areas" -- thereby specifying them into two categories. These tribal areas were excluded from the purview of the provincial legislature. The "Excluded Areas" were to be administered by the Governor himself in his discretion (without the advice of his ministers); and the "Partially Excluded Areas" were to be special responsibility of the Governor, despite the advice of his Ministers. "No Act of the Federal Legislature or of the Provincial Legislatures shall apply to an excluded area or a partially excluded area", unless the Governor directs its application to any part of the areas. The Act of 1935 also empowered the Governor to make regulations for the "peace and good governance" for any part of the Excluded or Partially-Excluded Areas, with prior sanction from the Governor-General. Under the Act of 1935, 'The Government of India (Excluded and Partially Excluded Areas) Order, 1936' was promulgated which

specified the following tribal areas as Excluded areas and Partially-excluded areas:

The Excluded Areas were:

- 1) North-East Frontier (Sadiya, Balipara and Lakhimpur) Tracts.
- 2) The Naga Hills District.
- 3) The Lushai Hills District.
- 4) The North Cachar Hills Sub-Division of Cachar District.

The Partially Excluded were:

- 1) The Garo Hills District.
- 2) The Mikir Hills in the Nowgong and Sibsagar District.
- 3) The British portion of the Khasi and Jaintia Hills District,
(Other than the Shillong Municipality and Cantonment.)

12.The Indian (Provisional Constitutional) Order, 1947: In the wake of Indian Independence, the Indian (Provisional Constitutional) Order was promulgated. In respect of the 'Excluded Areas' and 'Partially Excluded Areas', this Order retained by and large all the provisions of the Act of 1935, except that the discretionary power of the Governor over the Excluded Areas was omitted. Under the provisions of this Order, the position of the excluded areas and partially excluded areas during the interim period (1947-1950) just prior to the enactment the new Constitution of free India, may be described – 1) that the laws enacted by the Federal or Provisional legislatures did not apply ipso facto to these areas; 2) that a specific procedure was provided to apply such laws with or without modification; and 3) that the Governor was vested with wide powers to make regulation.

Conclusion:

The political emergence of the Northeastern region as a significant unit in the Colonial administration has had its impact on the post colonial independent Indian administration of the areas in the Northeastern Region of India. Many of the rules and regulations imposed on the region were sort of remnants of the colonial policies and programmes which need to be reformed to suit the present aspirations of the people of the region so that there is no lack of trust towards the Indian policies and regulations. The Northeastern Region plays a very important part in India's relationship with the Eastern parts of the world. The effectiveness of its foreign policies and programmes will depend on how effectively the nation maintains its positive relationship with the region in the Northeast.

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