

**POLICY ISSUES FOR NORTH-EAST INDIA
AND TRIBAL PEOPLE OF INDIA ***

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PART A

NORTH-EAST INDIA

The major issues related to ethnic diversity are: historical-political-cultural links of the peoples and their aspirations; rights in respect of lands and land-based resources, including sub-surface resources; mobilization of the resources for productive purposes; institutional arrangement for self-government; changing demographic pattern, security of life and living; and satisfaction of different levels of need.

In post-independence India, either the region as a whole or parts of it have almost always remained in political and social turmoil. A number of governmental or non-governmental forums are also frequently found engaged in carrying out hectic exercises to examine the problems of North-East India. Most of the exercises, however, cover segments of the problem in isolation. There is hardly any integrated approach to the problems of the region. A schematic outline of the policy issues involved in moving towards an integrated approach is suggested here.

Geo-Political Context of the North-East

North-East India is the meeting point of the historical-ecological peripheries of South, South East, East and Central Asia. This has created history's black hole in this region, which in its turn absorbs social and political bloomers of the mega regions of the continent, imparts to them from time to time sublime luminosity which is refracted back to the mega regions and conveys new meanings to the history of these regions with their feedback. It is a continuous process of perceptual flux of history.

Stated in a different way, though North-East India is located in the geographical periphery of India, it is incorrect to perceive it as a geographical and cultural isolate.

Before the development of trans-continental marine trade in the middle ages, the passes connecting this region with other parts of the world were well-frequented nature's highway. Many of the ethnic groups in North-East India have their counterparts in Tibet, Yunnan province of China, Thailand, Laos, Kampuchea, Myanmar and Chittagong Hill Tracts of Bangladesh. There are small enclaves of some of them even in Sylhet district and Mymensingh district of Bangladesh. There are some important communities like the Ahoms, whose cognate groups, though not in direct relations, are there in two or three countries of South East and East Asia. They have not only historical memories but also historical records of such relations.

Apart from ethnic ties, another binding force has been operative, particularly in the tri-junction of South, South East and East Asia. All of them have large populations, who are having a relationship of political dissonance with their respective states. Though a large population in Tibet is also politically disoriented towards China, due to cultural and historical reasons, except for a small population, others do not appear to have much link with the peoples confronting their respective states in the tri-junction.

Policy Frame for North-East India

- (i) In the historical and geopolitical context of North-East India, there must be a macro-regional approach covering some of the SAARC and ASEAN countries, so that the political and cultural aspirations of the peoples of North-East India and of their agnates and cognates in the adjoining countries (including those inhabiting the hills which cover about 70 per cent of the area though the population in these areas is hardly 30 per cent of the total) can be satisfied. While this implies that the Ministry of External Affairs must also be involved in dealing with the problems of North-East India, it is necessary to strike a note of caution. Democratic values are not very deeply rooted in many of the SAARC and ASEAN countries. There is a danger that the states in this mega region of Asia may come together to crush the authentic aspirations and rights of the peoples confronting them. This will be a short-sighted policy. They require to come together so that when they move

towards genuine democracy, they can withstand the global hegemonic and authoritarian forces, who will find democratic unity of SAARC and ASEAN countries as a threat to their position.

- (ii) The starting point of authentic democracy in the tri-junction should be the outright rejection of Austinian legal epistemology, which informs the judiciary and land-resource based policy planning. This colonial concept was implicitly rejected by the All India Congress Committee in its resolution on land reforms passed in 1936 and by the Constituent Assembly's Sub-Committee on North-East Frontier (Bordoloi Committee). Also it was explicitly rejected by Nehru in his Panchsheel for the tribal. More than three decades ago, there was a judicial pronouncement in Manipur rejecting the concept of *res nullius* and expressly upholding the principle of *lex loci rei sitae*. But the state bureaucracy by resorting to dubious means evaded the judicial guidance. Later, Justice Hidayatullah, who was Chief Justice of India and then Vice-President of the country, questioned the validity of the legal positivistic concept - the main juristic prop for colonialism, in the social and cultural milieu of India. Currently, in almost all ex-colonial countries, legal thought has been moving in this direction; the Supreme Court of India is also seized with the issue. But it seems that the executive has turned a Nelson's eye to the presence of outmoded legal concept while most of the insurgencies in the tribal areas are related to it.
- (iii) In the report of the Committee on Land Holding System of the Tribals, several incongruities in the technique of quantification of land areas for cadastral survey and settlement operations were pointed out. It seems that rather than taking corrective measures, the states have moved in a direction which will further accentuate the incongruity. The inevitable political task will of course be projected as a law and order problem.
- (iv) In several published articles, I have highlighted the fact that land reforms without discarding the Austinian historical framework, coupled with land-based

‘development’ activities, are tending to create neo-feudalism on the one hand and land-mafia-contractor bureaucracy nexus on the other. For years, I have very strongly pleaded that the agenda for land reforms in the tribal areas, particularly of the North-East, must change. However, it seems I have been knocking my head against a stone wall.

- (v) About a decade ago, I pointed out in one of my publications that poverty alleviation programme without making adaptive changes in the structure and operational frame of financial institutions will remain inoperative and will legitimize corruption. An alternative approach attempted in Nagaland through VDBs and with promise of massive financial support and flexible operation of NABARD, has been derailed. An analytical appraisal of this aborted experiment is necessary.
- (vi) Many of the productive activities, particularly in the agro-forestry sector, lack supportive techno-economic research, but the people are blamed for the failure of the concerned agencies. At the same time, spurious social science jargons are invoked as an intended or unintended cover-up.
- (vii) The Sixth Schedule of the Constitution, which contains the rhetorics of self-management of the tribals, has proved to be nothing more than a political toy. On the other hand, even a tribal predominant state cannot meet the self-management urge of the tribal communities in the functional context of Indian federalism, which is becoming more and more dependent on techno-bureaucratic nexus and international compradors.

Besides, much confusion prevails because of the failure, even of the academics, to differentiate between community and state. As a result, today when some of the state level tribal leaders of the North-East speak of abolition of the Sixth Schedule, then academics tend to lend their support, without realising that whatever little space the Constitution has provided to the tribal peoples to

function within the Indian polity as moral lean-tos will be fractured in the process. It is the same myopic vision of the social scientists and the academics, which is responsible for their failure to analytically bring out the incongruities of Bodoland accord and other accords on the anvil. One should understand that the cornerstones of such accords should be non-territorial federalism rather than creation of unworkable subservient carbon copies of the state. The present approach is marked by high skill of holding on to power but one does not find a trace of statesmanship in the same.

It is surprising that no serious analysis has been made by anybody of the significance of the complimentary co-existence of moral polity and proto-state polity not only in Ahom Kingdom, but also in the adjoining areas of Tibet and Bhutan in an overt manner, and in Nepal, Thailand and some of the adjoining areas in a covert manner, in designing the structures and operative norms of the accords already drawn up, or under negotiation between the state and the communities. Even for amending the Sixth Schedule of the Constitution, the insight derived from the analysis of the historical structures that prevailed in the mega regions in this part of the world would be of great help.

- (viii) Several analysis, particularly by B.G. Verghese, have pointed out that the demographic front in the North-East will remain fragile, unless integrated management of the watershed of the entire Himalaya is put into operation by involving the neighbouring countries to go in for labour-intensive technologies in the appropriate sections. These countries should also be persuaded to carefully examine the role of foreign funded NGOs in formulating and implementing their own need-based development plans and programmes. This is no reflection against the subjective attitudes of the persons working with the NGOs. But this certainly means that the current ‘development paradigm’, which is having an almost global sway, requires thorough re-examination.

- (ix) In the long run, development pragmatics without ideological thrust erodes its operational base. Based on the onslaught of neo-colonialism, ideological and political communication must be built around Asian pride, as a stepping-stone to a move towards pan-human community. This is a tremendous task requiring massive preparation but it must be done.

- (x) Resurrection of Asian pride, however, requires a congenial environment, which has been vitiated by the perfunctory functioning of the states in Asia on the one hand and the Euro-centric Human Rights doctrine of the West on the other. In fact, these two aspects are closely interlinked. The Human Rights platform, including the Universal Declaration of Human Rights (1988), is primarily rooted in the European history of confrontation between absolutist state and the individual. The community as a moral entity is just blacked out. But of late, the world hegemonic powers are trying to use the community card against the countries of Asia and Africa where locus within the community is a conditioning fact for determining the relation between the individual and the state. This approach of the world hegemonic powers, backed by their economic and military might, has artificially ossified the relations between the state and the communities on the one hand and the communities and the individuals on the other. A complex problem is being dealt with, without any meaningful discourse.

In this context, Asian pride must assert itself and a broad-based discourse should start in that term. But so long as the Assam and Manipur Armed Forces Special Power Act remains in operation, no real discourse will be possible in this part of the country. The process of rescinding this Act should start without further delay. To facilitate the process, assistance of persons of goodwill like Justice Krishna Aiyer, Shri Mulk Raj Anand, Smt. Indira Miri, Baba Amte, Sardar Saran Singh, Shri M.K.P.B. Singh (Manipur), Shri Mir Kasim, Mother Teresa, and Shri Kaji Lhendup Dorji, should be obtained. I am broadly aware of the various cross-currents and I am convinced that given the 'will' to start a

dialogue, there is no reason why it should not take place, provided that the eminent persons mentioned here can be persuaded to play a catalytic role.

PART B

TOWARDS A TRIBAL POLICY

While a policy frame for North-East India covers both tribal and non-tribal peoples of the region, a tribal policy for the country as a whole is needed. This will need much of what has been suggested in respect of the tribal peoples of North-East India.

Situational Appraisal

Though the Scheduled Tribes comprise about 8 per cent of the total population of India, the areas predominantly inhabited by the tribal population constitute about 20 per cent of the geographical area of the country. Much of mineral, hydel and forest resources are concentrated in these areas.

If the areas of tribal concentration upto the *taluk* and village cluster level are plotted on a map, an almost contiguous tribal belt is visible from Thane (district in Maharashtra) to Tengnoupal (district in Manipur). As already mentioned, some of the tribal peoples of North-East India have their agnates and cognates in South East Asian countries. If they are taken into consideration, there is a contiguous belt from the Arabian Sea to Pacific Ocean, with lateral extensions moving north towards central Asia on the one hand, and along the south oriental sea-line of the Indian Ocean keeping some distance from the

coast, on the other. The geopolitical implication of this pattern of dispersal of tribal predominant areas is obvious.

It is also to be noted that though in the country as a whole the tribal peoples constitute a small minority, about two-thirds of them live in areas where they are in the majority. Their self-perception is, therefore, an oscillating mix of minority and majority complexes.

Another fact to be kept in view is that during the last one decade, primarily through agencies which are part of or close to the United Nations, a global network of indigenous peoples (i.e., peoples of Americas, Australia and New Zealand as per definition officially accepted by ILO, there being no other officially promulgated definition by any agency including the UN), tribal and analogous peoples has come into existence. This is a positive development because at the level of ethos, most of these peoples entertain a world-view of ecological ethics, reciprocity and egalitarianism. In the era of ecological crisis and pervasive disruption of human relations, this conscious coming together of indigenous, tribal and analogous peoples to constitute a distinct segment of humanity or a “single people” in terms of universal ethical pragmatics can help mankind as a whole to come out of the morass of cynical self-abnegation and to become the indigenes of the earth. But there are many indications that this epochal potential of remaking the world system may be disrupted by the hegemonic interests by projecting non-issues as the real issues or over-emphasizing peripheral issues as the core ones.

Neither the tribal elites, nor the tribal and non-tribal intelligentsia, but to speak of the state bureaucracy seems to have grasped the meaning of this complex situation which contains within its ambit and at the same time entertains the siren-songs of enchanting falsehood to lure away those, who otherwise can play the vanguard role of emancipators of humanity as a whole.

If India is to recapture the ethos of its own freedom struggle, it must restate its tribal policy keeping the reality of the tribal situation.

Skeletal Outline of the Tribal Policy

- (i) The dichotomy in the approach to the tribal peoples of North-East India and to those of the other parts of the country represents a perception lag. The rhetorics of self-management as contained in the Sixth Schedule and the illusion of paternalistic protection as contained in the Fifth Schedule of the Constitution should be replaced by an authentic partnership approach everywhere.
- (ii) It should be kept in view that the tribal peoples in India represent about 25 per cent of the indigenous tribal and analogous peoples in the world. Also they represent the largest single majority population in any country among this category of population, if disaggregated countrywise. Hence, many among the tribal peoples in India would naturally feel concerned about what is happening to their counterparts elsewhere in the world. An authentic partnership would require the non-tribals in the country also to share their concern.
- (iii) In designing the content of partnership, the aspirations and expectations of the tribal peoples (as reflected in ILO Conventions 107 and 169, and in the deliberations sponsored by the UN Working Group on Indigenous Populations), should be carefully examined. While rejecting the outdated assimilistic assumptions of ILO Convention 107, the Euro-centric bias of ILO Convention 169 and the barely concealed manipulative games of the UN Working Group, the humanistic, democratic contents of these documents should be sieved out and duly respected.
- (iv) Institutional arrangement and ideological and social communication for the partnership to be made operative and sustainable should be planned with insight and vision. The 73rd and 74th Amendments of the Constitution relating to decentralization of power, notwithstanding their many limitations and ambiguities, have provided an opportunity to re-examine the issues, including those implied in the ethno-regional accords already in operation or in the process of being formulated. To avoid delay, as far as possible the instrumentality of the

- present constitutional provisions should be availed of at the first stage without prejudice to the possibility of fundamental restructuring, in the long run.
- (v) Access, control and management of resources in the tribal areas in an ecologically, culturally, economically and politically sustainable manner should be the kingpin of the new approach. Where GATT agreement and the globalization process run contrary to the rights of the tribal communities, the state must stand firm to uphold the tribal rights in this matter. International community should also be mobilized through different fora to support state's action in upholding tribal rights. There must not be any compromise with the multi-nationals and world hegemonies in the matter of upholding tribal rights, though some clauses of the draft declaration prepared by the UN Working Group show eagerness to whittle away tribal rights under cover of euphemistic language.
 - (vi) To uphold the tribal rights, concepts of tradition and custom will have to be re-examined with the new insights of social sciences discarding the positivistic and utilitarian approaches which have guided several attempts towards codification of customary laws of the tribals by some persons and institutions, without adequate social science background.
 - (vii) Endogenous processes of accumulation of surplus and cultural orientation in the investment of capital, as prevail among the tribal communities, must be respected. Some attempts in this direction have been made in New Zealand through Maori Incorporation Act and also is being experimented within the cooperative banking system among the Basques of Spain.
 - (viii) While the rights of the concerned peoples over the resources in the tribal predominant areas should be respected, a normative framework for the utilization of the resources should also be drawn up through broad-based consultation, primarily with the multi-tiered autonomous bodies which should be set up for the tribal predominant areas. The first priority should be for the satisfaction of the

basic needs of the population, next would be the satisfaction of the minimum needs which include productive infrastructure and servicing infrastructure upto a certain scale. Any deficit in the satisfaction of these two categories of needs should be met through the mechanism laid down in Article 275 of the Constitution. Surplus if any, after meeting the basic and minimum needs, would be shared with the state and the Union, according to guidelines laid down by the Finance Commission constituted every five years, under the provision of the Constitution.

- (ix) Apart from sharing of surplus as per guideline provided by the Finance Commission, formal and non-formal systems of the outflow of surplus resources or of income generated out of the same (including those through administered prices and operation of Public Sector Corporations with monopoly rights over products) require to be carefully studied and quantified. After considering the information thus obtained, adaptive changes will have to be made in partnership with the autonomous bodies so as to augment people-oriented production and social services with both horizontal and vertical linkages.
- (x) Modality for choice of products and technology of production for satisfaction of needs according to priority determined through following appropriate procedure, should be laid down.

Here it is required to be emphasized that the partnership approach requires that priorities should be determined not merely through the so-called scientific techno-economic surveys, but also through drawing on the ecological prudence and value systems of the peoples.

- (xi) There must be a built-in strategy of continuous de-bureaucratization of the apparatus for implementing the plans and programmes.

- (xii) Education programme for the tribal communities will have to be so oriented as to accelerate the process of their self-assertion through expanding the horizon of their individual and collective knowledge and prudence. A thorough knowledge and insightful understanding of the creative literature of the tribal communities including written literature, which is rapidly coming up, is indispensable for meaningful partnership with the socially tribal personalities in generating appropriate educational programme and approaches for the tribal peoples.
- (xiii) Participatory research for expanding the orbit of partnership aiming at one global community in the long run and making the quality of life in its totality more real and existentially more relevant, will have to be carefully planned. This, however, is an extremely complex operation.
- (xiv) Participatory monitoring and continuous broad-based communication of the findings should be part and parcel of the new approach. For this purpose, the existing system of reservation in educational institutions, jobs and services and elected bodies should continue for atleast one more generation.
- (xv) As a logical outcome of the foregoing framework, the tribal sub-plan approach, which is frequently nothing more than an incoherent assemblage of fragments of plans and programmes in different sectors, should be discontinued. This approach does not take the tribal situation at any level in its totality and makes the plans and programmes for the tribals almost appendages of plans and programmes meant for the general population. The stipulation that every sector of activity should spend an amount of money proportionate to the tribal population in the state, sometimes leads to unnecessary and infructuous expenditure, whereas the sectors requiring additional financial support are neglected. The schematic approach through centrally sponsored schemes can hardly correct the distortions as these are generally based on perceptions of technocrats and bureaucrats without effective institutional arrangement for broad consultation with the concerned people. When examined in depth, it is found that the tribal sub-plan approach has stimulated the

flow of a large amount of fund in the tribal areas, whereas in reality it has led to the proliferation of techno-bureaucratic apparatus and misleading accounting jugglery. Plans for the tribal peoples and tribal areas, while articulating with the regional and national plans, must be formulated in their respective milieu, in broad partnership with the concerned peoples and must be operated by multi-tiered autonomous bodies, keeping the scale and complexity of operation in view of each other.

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