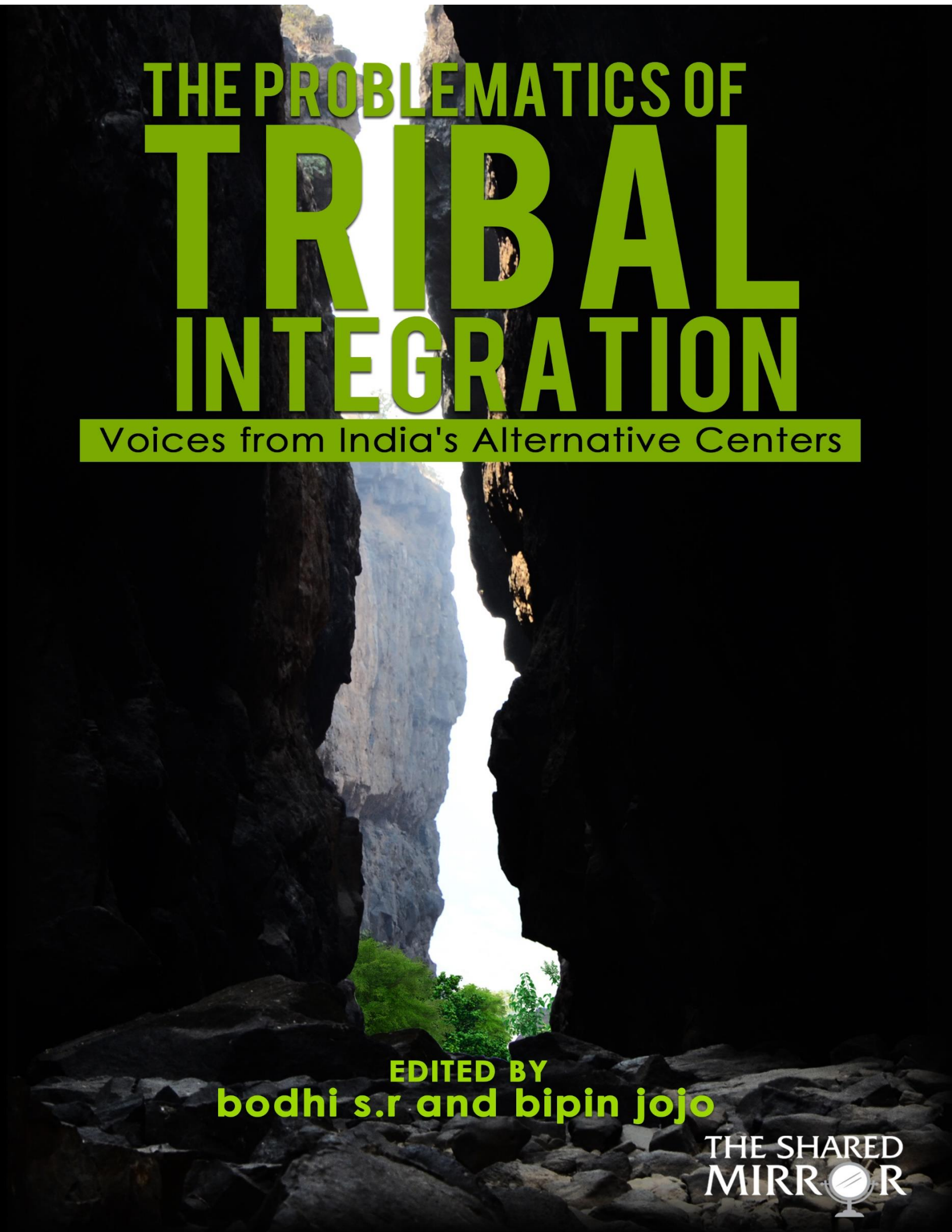
THE PROBLEMATICS OF
TRIBAL
INTEGRATION
Voices from India's Alternative Centers
EDITED BY
bodhi s.r and bipin jojo
THE SHARED MIRROR

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Tribal Integration

Voices from India's Alternative Centers

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Published by

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The Shared Mirror Publishing House

The Shared Mirror Publishing House shall endeavour to promote Dalit Bahujan literature and writers. It takes inspiration from the publishing efforts of anti-caste visionaries like Phule, Iyothee Thass, Babasaheb Ambedkar, Periyar and others.

It aims to further the anti-caste discourse, following the course set by *Round Table India,* the Dalit Bahujan information portal, through publishing poetry, fiction and non-fiction. It is driven by a sincere desire to radically expand the horizons of Indian writing in English and other languages by providing a platform to a wide range of marginalized voices across the sub-continent.

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The papers included in this volume are articles sourced from the Tribal Intellectual Collective India (TICI). They have been presented, discussed and debated within the TICI's regional and national assemblies and also published in the journals of the Tribal Intellectual Collective India. We wish to record our appreciation to the Tribal Intellectual Collective India for permitting the consolidation, refinement, upgradation and publication of the articles under specific themes and assigning us the responsibility to engage with this particular volume.

For the first chapter 'Tribes and Indian National Identity: Location of Exclusion and Marginality' by Virginius Xaxa, we thank the Editor of the Brown Journal of World Affairs for permitting us to republish the same. It was first published in the Fall/Winter 2016, Volume XXIII, Issue I of the said Journal. Professor Virginius Xaxa is the National Convener of the Tribal Intellectual Collective India and we are indebted to his guidance and leadership for the Tribal community's struggle to turn itself into a knowledge producing community.

We thank all members of the Tribal Intellectual Collective India for participating actively in the knowledge enterprise to keep our community narratives alive and to produce a knowledge that heals not only us but the world at large. We live in a world that in its search for a particular-universal, has lost its way. We hope to be able to show that there are other ways of seeing and living as diverse collectives in this world, ways that are fundamentally grounded in perspectives that see the world as context-pluriversal (rather than particular-universal) and guided by principles of living that are fundamentally rooted in diversity and dialogue.

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Foreword

Among the authors who have contributed to this knowledge project, some of whom I know personally, I observe a shared perspective and a distinct theoretical proposition that runs across their arguments, that of a need to shift the debate about tribes/Adivasis as 'objects of theory' to 'subjects with epistemology'. In many ways this is a paradigm shift because earlier studies, the 'pre-Xaxa' tribal studies as my colleagues bodhi s.r and bipin jojo posits, have rarely noticed or realized the same. This fundamental shift has produced a space for the emergence, at least theoretically, of the recognition that there exists an embedded tribes/Adivasi episteme. Such arguments I believe will reframe and alter the very idea of knowledge in tribal/Adivasi studies. Why so? Because it reclaims tribal/Adivasi people's perspective and pro-actively asserts epistemological existence as organic foundations of all that tribal/Adivasi studies concerns itself with; notions such as ecology, nature, body, identity, culture, polity and life.

In my point-of-view, this phase in the history of tribal/Adivasi studies is critical, where there is an assertion of community epistemology as fundamental to the said domain of study, achieving in the process the defamiliarization and deconstruction of the role of the colonial epistemology in framing, invisibilizing and silencing tribes/Adivasis. Further, it warms my heart to note that this demonumentalizing project that bodhi s.r and bipin jojo has undertaken is taking place across tribal/Adivasi communities rather than within a few communities out of the 450 tribal groups. There is, as I observe, a community led initiative to methodologically grapple with these concrete theoretical conditions as an intellectual collective and not as a specific community.

The recent formation of the Tribal Intellectual Collective India (TICI), as bodhi s.r informs me, holds some promise for an interesting phase of methodological muddying, theoretical mudslinging and probably a rise of new organic knowledge; more real, more genuine, more insightful in tribal/Adivasi studies. The Tribal Intellectual Collective being at the forefront of this knowledge project, are constituted by knowledge producers from within the tribal/Adivasi communities from across the country. Even though these collective efforts of intellectualization are in its initial phases, they are, in many ways, clearing the path for the rise of a new generation of tribal/Adivasi intellectuals and thought leaders with a pan Indian perspective and a much deeper and wider theoretical scope.

The book – 'The Problematics of Tribal Integration: Voices from India's Alternative Centers' is an effort towards augmenting this knowledge project. Edited by bodhi s.r, the National Co-convener (Academics) and bipin jojo, the National Co-convener (Organization) of the TICI, the ideas expressed in the book are new, the thoughts refreshing, the position critical, the source organic, and the insights – simple but deep. It is rare that in such few pages are contained theoretical frames and arguments that provide such in-depth academic insights into the tribal/Adivasi as well as the Indian/Global reality. After reading the book, one is left wanting for more, while instantly being politically satisfied with the fact that someone from the tribal/Adivasi community has stood up to state the truth of the tribal/Adivasi historical condition at this moment in time.

The theoretical contributions that the book makes are plenty, but few key ideas worth mentioning are 'problematization of epistemology' and the debates concerning thereof, the 'Pre and Post Xaxa theoretical framework', the brilliant exposition on 'axiologicide', the 'adaptation-negotiation-freedom' spectrum, and the multiple and diverse contexts that each of the authors bring to light concerning tribal/Adivasi history, social condition, political position, legal status, etc, spanning across the length and breadth of India.

The introduction is a must read; it touches some fundamental issues and leave one conceptually and theoretically refreshed and clear. Each of the following chapters is empirically rich and provides the reader insight into the historical complexity and socio-political intricacies that defines the tribal/Adivasi conditions and epistemologies. But as the arguments by the authors suggest and so will I; that when you complete reading the book and leave with some lingering thoughts about the tribes/Adivasis in India, do note that it is NOT the oft-repeated framework of 'Assimilation, Integration and Isolation' that will help you get superior theoretical insights of the tribal condition in India, but the tribal/Adivasi peoples' organic framework drawn from a 'perspective from within' of 'Adaptation-Negotiation-Freedom' that is more sociologically real, methodologically grounded and politically refined.

Shaileshkumar Darokar

TISS Mumbai

Introduction

~bodhi s.r and bipin jojo

When we as peoples from epistemological communities that are historically and structurally perceived and confined to the category 'tribe' by hegemonic forces, reflect on social theories, or even on possibilities of formulating a point-of-view about tribal/Adivasi realities, we have often been faulted and even ridiculed for supposedly bringing more 'stories' and 'emotions' rather than 'facts' and 'logic' in theoretical engagement. Across the academic spectrum, this is often cited as the reason for tribes' inability to secure any theoretical advancement of their epistemological cause. This book series, initiated by the Tribal Intellectual Collective India in collaboration with The Shared Mirror, is a theoretical attempt to problematize this narrative and to provide an intellectual response to such deep-rooted paternalistic conceptions prevailing across varied discursive traditions. We believe it is imperative for us at this juncture in history to raise this debate about epistemology to a valid place of moral and historical discourse, not only for reasons that are political but for the theoretical and methodological usefulness that such academic engagements could yield.

This volume, while not exhaustive, engages with a particularly long-standing debate in 'tribal' studies – the notion and process of 'Tribal Integration' into the Indian state. It is part of our efforts to carve out a specific domain in tribal studies that we call integration studies. The nineteen chapters that constitute this edited volume are a culmination of the points-of-view of peoples who have attempted to see and think differently about the problematics of integration, tribes and the Indian state. Each of the authors has tried to historicise and unravel the realities and experiences of tribal/Adivasi communities. While some have examined State structure and State responses, others have interrogated prevailing/dominant theoretical debates, organic struggles and resistance movements, plus a myriad other issues surrounding the problematics of 'Integration'.

In this introduction, we touch upon some of the current theoretical arguments on the subject of 'Integration'. We also revisit significant historical events, draw upon relevant contemporary concrete conditions and engage with a subject we consider fundamental to the realities of tribes in India today; the question of knowledge and epistemology. The problematization of the latter is imperative in the light of the fact that, knowledge production and knowledges in India have played a critical role in

insidiously defining, labelling and producing social realities that has churned out unequal and extremely dehumanizing socio-structural landscapes. We also touch upon the status of Tribal Studies in India today, followed by analysis and thereafter locating each of the nineteen chapters in context, and finally conclude with some basic but critical theoretical propositions.

Reflections on Epistemology

Although subsumed in a complex ontological embodiment of the subject/object of our own (Khasi and Munda) realities, we have attempted to reconcile our academic and personal selves with the methodological processual discrepancies that many tribes/Adivasis in academia are sometimes confronted with. This pertains to the dominant notions of 'objectivity' and 'universality'. The former being a premise to claim neutrality and impartiality in knowledge production, and the latter a premise to assert the applicability of a knowledge beyond time and space. These are often argued by west European theorists as fundamental imperatives of any research endeavour. Over the years, as we have meditated deeply on these methodological claims, we have come to realize the problematics of objectivity and universalization, and the subtle reproduction of colonialism through these 'given' premises, where a knowledge producer holds a somewhat dogmatic yet naive belief and acceptance of the 'value' and 'efficacy' of knowledge produced from such frameworks. Such epistemological premises and methodological strategies we now reject; not merely for being premises and elements of colonial reproduction but much more for their inability to capture and provide deeper insights into diverse realities outside the normative west European gaze of the world.

Further, whenever we have tried to understand our reality based on 'colonial' writings, we have found that we cannot experience our own organic historical narratives. The frames of reference in which we try to comprehend history on the one hand and our day-to-day lived reality on the other, is full of socio-political discrepancies. We are aware that history cannot be written in the same way as it is experienced, but even then, 'colonial' writings when relied upon too heavily are problematic, as the production of knowledge operates from an epistemological location that construct and classify rather than unravel and explain.

This pursuit of knowledge did however, demand from us to state forthwith, both our ontological assumptions about the demarcated context of theoretical engagement and our epistemological assumptions of how to gain knowledge about the context. After considerable rumination over the

years, we have become somewhat cautious with using the word 'epistemology' especially when sourcing its conceptions from current dominant frameworks. This is so because what generally occupies our conceptual world and social imagination is a word, currently being debated across the world among the indigenous peoples. The word is 'Epistemicide,'[1] generally pointing and referring to a historical condition in which epistemologies of indigenous peoples all over the world were 'exterminated', destroyed, demeaned and devalued by west European epistemology for over five hundred years through colonialism and colonization. Our rejection here is not of epistemology as a process, means and way of knowledge acquisition but to west European epistemology, built and framed on 'epistemicide'.

We are not referring to Western Europe here as a 'geography' but as an epistemological position. This position/location through colonialism has garnered and gained tremendous epistemic power over the centuries. It has also permeated the Indian reality and intersected with equally dominant epistemologies of (upper) caste societies. Such epistemologies are one that we are now passive recipients of, in the form of 'received theories.' This in our view is a lethal theoretico-methodological intersection that combines politico-conceptual interplay of west European and Caste epistemologies.

As people pursuing knowledge, we have often found, while attempting to operate within these complex frameworks of Western/Caste epistemologies, that the experience and conception of the acquisition of knowledge is more an act of power rather than as an act of truth-seeking. We have often asked ourselves why is it that people like us who come from non-caste indigenous societies have all to learn and nothing to teach? Is it really that we know nothing and that which we know is not valid? And that till such time that we produce knowledge from and within western/caste epistemologies, that we begin to acquire useful valid knowledge? We are not at ease with these claims, but we are yet to unpack our inert resistance to such episteme. However, we do sense that our discomfort has got to stem from an articulation of our own precarious existence. As a matter of fact, it is a challenge for us to experience our own history and reality through the *a posteriori* organic frameworks emanating from within our communities. Further, for those among us who enter the domain of knowledge and knowledge production, we are also confronted by an inert resistance and subtle uneasiness of having to consciously surrender ourselves fully to experiencing and knowing our

1 We engage with this concept in greater detail in the next section and source our conception from the works of Boaventura De Souza Santos and Ramon Grosfoguel.

own self, history and reality through the frames of reference of dominant west European and dominant Caste epistemologies.

Thus, while our task is to lay bare alternate epistemic frameworks, yet an endeavour such as that which we now begin to imagine is not an easy task. Nevertheless, no matter how difficult the undertaking, deep down our subjective self, there is an irresistible urge to attempt to retrieve and assert some organic tribal/Adivasi epistemologies in the public academic domain, and even if we are unable to spell it out succinctly, we feel we must at least attempt to urgently recover the same for its political, theoretical and methodological usefulness. In such a context, although extremely challenging, one theoretical position however we want to submit; that in any knowledge pursuit, every theory is subsumed in methodology and every methodology is subsumed in context — 'every theory has a context and every theorist has an agenda'. We do not wish in any way to hide our agenda nor to invisibilise our location. We speak from a definite location and will persist with stating upfront our epistemological position on the context and subject of theoretical engagement.

Regarding epistemological consideration, we would like to underscore that we do not see nor conceive ourselves as being out of context, and every attempt at trying to answer the multiple questions about our concrete conditions is a search of a 'dynamic self in context', defined by conditions that are relative. In the light of this, we do not see ourselves as 'participants' in 'participant observation', rooted in a context. Instead we have replaced the word 'Participant' Observation with 'Engaged' Observation so as to signify the self subsumed in context. In such dynamic conditions, our attempt is not to dig for some authentic tone and reality but to unravel the context reflexively. A context for us is a confluence of time, place and person, in the here and now, perpetually dynamic, fluid, in flux and physically and historically embedded. These are some of our key thoughts on epistemological considerations.

Finally, we wish to assert our theoretical stance at the very outset, that we reject any theoretico-methodological framework that fundamentally posits knowledge production as an objective endeavour towards social knowledge with universal applicability, as claimed by Western theory. Our disagreement with such a claim is based on the meditations that while we respect and see value in west European epistemology/theory for its usefulness for Western European societies, we however reject the notion that this epistemology is universal; applicable across time and space and valid across diverse realities. Also, we disagree with the claim that western epistemology is the only framework

by which all diverse realities can and should come to know, experience and analyse their self/worlds. From our point-of-view, such notions, generally coupled with political impositions (outright, subtle or otherwise), are nothing short of committing ontological violence on other pulsating epistemological communities.

The Inferiorization of Knowledges and the Rejection of Epistemologies

Two perspectives related to tribes/Adivasis are pervasive and ingrained in the worldview of the dominant concerning epistemology and knowledge. One; for long it has been a 'taken-for-granted' practice, especially among the dominant, that committing epistemological injustice on tribes/Adivasis is generally considered natural, fair and even 'just'. Such acts by the dominant are perceived as 'progressive' and 'necessary', plus an act of 'kindnesses' from their end. It is often argued that there is no real hidden motive whatsoever on their part, sans the noble intentions of 'welfare' and 'empowerment' of the tribes/Adivasis. Second; it is a generally accepted norm in academia and among the dominant peoples that the 'tribes' are devoid of intellect and are incapable of producing knowledge that is accepted as 'valuable' and 'modern'. Tribes in their views have all to receive and nothing to give. When these two perspectives manifest in academia, what gets reproduced, either consciously or unconsciously, is the pulling together and homogenization of heterogeneous tribal/Adivasi realities that has led not only to physical but also epistemic violence.[2]

Historically, since the 18th century right to the present moment, theory and theoretical frameworks concerning tribes in India are dominated by propositions that stem from a methodological intersection between west European and dominant Caste epistemologies, each of these theories formulated by the hegemons from within both locations. In both these epistemologies, 'universalization' and 'homogenization' is the sine qua non. These frames of reference have had both methodological and ethical implications on tribal/Adivasi realities. In these frameworks, 'tribes' are conceived as diffident forest dwellers, savages/primitive and uncivilized/backward.

2 About the concept of epistemic violence, it is important to note the structure of the Indian academic system that perpetuates these processes. Currently, academia in India is dominated by the hegemons from caste society. Such groups have a firm grip over academic positions in the University system, plus they are in positions of power to define, control and direct the processes of knowledge production. It is within this system that epistemic violence is committed on tribes in the name of objectivity and neutrality.

These ways of seeing the social world has had lethal ramifications on tribes/Adivasis, and has ripped apart their ecology, epistemology, political philosophy and axiology. The political and social legitimacy for such a view is provided by the all-encompassing normalization of homogenizing tendencies, historically and rationally authorized by the acceptance of west European and upper caste 'universals' as the mainstream and the generalization about social reality from such locations as the norm. All of these conceptions couched in the theoretical niceties of the concepts such as 'post coloniality', 'modernity', 'development', 'good governance', 'civility' and 'civilization'.

These dominant epistemological frameworks emerging from such locations have bounded 'tribes' under rigid 'waves of colonial' frames. The theories emerging from these frames conceive tribes/Adivasis as passive recipients of knowledge produced by these dominant societies. The 'tribes', in their view, are fundamentally incapable of producing or partaking in knowledge production that west European and (upper) Caste epistemology counts as verifiable/reliable, objective/neutral, meaningful/useful. Interestingly, when viewed from a tribal perspective, it is obvious that such conditions have least to do with intellectual abilities and theoretico-methodological depth, but rather more to do with a crude form of epistemological fanaticism, that seek to determine and neutralize non-West European and non-upper caste realities for realizing a single homogenized social condition born in the image of these dominant groups about the social world. Unfortunately, in such social conditions where knowledge is power, it seems near impossible to alter the rules of a methodological game that these groups have ingeniously invented.

India, the site for this book, is an interesting case to disentangle these complex dynamic and intricate processes. Characterized by a great degree of diversity while soaked in a history that speaks of waves of colonialism, the tribes/Adivasis have been excluded from the caste/state knowledge production process. This exclusion is less to do with the 'free-for-all' production of 'useful' information about 'tribes', but rather with the demeaning and negation of tribes/Adivasi epistemologies itself. This has resulted in exclusivist positions that portray tribal societies as backward, unnecessarily different and restraining national development by needlessly claiming, asserting and reproducing their distinct 'pre-modern' identities and culture. Such views have provided the perfect axiological grounds for seeking to extinguish tribal/Adivasi knowledges and ultimately subsume or sacrifice them on the altar of the

dominant's 'universal.'[3]

It is thus important to recognize that most 'knowledge' about tribes/Adivasis that pervades academia and other spaces that were marked as 'scientific' and thus reliable, were but acts of colonization masquerading as ethnography. At its core, they were an outsider's gaze performed by Europeans or upper castes from the sub-continent who perceived themselves as located in positions that count as universal. The truth, however, is that each of these groups produced such knowledges only to serve and inform their own societies; either west European societies or caste Indian society(s) respectively. It was only in the 1960s that we began to encounter knowledge production by tribes/Adivasis themselves yet still systematically ensconced in the 'colonial' and the 'post-colonial' nation state. This meant that they were forced to gaze upon tribes in the manner that dominant west Europeans and 'upper caste' Indians before them did. The few tribes/Adivasi scholars within academia who attempted to resist these 'methodologies of the hegemon' had to encounter systemic forces of structural and psychological inferiorization. Most of them would succumb to the false value of the west European and upper caste 'universal' in a bid to be accepted within the meaning making frames of these dominant societies.

It is in such a contextual reality that theoretical propositions are being formulated when it comes to tribal/Adivasi realities. This pertains to the existing frameworks of knowledge production viz. Tribes, and the methodological structure in which knowledge is recognized and allowed to be produced. This might sound a bit provocative but we state this as a matter of empirical observation; when one picks up any book concerning Tribes written by the hegemon, if you care to read between the lines, one would see, laced through every category, every theory and every reference, a perspective that inferiorized tribal knowledge, rejects tribal epistemologies and indirectly affirms west European and (upper) Caste societies.

Tribal Studies Today: Pre and Post Xaxa

Till about the mid-1990s and the early 2000s, Tribal and Adivasi studies were going through an interregnum crisis; as in the old refusing to disappear and the new struggling to be born. No progress in the domain of theory had been made in the said area. Mostly what was produced was a rehashing

3 Cited in Tribal and Adivasi Studies – Perspectives from Within", Volume 3, Social Work in India, edited by bodhi s. r. (2016) pp. 83–84. Kolkata: Adivaani.

of old irrelevant anthropological ideas premised on methods that were as equally degrading as the ideas themselves, or a reproduction of ideas within theoretical frameworks that provided neither a superior insight into the concrete tribal social condition nor advanced in any way the tribal epistemological cause. However, during this theoretically saturated state, a minor historical rupture took place and the contours of the new were beginning to unravel.

The theorist responsible for partially rupturing tribal and Adivasi studies and thus putting a break to the relentless and almost irrelevant production of the 'earlier' Tribal theory is Virginius Xaxa. In a number of seminal articles[4] that he wrote on the tribes/Adivasis, he singlehandedly challenged theoretical positions of academics who wrote on the subject. Indian writers who have written extensively on Tribes who he critically engaged with were Jaganath Pathy, Andre Beteille, L. P. Vidhyarithi, Verrier Elwin, G. S. Ghurye, S. C. Sinha, N. K. Bose, B. K. Roy Burman, K. S. Singh, D. D. Kosambi, Ghanshyam Shah, A. R. Desai, S. C. Dube, N. Sengupta, A. Vanaik and others.[5] What transpired in these series of theoretical conversations brought to the fore four fundamental issues in tribal/Adivasi theorizing; (i) the way 'colonialism' is conceptualized, (ii) the framing of 'modernity', (iii) the problematization of 'Development and Governance' and (iv) the problematics of 'epistemology' in knowledge production.

Virginus Xaxa is now viewed by many tribal/Adivasi scholars as the foremost theoretician within the subject domain of Tribal and Adivasi Studies. His work has redefined the theoretico-methodological debate on the subject of tribes/Adivasis in India. So much so, that a clear distinct paradigm shift can now be delineated around writings before Xaxa and after Xaxa. While the details of his framework is

4 He wrote seven key papers in which he fundamentally reframed the debate; both methodological and theoretical, (i) Transformation of Tribes in India – Terms of Discourse published in June 1999, (ii) Tribes as Indigenous People of India published in December 1999 and (iii) Politics of Language, Religion and Identity: Tribes in India published in 2005. He has also written a number of other papers concerning Tribal studies positioned both at the international and national levels some of which needs mention as it is directly related to clarifying his theoretical framework. These are (iv) "The Concept of Indigenous Peoples in India" published in 'The Concept of Indigenous Peoples in Asia - A Resource Book, IWGIA Document No.123, then (v) "Tribes and Citizenship: Making sense of Citizenship Rights", (vi) "Tribal Movements: Rethinking in a Comparative Perspective" and (vii) "Empowerment: Forms, Limitations and Assertions", all chapters in his book "State, Society and Tribes: Issues in Post-Colonial India".

5 There are many other academics (mostly from caste society) who are currently writing on Tribal and Adivasi issues. However, most of their writings do not engage with anything fundamental and substantive. Some uses a semi-colonial framework seeing tribes as part nation, part peasant and part labouring class. Others use the Human Rights framework and sees tribes as citizens whose rights are being denied purposefully by the State, but whose autonomy must be restricted. At most they have enriched Tribal and Adivasi studies with more information on specific subjects relying on archival material or are transcribing and documenting already existing oral community narratives in the form of articles and books.

yet to attain a cohesive body of knowledge positions, yet the methodological contours of his theory are beginning to emerge.

Xaxa's framework constituted by some distinct theoretical propositions allows the capturing of very intricate data that many theorists in tribal studies have missed. His core arguments centers around problematizing and re-theorising some oft reproduced concepts and frameworks that were, till his writing, to be found all pervasive and dominant in tribal studies.

To begin with, we would attempt to draw out the debates and conceptual contours of the theoretical arguments before Xaxa's writings or in the pre Xaxa era. These can be identified as being fundamentally framed and constituted by categories such as:

1. The concept of post-colonialism and the experience of a post-colonial reality across all societies in India. Few theorists tend to use the neo-colonial frame, while a few others use the semi-colonial and colonial framework. However, the dominant framework used to conceive tribes in India is post-colonial
2. A singular narrative of Indian modernity stemming from the social evolution of caste society. Here caste society is seen as the greater all-embracing tradition while tribes are seen as smaller traditions that will in due course of time get accidentally subsumed or willingly merge into caste society.
3. The positioning of good governance on limited and constitutionally sanctioned forms of asymmetrical federalism to the tribes through various legal instruments such as the Inner Line Permit (Bengal Eastern Frontier Regulation Act 1873), the Sixth Schedule, the Fifth Schedule, Total Protection (the case of the Sentinelese in Sentinel island), Hill Councils and other constitutional mechanisms.
4. A unilinear conception of development in which only the (caste) State has the legitimate authority to define the frame, the means and the process of development. The power to define a tribal destiny thus lay in the hands of caste society and this is conceived as a historical accident but legally legitimate and politically necessary.
5. In the realm of knowledge production, each of these frameworks fundamentally premised around either an upfront evolutionary approach or a subtle evolutionary approach couched in a historical language.
6. Theoretically, 'isolation-integration-assimilation' as the most viable frame of reference applied to understand the concrete tribal conditions among administrators of the state and social and political

theorists across disciplines. It was argued before Xaxa that integration constituted geographical integration, political integration, followed by arguments for social and psychological integration. Currently the latest arguments put forth are the need for historiographical integration.

After the writings of Xaxa, a key argument we want to assert is that there has been a fundamental point-of-view shift in tribal studies. In the post Xaxa framework, constitutive concepts and theoretical positions are fundamentally grounded in categories such as:

1. *Waves of colonialism* that are layered into the realities of societies in India and that are starkly observable among 'tribal' societies. The 'waves of colonialism' framework rejects other premises such as post-colonialism, neo-colonialism, semi-colonialism and colonialism as fundamental premises for analysing the Indian reality.

2. An *alternative path to modernity* experienced by societies inclusive of the 'tribes' as against a singular path to modernity as defined and experienced by the dominant caste society. Tribes in Xaxa's perspective could be conceived as non-caste societies, each on their own path to modernity.

3. The concept of government/governance frame on tribal people's participation and on *engaged governance* rather than one imposed and defined by the caste centric State on tribes. Engaged governance is where tribal peoples are perceived not only as equals but as capable for self-governance without being anti-(Indian) state. The engaged governance framework is premised on mutual respect, effective safeguards, shared responsibility, peace, non-intrusive relationships and equitable partnerships in development. Further, governance, from this point of view is conceived from the perspective of change, giving rise to a governance spectrum, where tribal communities move back and forth across the spectrum between lesser degrees and greater degrees of freedom. It is in this governance spectrum that engaged governance operates.

4. Current development paradigm as disempowering, arising from caste society and are in many ways a *denial of agency* to the (non-caste) tribal societies. What is needed is sustainable holistic development with equity stemming from within tribal communities. Tribes are on their own quest for development and change. To assume that tribes resist development and change is a false premise. The notion that tribes are anti-development is a western/upper caste constructed myth.

5. In the realms of knowledge production, one that is fundamentally grounded on a *historical approach* that accepts *epistemologies* (plural) rather than a single epistemology (singular) producing knowledges rather than knowledge. It is from this perspective to studying tribes that a decolonial/historical[6] approach has emerged.

6. A post-Xaxa Tribal Study challenges the epistemic blindness and epistemological silence of dominating (caste) societies about the fundamental nature of the pulsating tribal/Adivasi epistemologies in knowledge production. Fundamental to the Pre Xaxa Tribal Studies is the non-recognition and even the complete negation of debates concerning tribal/Adivasi epistemology. Thus, it was observed that over and above the oft-repeated attempts at 'geographical and political,'[7] 'social and psychological,'[8] 'economic and religious'[9] and even 'historiographical' integration, theorization post Xaxa revolves around 'epistemological integration'. Epistemology, post Xaxa, takes centre stage and constitutes the core of theory, knowledge and knowledge production concerning tribes/Adivasis and 'epistemological integration' as the most fundamental and humane premise of integration. [10]

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6 This approach is discussed in detail in the PhD Thesis "The Khasi Political system and Its Dynamics: A Study of the Federation of Khasi States" Tata Institute of Social Sciences by bodhi s.r.

7 See Menon V.P. (1956). Integration of the Indian States. Chennai: Orient Longman, concerning the drafting of the India Independence Bill on 5 July 1947, clause 7c 'any powers, authority or jurisdiction which, at the date of the passing of this Act, have become exercisable, by His Majesty in the tribal areas by grant, usage, sufferance or otherwise shall lapse'. pp.100-101. Also see 'Standstill Agreement and Instrument of Accession' pp.109-110 of the same book. Also see Constitutional Assembly Debates on 5th and 6th Schedule.

8 See Speech of Jawaharlal Nehru at the opening session of the Scheduled Tribes and Scheduled Areas Conference at New Delhi on the 7th June 1952. He stressed to the participants in part of his speech "You may talk here day after day about development programmes in regard to schools and other matters, but you will fail completely if you do not touch the core of the problem. The problem is to understand these people, make them understand us and create a bond of affection and understanding between us. After the achievement of independence, the basic problem of India, taken as a whole, is one of integration and consolidation. Political integration is now complete but that is not enough. We have to do something much more intimate than political integration and that process takes time. It is not a matter of law. It grows. You cannot force it to grow just as you cannot force a plant or a flower to grow. You can only nurture it and produce conditions where it grows. So the greatest problem of India today is psychological integration and consolidation, to build up a unity which will do away with provincialism, communalism, and various other 'isms' which disrupt and separate..."

9 T.C. Das, an Anthropologist from Calcutta University presented a paper titled "A Plan for Assimilation of the Tribals of India" in the Fifth Conference for Tribes and Tribal (Scheduled) Areas in Bordi (Dist. Thana) Bombay on 12, 13 and 14 January 1959. In his paper he first classifies the tribes into five types (i) nomadic food-gatherers and pastorals, (ii) shifting cultivators of the hill-slopes, (iii) plough cultivators of the plateaux and foot-hills, (iv) tribals partially assimilated into the Hindu social system and (v) fully assimilated tribal groups occupying a fairly high social status among the Hindus. For each of these groups he proposes seven categories for 'proper getting them (tribes) properly integrated into our nation'. The measures he discusses separately for each were 'economic, educational, medical, political, social, religious and psychological.' Report published by Thakkar Bapa Publications, Bharatiya Adimjati Sevak Sangh, Kingsway, Delhi-9. pp.127-136.

10 See Sajal Nag – 'Aspects of Historiography of North East India'. Nag argues that historiographical integration is a prerequisite of national integration, something that nationalist historians have not paid heed to, especially with regards to the tribes in North East India. His argument is that nationalist historian takes this perspective into consideration. pp.66-74. (Date not available)

The Tribal Intellectual Collective India

We want to note here that in response to the above shifts in theoretical approach, and in order to enhance knowledge taking off from this new post Xaxa premise, the Tribal Intellectual Collective India (TICI) was formed. As part of their engagement, they envisioned to unveil three theoretical conditions: (i) unravel a distinct ontological epistemological tribal/Adivasi position from a very rooted axiological location (ii) provide tribes/Adivasis a (very) broad sense of their own location, context and macro challenges, and above all (iii) fundamentally confront 'mainstream' academia, both in the lived/shared and in processes involved in 'their' production of knowledge about tribes/Adivasis, in ways that are academic and respectful. While the process is slow, yet critical attempts are being made on this front.[11] This present book 'The Problematics of Integration', part of a series titled – 'Tribal and Adivasi Discourse Series', is a step in that direction. It tries to engage with theoretical and empirical content that uncover invisible processes concerning the tribal/Adivasi societies and knowledge related to them.

In an earlier book of another series – "Tribal and Adivasi Studies – Perspectives from Within," the Tribal Intellectual Collective India had detailed few key epistemological considerations that we wish to reiterate in this introduction.[12] We consider these five considerations fundamental to Tribal/Adivasi theorizing. They are (i) the need to posit epistemological premises that challenge gender and class stratification within Tribe/Adivasi societies in the light of increased complexities, fragmentation and social inequality arising within each tribe/Adivasi societies across the country. (ii) the dire need to produce knowledge that does not in any way; either consciously or by default, affirm the further oppression of 'Dalit/Mulnivasi' societies across the length and breadth of Indian society (iii) the imperatives of not producing knowledges that invisibilize, silence or immobilize small tribes/Adivasi societies, (iv) the affirmation of genuine demands of historical non-caste societies in their struggles to conceive themselves as Tribes within the current State framework of Scheduled Tribe (v) the care that must be taken while theorizing 'development' in the light of the State's current 'development paradigm' which are framed in such ways that tribe/Adivasi displacement and destruction are seen as

11 For a detailed understanding of the said processes, please read "Community Dialogue: Towards an Organic tribal/Adivasi Theory' which is a conversation among tribal/Adivasi members of the Tribal Intellectual Collective India in bodhi s.r (2016) Social Work in India. Pp.37-88. Kolkata: Adivaani.

12 For more information on the same please refer to the introduction chapter in Volume 3, of the Tribal and Adivasi Studies, Perspectives from Within, series on "Social work in India" published by Aadivaani, Kolkata.

a necessary condition for national economic growth. This position, stemming from a challenge of the totalizing (mis)conception that tribes/Adivasis are mere objects worthy of alteration rather than as thinking-reflecting subjects with historical right over their land, culture and territory.

These positions of the Tribal Intellectual Collective India, pertaining to their knowledge enterprise is important to note.[13] Arguing that any social struggle which is not merely reactive, requires theory, they point out that in any effort towards knowledge production, epistemological reconstruction is bound to take place. It is this process, they believe, that is likely to deepen and strengthen the historical struggles of tribal/Adivasi communities as they situate their knowledge in what they call a 'perspective from within'; committing themselves to a truth seeking enterprise that 'waves of colonialism' were bent on destroying. Both of us are members of the Collective and this particular book *The Problematics of Tribal Integration-Views from India's Alternative Centers* is part of realizing such a vision.

The Problematics of Integration: Voices from India's Alter(Native) Centers

The engagement of each of the authors in this particular book, provides us with insights into the lived experience of varied tribes cutting across realms of common sense, theory and practice within the framework of 'Integration'. Each of the authors has problematized a particular Tribal/Adivasi context across issues, habitat, societies and region, foregrounding their analysis on history, politics and society. These analyses range from concrete conditions such as those in Chhotanagpur, North East, West India, South India, and from field engagements across regions, institutions and discourses. Sourced from the consolidated propositions framed in this volume, in this section we attempt to draw out a few key positions that we consider important for theorizing 'the problematics of integration' vis-à-vis tribes/Adivasis and the Indian State.

The politico-historical contexts in which each of the authors have attempted to engage with are very complex and the likelihood from our part of falling trap to simplistic formulations is real, thus we prod the reader to read between the lines and interpret the writings of each of the authors only to the extent that they unravel the framework we have laid above. The book is divided into four sections. The first section – '*Problematizing the Discourse and Context'* of integration is written Virginius Xaxa and by bodhi s. r and Raile R. Ziipao. The second section written by four authors unravels critically the

13 For more details of the discussions pertaining to the same please visit www.ticijournals.org the official website and academic journals of the Tribal Intellectual Collective India.

framework of integration and the third section written by thirteen authors, attempts to explain the political dynamics of integration from varied contexts. And the last section captures the speeches of two tribal/Adivasi leaders.

Detailing the historical basis for the integration of Tribes into an Indian 'mainstream', beginning from the British period to the Indian state, Xaxa, in the first chapter ascribes the problematics of integration as somewhat engendered in the fundamental basis of how a 'National Identity' got constructed in India. Pointing out that while the 'nation' has been on the march and the tribes have not, he argues that no social group in India has been treated as shabbily as tribes in the post-independence process of the construction of the nation.

In this context, Xaxa indicates that the reason for tribes faring so poorly in all domains and the historical plight they precariously find themselves in today appears to be connected to the question of national identity. In his perspective, the insidious process of how a "national identity" got constructed, stemming mainly from the British Indian provinces that was strategically positioned against the British is fundamental in understanding the formulation of the notion 'integration'. In the chapter he details how this historical process unfolds and how a Hindu dominated Indian 'mainstream' occupied centre stage, taking upon itself the power and right to define and integrate the 'peripheralized other' into what was popularly termed "the mainstream of national life."

When the period of India's independence arrived, Tribal communities were placed within different politico-administrative statuses; semi-independent states, chief commissioner's province, frontier/agency tracts, partially excluded areas, excluded areas and tribal areas. During this period of great uncertainty, tribes articulated their self-interests with regard to their national development in varied forms. Some demanded secession, some greater degrees of sovereignty, some autonomy and protection, some wanting to fully integrate but with political and administrative safeguards, while others remained silent about their position for fear of condemnation and probably reprisal. However, embodied within this construct of a national identity was the notion of development, i.e., the development of the whole 'mainstream' nation. For tribes, already perceived as socially backward in this 'mainstream' dominated national discourse, their underdevelopment was routinely tied to their being isolated from the 'mainstream'. This further enhanced the argument for integration, now conceived by the 'mainstream' as a panacea for the problem.

The arguments made by Xaxa can also be used to explain the rise of different conceptions of integration within this construct of a 'National Identity'. As Xaxa notes, it was during this period that different conceptions of assimilation arose, grounded fundamentally on the homogenizing construct of a single national identity. While Ghurye proposed assimilation as a means to de-isolate the tribes from Hindu society, Gandhi proposed a form of cultural assimilation through Hinduization especially for tribes inhabiting central India. Nehru, however, was bent in integration through political fragmentation of tribes and rejected outright the notion of a single tribal nationhood. Tribes in his view were to be made dependent and an appendage of the 'mainstream' and were not to be allowed to exist as semi-independent identities. This he achieved through the invocation of terms such as protection, preservation, promotion, affirmative action, etc.

Following Virginius Xaxa's chapter, bodhi s. r and Raile R. Ziipao attempt a problematization of this integration process and provide a glimpse into the tribe-India state relationship around politico-administrative structures that existed before and after 1947 from a tribal/Adivasi perspective. They revisit the historical process of 'integration' and provide empirical evidence of the negotiation process by tribal/Adivasi communities with the Indian State from four different geographical contexts; the Hilly Terrains, the Mainland Region(s), the Himalayan Range and the Island Enclaves. They also touch upon some key Articles within the Indian constitution and connects them to current struggles of the tribes/Adivasis.

The second section of the book–*The Frame of Reference* begins with Monica Sakhrani's examination of the Constitutional provisions for Scheduled Tribes in India within the frame of integration. She critically examines the administrative structure of the British as well as of Independent India. She interrogates the Fifth and Sixth Schedule of the Constitution of India and assesses these provisions in the light of the State's stated aim of the recognition and acceptance of different socio-cultural and political systems prevailing in tribal areas. Noting that the different administrative structures for tribal areas that were laid by the British was partially retained by the Indian State, she cites empirical evidence to argue that while the notion of territorial sovereignty exercised by the colonial rulers over British India was to a great extent retained in the tribal areas, however, the doctrine of eminent domain prevailed with the Land Acquisition Act, 1894, formulated by the British applying to tribes also.

In relation to the immediate historical context, Sakhrani points out three paradoxes emerging from the contradictions in India's policy relating to tribes with direct implications to the notion of

'Integration' embedded in the Indian Constitution itself. These fundamental contradictions she notes are the idea of 'greater autonomy vs. greater control', the notion of 'greater democracy vs. greater repression' and the process of 'pluralism vs. assimilation'. As the State claims to enlarge the ambit of autonomy through the Fifth and Sixth Schedules, it first needs to gain complete control and dominance over the Tribes by increasing the powers of the Governors in these areas including giving the office of the Governor *veto* power over the decisions of the Councils. Again as the State tries to deepen democracy by giving increasing powers in the Sixth Schedule areas, it defeats the same only through further repression of the tribes through laws and militarisation, and as the State engages with diversity and pluralism in domains such as language and ethnicity pan India, it must first destroy and assimilate the tribes into its (caste) world and this is testified by its failure to ratify International Labour Organization (ILO) Convention 169.[14] Encapsulated in these paradoxical processes, the covert contradiction between the structures of governance and the discourse of rights as enshrined in the Constitution is in Sakhrani's point of view the fundamental cause of the failure of the state in fulfilling its constitutional obligations to the tribes.

One can see her arguments extending to laws such as the Panchayats (Extension to Schedule Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Over and above these Acts, the contradiction in Laws, Acts and Statutes run across the legal/illegal spectrum when it comes to tribal peoples. Some of these Acts and Rules that comes into direct confrontation between the State system and Tribal systems includes the Citizenship Act, 1955, the Indian Registration Act 1908, the Land Acquisition Act, 1894; the Indian Forest Act, 1927; the Indian Penal Code Act, 1860, the Contempt of Courts Act, 1971, the Mines and Minerals (Development and Regulation) Act, 1957; the Coal Mines (Nationalization) Act, 1973; the Factories Act, 1948; the Atomic Energy Act, 1962; the Public Premises (Eviction of Unauthorized Occupants) Act among others. These are just a few of the numerous Acts and Rules that spell out this contradiction.

Bhangya Bhukya's chapter, that follows the above, enters the complex domain of discourse and its role in the problematics of integration. He identifies the theoreticians involved and the dominant

14 The Indigenous and Tribal Peoples Convention, 1989 is an International Labour Organization Convention, also known as ILO-convention 169, or C169. It is the only treaty in the multilateral system open for ratification that specifically and comprehensively addresses the rights of indigenous and tribal peoples. Convention No. 169 has been ratified by 23 countries so far and India is not one of them.

perspectives that framed the notion of 'Integration' within the discursive realm. Arguing from an Adivasi standpoint, he unveils the historical invisibilization of Adivasi political history by the Nationalist and Marxist scholars. From his point of view, the Adivasi communities who otherwise were at the forefront of resistance to the waves of colonial imperialism were either excluded completely from national history or were framed in ways that subsumes them under the overarching national movements. Thus, in this debate that ensued, the construction of the nation by supposedly 'post-colonial' Nationalist and Marxist historians was grounded in sectarianism, and the immediate product was a distorted version of the history of India. He points out that while Marxist scholars more often than not, articulated land and forest questions of the Adivasi within the larger framework of agrarian class struggle and celebrated anti-colonial Adivasi resistances conceiving the same as a necessary stage towards the creation of a new class-consciousness, in the process, they ended up ignoring Adivasi history as a form of resistance and an organic Adivasi contest to power. These propositions, he notes, affected the 'Adivasi social' in fundamental ways as it negated the existence of a distinct Adivasi political consciousness. Challenging the rhetoric of nationalist and marxist scholarships on Adivasi revolt and their contribution towards the national movement, he argues, that contemporary Adivasi resistance against either colonial or post-colonial enemies must be seen as modern endeavours to freedom rather than merely pre-political or ahistorical struggles. Thus, from the perspective of 'Integration', Bhukya shows how, at the discursive levels, the tribes/Adivasis were subsumed into a Nationalist or Marxist 'mainstream' that was fundamentally framed around methods of rule that either invisibilized or rejected everything that constitutes an Adivasi social.

Deepening the argument on the role of discourse in 'Integration', Rimi Tadu in her chapter pertaining to the 'The Polemics of Integration and State Making Processes', attempts to demonstrate empirically how colonial and nationalist historiography shaped the insidious transformation of tribal peoples into a properly moulded State subject. Engaging with the empirics of Arunachal, she notes that the project of States-Making was an agenda formulated as early as 1956. Nehru and Verrier Elwin felt that a sense of nationalism had to be inculcated on the population of this region and 'friendship' must be formed with the tribals in the hills. The sub-committee tasked to study the Excluded and Partially Excluded (Other than Assam) had articulated the strategy to befriend the tribes. On the question related to 'Services,'[15] it noted

15 Under the heading 'Services'- 21. Interim Report of the Excluded and Partially Excluded Areas (Other than Assam) Sub-Committee of the Advisory Committee

"... We do not consider that a separate service of tribal people is necessary or desirable for the Scheduled Areas, and we recommend that they should be recruited to a general cadre. This will enable them to come into contact with non-tribes people and we also consider that there is no objection to the posting of selected non-tribal officials to the Scheduled Areas. In fact, in the evidence before us, opinion has been practically uniform that there is no necessity for a special cadre of officials for the hill tracts and what is really required is selection of sympathetic officials for working in the hills. We would draw attention here to the importance of providing suitable accommodation and facilities for medical attention to officials serving in the scheduled areas. Malaria and other diseases constitute the scourge of these hill tracts and unless special attention is paid to the health of the staff it is unlikely that development schemes will make much headway. The provision of facilities for recreation and adequate compensatory allowances for officials posted to these areas should be kept in mind. Any tendency to treat these posts as penal posts or posts for the safe deposit of incompetents must be strongly deprecated."

This project was to be carried out by a team of officials (at the field level) from mainland India; who, as Tadu points out, 'socio-politically inherits casteist legacy of biases and have historically themselves been colonizers of indigenous communities in other parts of India'. This idea was entirely framed around dominant nationalist conceptions of a 'modern' India to whom, every 'other', especially the tribes need to be subjugated, then integrated and finally assimilated. Tadu notes that the construction of this form of nationalism was to be reproduced through two simultaneous processes; the erasure of what is there and what was there, followed by the insertion of the new. It is within this point of view, that an intense integration program was framed.

Means of State making, such as, settling of populations from outside the region in its territory leading to the new settled population in the process turning the land habitable to prepare a base for new settlements was part of this state making project. Through this, the Indian state developed a loyal population who can play their role in acquiescing loyalty, friendship and even 'civilizing' the local community. More loyal and 'civilized' non-tribal outsiders among the communities in different places, especially those bordering regions were settled in the region to supposedly increase the presence of mainland population in the state and thus increased people's affinity toward the Indian nation. The programs were designed with an objective of nationalist integration, with a strong overtone of Hindu

(Constituent Assembly of India).

nationalism by reproducing a State constructed narrative of an imagined history, interlinked nationalism, intersecting communities, and a shared destiny. This was carried out through numerous bureaucratic institutions that attempted in minute ways to socialize peoples to detailed behaviours that insidiously transformed people's food habit, language skills, dressing, housing and economy.

The final chapter in this section by Venkatesh Vaditya is a detailed interrogation of Nehru and Elwin's Perspectives on tribal/Adivasi Development. Vaditya unveils the contrasting discursive and philosophical positions of each, while at the same time unravelling the overarching policy framework of Adivasi development that was beginning to set in. He engages with three core issues; their position on caste and tribe dichotomy, their vision of development, and their policy of integration/isolation. On the first, Vaditya notes that Nehru saw no structural difference between Adivasis and caste society, whereas Elwin was of the view that Indian history has nothing to either offer or highlights any favourable contribution of caste society to the well being of tribes. He instead posited that tribal history was rather a story of economic exploitation and cultural destruction by the mainstream caste society. Further, while Nehru in the domain of policy formulation treated caste, tribes and minorities as a common category that were all fundamentally grounded in poverty, Elwin perceived the state of Adivasi poverty as distinct in characteristics and unique in situation. He was against equating the Adivasi situation with that of caste and minority societies.

On the second issue concerning development, Vaditya notes that Nehru's vision of development was centred on the eradication of 'poverty', 'ignorance', diseases and inequalities of opportunities, while Elwin insisted on a separate development approach for the Adivasis who he saw as the most vulnerable population in India. From the position of each emerged two separate discourses, i.e., the Nehruvian discourse that was framed around the notion of integration and the Elwin approach that supported isolation in dealing with the question of Adivasis in India. While the debate on the subject rages on to this very day, Vaditya points out interesting conditions we are observing today; that the Nehruvian model of development benefitted landed non-Adivasis at the cost of displacement of Adivasis from their ancestral homes. Currently, this Nehruvian model is used by neo-liberals to legitimize their model of economic development, the result of which is repression, exclusion, destruction and subjugation of the Adivasis.

The third section of the book titled – *Concrete Conditions and Dynamics* begins with J. J. Roy Burman's paper - Sacred Groves: A Cultural Symbol of Tribal Political Self-Assertion. Here, Burman explores

the notion of sacred groves and deconstructs the myths as postulated by Western scholars and their counterparts in India. Sacred groves, found in abundance in lands inhabited by tribes/Adivasis, are known by different names and are associated with a community's socio-cultural, political, spiritual and even economic structure. Based on empirical evidence sourced from various locations, he argues that sacred groves are social spaces, which primarily are territorial markers within which the political rights of a community are enshrined. From this point of view, sacred groves primarily embody a community's right to self-determination. Across the world, sacred groves have been used symbolically by the tribal peoples to reinforce their sense of social solidarity, to give direction to their movements for autonomy and to even assert their right to self-determination. Such conceptions of political rights are, in Burman's views, essentially embedded within the womb of culture and also form the basis of the cosmic relationship intricately bound together between humans and nature. This, he argues, stands in direct contrast to Western reductionist views that generally portray sacred groves as an objective element of environment preservation and conservation, undermining in the process the values and belief system of tribal communities. This chapter is important to comprehend as it provides insights into a cosmological view of tribal societies and the problems that arise when they are put on a path of integration with other societies.

Another very complex subject related to 'Integration' relates to the notion of 'Conservation Refugees', which Shyamal Bikash Chakma attempts to deconstruct. Chakma sees conservation as a methodology of tribal marginalization. He argues that the dominant paradigm of conservation fails to recognize and even bypasses the rights of the project affected people. As a challenge to this framework, he posits an alternative framework of conservation vis-à-vis the Indigenous people. Chakma opines that the political economy of a conservation project is directly related to the political economy of the state and the dominant political representation that may be asserted around ethnic, class or caste lines. In this context he asserts the need to examine scholarship for tribes and environmental studies from the historical lens of tribal victimization or even from the perspective of 'affected people' within global political economy. By and large tribes/indigenous people across the globe became conservation refugees. He posits that such conservation initiatives have led to the refugization of tribes resulting in ethnocide of the Indigenous people around the world.

On another interesting subject that exemplifies the socio-cultural aspects of tribal societies and how they negotiate their space within the frame of 'Integration', Richard Kamei interrogates the concept

of collective bargaining in the Rongmei tribes inhabiting the State of Manipur. Traversing through the complex subject of indigenous liquor, he shows how liquor encompasses customs, traditions, identity and is ingrained in their way of life. Drawing empirical evidence from the lived experience of *Namthanlong* village in Manipur, Kamei describes the practice of collective bargaining by indigenous women, post the prohibition of the sale of alcohol in the state. In the absence of any alternative livelihood, tribal women from the community living in the Imphal valley were forced to take up alcohol brewing as a means to support their family. He unravels the modus operandi of negotiations and bargaining strategies of the women workers who initially began to re-adjust and re-orient their work by bargaining with their own families, the community's customary practices and the State authorities to continue with their work. They were slowly able to negotiate their own space within the said context. Kamei explains the threefold bargaining processes/stages by the women's group in order to carry on with their daily chores of brewing alcohol. The three key agencies/stakeholders that they negotiated with includes the family, the village authority and the state machineries i.e., the law enforcing authority and, in this case, the excise department, Government of Manipur. Bribery, he points out, is a key strategy they employ to keep their trade and livelihood intact.

Towards deepening history post British and traversing from the socio-cultural to the historio-political, Riamei, in his paper - Tribes, Governance and Political Institutions in North East India, assesses one of the most complex questions concerning 'Integration'. That is, how integration shapes up in a multi-ethnic context where the issues of accommodating diverse realities with distinct histories and geographical spaces transpire. Noting, that even though this question did engage framers of national policy since the beginning of the Indian state, the ability to accommodate and govern in ways by ushering a new politico-legal and administrative structures that would minimize conflict and maximize social, political and economic justice has been a difficult struggle for the tribes in North-eastern region. Political instability and tribal peoples' resistance, as ethno-cultural entities against the politics of the dominant and their State has been unrelenting in the region. Relying on peoples' experiences of governance and the problems associated with it, he examines the political institutional arrangement and the failure of the governance system to protect tribal rights. Riamei shows the limitations of 'Integration' in such diverse contextual realities and the need to fundamentally rework the governance framework around peoples, knowledge, autonomy and development.

Kerlihok L. Buam follows up Riamei's chapter by engaging deeper on the same subject domain. He revisits the empirical realities of a Sixth Schedule area from an indigenous point-of-view. Buam takes us to one of the least researched and discussed Autonomous District Councils among other Councils in the Sixth Scheduled areas. He examines the Jaintia Hills Autonomous District Council (JHADC), which was initially a part of the United Khasi-Jaintia Autonomous Hills District Council. The UK-JAHDC was a brainchild of J.J.M Nichols-Roy, the pioneer of the Sixth Schedule. In this chapter Buam critically evaluates the council around its practice to safeguard the rights of the indigenous tribes on specific issues of land, resources, culture and tradition among others. From his point of view, he sees the misuse of land and other natural resources by those who are at the helm of the Council's governance as being the fundamental reason for diluting the intrinsic connection between tribes and their land.

Interrogating another important domain of integration within the framework of the historio-political, Jagmohan Boro interrogates the political struggle of the Rabha community in negotiating a space for themselves in the political infrastructure of the State of Assam. Rabhas belong to the larger Kachari group and have affinities with Boro, Garo, Koch, Hajong, Lalung, Dimasa, Moran, Tiprasa, etc.[16] In this chapter he provides a historical account of the Rabha ethnic movement and community assertion for a separate politico-administrative entity within the state of Assam. He notes that the movement was initially driven by a collective vision to regain their historical glory, safeguard their cultural heritage, gain control over their ancestral lands, and fulfil their political and economic interests. Notwithstanding the mass mobilization, the state was insipid to the issues raised by them. Instead the State gave them an ambiguously defined political autonomy in the form of the Rabha Hasong Autonomous Council. Boro points out how the colonial legacy of divide and rule policy was followed by the Assam State government in dealing with the aspiration of Rabhas and how the process of 'Integration' was subverted by such strategies.

Following Boro, Batskhem Myrboh engages with a very different subject in tribal integration studies, that which concerns non-tribal migration into a tribal state. A tribal state is one where majority of the inhabitants are Scheduled Tribes. In his chapter - Unravelling a Historical Contradiction: Problematizing Non-tribal Migration in Meghalaya, he critically examines the phenomenon of

16 As per the 1881 Census there were 19 groups identified within the Kachari tribe.

migration and its contradiction between tribes and non-tribes in Meghalaya. For Myrboh, non-tribals are those who have migrated to Meghalaya and whose community is not listed in the Scheduled Tribes list of the State by the 1950 Act of Parliament. He begins with unravelling the historical trend of non-tribals' migration into Meghalaya and follows up with analysing the various issues that have emanated due to this factor. He argues that the processes of problematization of non-tribal migration may be considered by critics of tribal identity politics as parochial and an act of ethnic chauvinism. Yet it cannot be denied that such 'identity politics' played a critical role in safeguarding the interests of the tribal communities in the State. For tribes, he contends, identity politics should be read as an expression of agency and the creation of new forms of collective agency in a system that has already infantilised and marginalised them socially and politically.

From examining the complex phenomena of migration in Meghalaya to the politico-legal aspects of tribal realities in Andhra, Vulli Dhanaraju historicises the subject of 'Agency' Administration in the region and the nature of tribal resistance during British rule. Dhanaraju traces the history of British control of the tribal populace beginning the 19th century, starting from the origin of Agency administration and followed by the colonial revenue policies applied to the tribal areas of Andhra in the erstwhile Madras Presidency. He revisits various colonial legislations, which had direct implications on tribal areas such as the Permanent Settlement, 1802, Report of George Russels on Insurgencies 1822, Vizagapatam and Ganjam Agencies Act of 1839, the Scheduled District Act of 1874, Agency Tracts Interest and Land Transfer Act of 1917, etc. Set against this background, he unravels the growing conflict between the Tribes and the British. Dhanaraju notes, that while the British viewed their rule as development in terms of conservation of forest resources and maintenance of the status quo, the tribes on the other hand viewed these processes as a struggle for their very survival. He argues that the British superimposition of their pyramidal power structure over the inverse pyramidal power structure of the tribes created structural aberrations, resulting in tribal resistance. Having been displaced from their native habitats, the tribes resorted to revolts and insurgencies. Interestingly, these revolts were all led by non-tribals. Dhanaraju identifies 'Orientalism' and 'English Utilitarianism' as the two schools of thought that provided legitimacy to the superimposition at the structural level by the British through such policies as pointed above and the (in)famous forest laws.

The next chapter by Pandurang Bhoye, assesses the movements and organizations among Adivasis in Maharashtra. He maps out the geographical location of Adivasis in Maharashtra and contextualizes

their issues. Sourced from empirical data, Bhoye discusses various movements of Adivasis and organization working 'through', 'with' and 'for' them. He maps Adivasi movements into two distinct categories viz. movements led by Adivasis and those led by non-Adivasis. He identifies three ideological strains: Communist, Gandhian and Hindutva that are present in the context of Maharashtra. Examining the role of various organizations for the upliftment of Adivasis in the State, such as *Kashtakari Sanghatana*, *Shramajeevi Sanghatana*, *Shoshit Jan Andolan*, *Vishwa Hindu Parishad*, *Rashtriya Swayamsevak Sangh*, *Vanvasi Kalyan Manch*, etc., Bhoye unravels the sharp difference between movements led by non-adivasis and those by Adivasis themselves. Noting that state led development initiatives have created social inequality and in the process alienated the Adivasi community from their own land, he posits an argument that the non-Adivasi led organizations are driven by a particular ideology and aim to expand their base of support, whereas organizations led by Adivasis are more focused on exploitation of Adivasis by non-Adivasis. These include issues such as restoration of their land, forest rights, challenging inequality and labour rights.

Abhay Xaxa follows up with an empirical engagement with an extremely complex issue: Adivasi Rights and International Investments: Implications of Mining in Fifth Scheduled Areas, located around the Chhotanagpur region, one of the most mineral rich areas in India. In this chapter, Xaxa problematizes what are known as the International Investment Agreements (IIAs) that are in place in India in relation to Adivasis rights. Theoretically, he opines that India has one of the most comprehensive legal protection systems in the world for Adivasis and their land rights, but empirically the country has one of the worst records of enforcing, implementing or monitoring these laws. Xaxa asserts that this is because the ruling class lacks political will in doing so. Arguments concerning the lack of political will and vision were even presented and discussed in the Indian Parliament as early as 1961 by the Dhebar Commission, tasked to study the administration process in Fifth Scheduled areas. Xaxa points out how the multinational companies have become an important source of investment for the mining sector. Due to unrelenting and increased mining activities in the region, the rights of the Adivasis over forest resources have gradually diminished and become redundant. Suggesting that the International Labour Organization (ILO) and United Nations (UN) should draft a special convention to articulate Adivasi rights comprehensively where they are affected by international investment driven projects, Xaxa proposes unswerving advocacy to make all developing nations with indigenous populations to ratify the new convention coupled with a political commitment that such conventions be binding on all kinds of IIAs.

Deepening the reflections of Xaxa on the subject of Adivasis in the Chhotanagpur region, Niraj Lakra follows up with his own analysis and descriptions of the attempts of the State Government of Jharkhand to amend the Chhotanagpur Tenancy (CNT) Act, 1908 and the Santhal Pargana Tenancy (SPT) Act, 1949. A massive protest erupted when the government of Jharkhand attempted to force an amendment to the CNT and SPT Act. While problematizing the politics involved in the amendments of the said Acts in the light of the present issues confronting the Adivasis in Jharkhand state, he discusses how successive state governments in Jharkhand have always placed the interest of the industrialists above Adivasi interests. The key issue in which this bias is manifested is in the area of land. In Lakra's opinion, it is only political autonomy that can resist this land grab. This speaks volumes of the current conditions in Jharkhand and the problematics of 'Integration'. What is important to note is that the ownership or loss of ownership of land seems to be the ultimate red line that separates 'Integration' and 'Assimilation' respectively. The question of Adivasi identity is so intrinsically linked to land that a community's existence itself is premised on the same. Further, land for Adivasis is not only a commodity but is perceived as the fundamental source that sustains life itself. Lakra, like Abhay Xaxa, reiterates the importance of *Jal, Jangal, and Jameen*[17] within this framework of struggle. He captures and identifies three interconnected narratives asserting themselves in the public domain during the massive protest that erupted against the amendments. These pertain to the issues of land and its acquisition, the neo-liberal model of development and question of Adivasi autonomy and governance. Assessing these processes deeply, he posits a question – *Are We Witnessing the Rise of Settler Colonial Politics* in Jharkhand.

The last section – *tribal/Adivasi Dialogues* includes two chapters. These are transcripts of speeches by two elders of the tribal/Adivasi communities - Saneka Munda, one of the only remaining participants of the Khutkati rights movement in Chhotanagpur and John F. Kharshiing, the Adviser & Spokesperson, Federation of Khasi States, Chairman, Assembly of Hynniewtrep Nations and Secretary General, Grand Council of Indigenous Chiefs of Meghalaya.

As editors, we consider it important to publish these two public speeches for the historical value they hold. The first by John F. Kharshiing was delivered to the 'The General Assembly of Indigenous and

17 Jal, Jangal, Jameen (Water, Jungle, Land) is a popular Adivasi slogan and encompasses both the worldviews of Adivasi being and assertions of identity. Gond leader Komaram Bheem is attributed to coining this powerful slogan. See < http://www.adivasiresurgence.com/komaram-bheem-a-forgotten-adivasi-leader-who-gave-the-slogan-jal-jangal-jameen/ >

Tribal Peoples' in India organized by the Indian Confederation of Indigenous and Tribal Peoples (ICITP) and the Tata Institute of Social Sciences (TISS), Mumbai on April 5, 2008. The theme he spoke about was 'Politics of Identity and Tribal Resistance: Tracing the Historical Evolution and Articulation of the Indigenous Tribal Voices'. He lamented on the lack of ""TRUST**'** that is essentially required as a foundation to any formation of a strong Union of Nations" between the state and the tribes, that in his opinion "is found wanting" and hoped that the state will pay heed to the same.

The second by Saneka Munda was delivered at the Second Congress of the Tribal Intellectual Collective India in Bihabandh, Sundargarh, 2016. Although aged, we remember Saneka Munda's face lit up while narrating about the struggles of his generation to hold on to their land, culture and history. "We are the owners of our Land." he asserts, "We care for it and live off it. Pray! Where does this government come from, and where does it source its right to demand tax from us" he asked. "Put me in prison if you must but I will not pay taxes to this government, till it recognises my history and my right to my ancestral land," he asserted.

Towards an Adaptation-Negotiation-Freedom Spectrum

Most Tribes were self-reliant communities before the British began entering their habitats. Later, many non-tribal traders, merchants, and moneylenders also entered. It is important to note that it is under the British that the numerous tribal communities were subjected to British India's laws, rules, and regulations. Later, they were also subsumed under an overarching economic system through land, labour, credit, and commodity markets giving rise to a new politico-administrative system that steadfastly eroded their control over, and access to natural resources such as land, forest, and water. To this insidious means of appropriation, Xaxa in the first chapter argues that Tribes had to experience two forms of colonialism: one in the hands of the British and the other in the hands of the non-tribal Indian population. This resulted in the marginalization of the tribes in the new politico-legal set-up, as they began losing control over their natural resources and their political autonomy. Since, this period onwards, peaking in the mid-1930s and right up to the current times, there is a single overarching narrative propagated by the 'State' that runs across state policy and programmes; that those designated as tribes belonged to a primitive civilization, were socially and culturally inferior, and economically, they are helpless infants. This same narrative is layered into every sphere of knowledge concerning tribes and was accepted as the norm by various stakeholders.

Historically, the Integration of multiple alternative centers, here referring to tribes/Adivasis in the Indian state, is a subject that is not only varied but also politically complex. Each tribe across the length and breadth of the country has a different story to tell. While some speak of adaptation to new political structure dominated by *dikus,*[18] others speak of challenging political dominance of 'non-tribal' society and for a few more, even of subtly oscillating between or surrendering to the political will of larger caste society. The theoretico-historical view of *isolation, integration* and *assimilation* emanating from Caste society/Indian state, that laid the ground rules of debates pertaining to tribal societies to this very day is not as innocuous as it seems. Isolation, integration, and assimilation of tribes for Caste society, is often perceived as *freedom,*[19] *negotiation,*[20] and *adaptation*[21] respectively by tribes/Adivasis themselves. In other words, what is conceived as 'isolation' by Caste society/theorists is perceived as 'freedom' by tribal/Adivasi society, what is posits as 'integration' by Caste society/theorists is understood as a constant process of 'negotiating' ones place in a democratic set-up that imposes itself on tribal/Adivasi societies, and what is conceived as 'assimilation' for caste society/theorists is experienced by tribes/Adivasi as means and methods of 'adaptation' to power play being imposed on them in the realms of language, culture, ownership rights over land, mineral resources, forest and

18 The central Indian/peninsular Indian tribe term for the non-tribal. This is not merely vocabulary or semantic, but a concept driving Adivasi Identity and solidarity. Almost every tribal language has a word for the non-tribal, the outsider, the other, the exploiter.

19 Take the case of the Sentinelese inhabiting the Sentinel Island of the Andaman and Nicobar group of islands. Although one may point to International pressure as a reason for the Indian State to designate the island as total restriction (protection), one could view this as empirical evidence for the argument of 'freedom' from the perspective of tribes. Another case to explicate this condition is the Dzongu region in Sikkim. An area designated as a protected reserve that is inhabited by the Lepcha community, notwithstanding the fact that the place is now coming under intense pressure from State and International Agencies for the construction of big dams.

20 The case of the Nagas is probably the most unique case to begin to comprehend the idea of Integration. The Nagas see this process as a struggle to negotiate their space within the Indian State. At the time of writing this volume, the long and tedious negotiations between the freedom movements of the Nagas and the Indian State was coming to some sort of conclusion. Other than the 'contentious' issue of a separate flag, five solutions were proposed and 'probably' agreed upon. That the Naga inhabited areas in Manipur and Arunachal Pradesh will each have a territorial council, that there will be a common cultural body for Nagas across states, that the Arms Forces Special Powers Act (AFSPA) will be removed, that a Bicameral House in Nagaland will be created and finally that the active members of the Naga freedom fighters would be rehabilitated and "Integrated" in Indian institutions. For the tribes, this is probably the farthest extent that the Indian state was willing to go to accommodate the longest tribal struggle for self-determination. For whatever 'isolation' might mean to the Indian state and how it is generally conceived by the tribal peoples themselves, the notion of 'Integration' was made clear; that all or any tribal group/s within the boundary of India will be allowed just enough space to manoeuvre as much as the Nagas have been allowed too. The dice of 'integration' has been cast and the direction is only into the Indian state and not the other way around. It is clear that to integrate means to be part or even surrender to the larger Indian state.

21 A number of tribal communities can be found across the length and breadth of the country in which land, language and religio-cultural practices are now indistinguishable to the larger dominant community. Can this qualify as assimilation, where there is loss of language, loss of historical claim over land, blurred religio-cultural boundaries with dominant groups? Some of the tribes in Maharashtra, Tripura and Assam are a good example. Exceptions in Assam are the Kachari groups that persist with their struggle for autonomy in the domains of governance, language and cultural practices. Further, their struggle for land rights are still a continuous process that at times often erupts in upheavals.

water and the brute force attempting to destroy their epistemology.

Based on some insights emerging out of reflections on each of the chapters, we attempt a discussion in some details, a frame of reference we propose to call *Adaptation-Negotiation-Freedom Spectrum*. Here we contend that the 'Isolation-Integration-Assimilation' (I-I-A) framework accepted by academics and administrators, that hides more than reveals, does not provide any superior insight into the numerous and minute processes taking place around the notion of 'Integration' in tribal/Adivasi societies. The I-I-A framework itself is merely a one-sided perspective grounded in the realities of a caste state that views tribal 'isolation' as detrimental to its existence, 'integration' as necessary for its development and 'assimilation' as desirable for its perpetuation. This, from our point-of-view, stands in direct contrast to the perspectives of the tribal/Adivasi communities who see 'assimilation' as a survival culturo-social strategy of 'adaptation', 'integration' as a compelled politico-historical necessity of 'negotiation' and 'isolation' as a desired socio-political goal of 'freedom'.

One of the assertions we want to make here is that all tribal/Adivasi communities have a proclivity towards obtaining greater degrees of 'freedom', even in the most oppressive conditions. However, it is important to state here, more as a caution to any scholarly enquiry rather than the stating of a theoretical position, that relatively, it is difficult for tribal/Adivasi community whose cultural practices have blurred tremendously and are becoming indistinguishable from those of the oppressor's culture to negotiate towards the freedom end of the continuum. This is so because the prerequisite to seek any movement towards 'freedom' requires that the tribal/Adivasi community must first have and exhibit some distinctive socio-cultural traits which are historically constituted, socially shared in practice and politically articulated in power relations with other communities.

Before delving further into the debate, we consider it imperative to discuss briefly two theoretical positions related to the polemics of 'assimilation'. These are based on our own observations across the world and are not sourced from contemporary tribal/Adivasi realities in India. We posit that there are two extreme forms of assimilation we have identified that can be argued to have taken place in human history. One form is what we call 'Severe Assimilation' and the other is 'Absolute Assimilation'. In the first form of assimilation, most of the debates surrounding a concept called "epistemicide'.[22]

22 Boaventura De Sousa Santos (2014) in his book 'Epistemologies of the South, Justice Against Epistemicide' discusses his conception of epistemicide as follows: "The energy that propels diatopical hermeneutics comes from a destabilizing image that I designate epistemicide, the murder of knowledge. Unequal exchanges among cultures have always implied the death of the knowledge of the subordinated culture, hence the death of the social groups that possessed it. In the most

The characteristics of this form of **Severe Assimilation/Epistemicide** in our understanding constitute attempts by the dominant community to destroy the social identity/physical body connect, of the person and even altering the physical internal genetic structure *(DNA)* of the individuals of the tribal community. Within severe assimilation/epistemicide, there are socio-structural experiments carried out by the oppressing community to fundamentally alter the skin color of tribal peoples, to erase their language and script, to alter the tribal community's conception of good (ethics) & beauty (aesthetics) and to alter their cosmological structure of their reality. In these conditions, the tribal community and its members begin to experience extreme forms of epistemic violence and powerlessness. An empirical evidence of this form of assimilation being perpetuated on tribes is observed in two places - Australia and North America. The case of the 'Stolen Generations'[23] in Australia is an apt example of this form of severe assimilation. Interestingly, with regards to the stolen generations, it is noteworthy to point out how academic knowledge and academia itself was used as a tool to provide scientific affirmation of the need to legally experiment with this form of severe assimilation. In very similar ways we observe in North America the -

"Native children in Canada were sent to residential schools at an age designed to systematically destroy their language and memories of home… these forms of discipline were supported by paternalistic and racist policies and legislation; they were accepted by white communities as necessary conditions which had to be met if indigenous people wanted to become citizens (of their own lands). These forms of discipline affected people physically, emotionally, linguistically and culturally. They were designed to destroy every last remnant of alternative ways of knowing and living, to obliterate collective identities and memories and to impose a new order."[24]

The second form of assimilation, more extreme than the former, is what we identify as 'Absolute Assimilation'. Here a very complex process but fundamental in nature supervene, which we propose

extreme cases, such as that of European expansion, epistemicide was one of the conditions of genocide" Boaventura De Sousa Santos (2014) Chapter: 2 Another Angelus Novus: Beyond the Modern Game of Roots and Options – A Future for the Past. London: Routledge. Also see for a very unique historical unraveling of the concept of epistemicide - Grosfoguel Ramon (2013). The Structure of Knowledge in Westernised Universities, Epistemic Racism/Sexism and the Four Geneocides/Epistemicides of the Long 16th Century. Human Architecture: Journal of the Sociology of Self-Knowledge. Vol.11, Issue 1, Article 8. pp.73-90., and Grosfoguel Ramon (2009). A Decolonial Approach to Political Economy. Epistemologies of Transformation: The Latin American Decolonial Option and its Ramifications. Department of Culture and Identity. Roskilde University.

23 See https://www.creativespirits.info/aboriginalculture/politics/stolen-generations/a-guide-to-australias-stolen-generations and the documentary https://www.youtube.com/watch?v=5PKXELTiXNE&t=27s

24 Linda Tuhiwai Smith (1999). Decolonizing Methodologies Research and Indigenous Peoples. London: Zed Books.pp.69.

to designate as 'axiologicide'. While epistemicide refers to the 'murder of knowledge'[25] or as Grosfoguel puts it – the 'extermination of a knowledge system,'[26] we use the term *Axiologicide* to refer to a far more extreme concrete condition where there is complete annihilation of the internal self-concept of 'beauty' (aesthetics) and 'good' (ethics) manifested across the oppressed community at the individual levels. Here it is not only the 'extermination of knowledge' but the near complete 'extermination of every possible trace of a living/thinking being itself'. We contend that 'axiologicide' is more brutal than 'epistemicide' and the nature and characteristics of such **Absolute Assimilation/Axiologicide** constitutes the operationalization of brutal political strategies. These are the use of extreme violence to erase a community's history, the decimation of personhood, the perpetuation of a pogrom and a holocaust, the obliteration of signs, symbols, architectural designs, monuments and history, the annihilation of any conception of good and beauty and the carrying out of an extreme form of epistemicide, that is, the destruction of axiology; the ultimate state of being/ness. Axiologicide requires the operationalization and realization of a complete epistemicide. Here the members of the community are not permitted to read, learn and reflect and there are violent repercussions and complete intolerance to the production of any 'art'[27] or any externalized conceptual framework that facilitates the mirroring of self. They are not allowed to know themselves in their own terms, other than on the terms laid out for them by the oppressing community. In these extreme conditions the whole community is turned into an occupational appendage of the oppressor's social structure and various forms and practice of exclusion and banishment are perpetuated, each act legitimized and sanctioned by a 'law of God'. As a manifest of these brutal repressive acts, we contend that 'epistemological mutation'[28] occurs and the conditions of 'axiologicide' are accomplished. In the conceptual map below, we represent some of the characteristics of these two forms of assimilation.

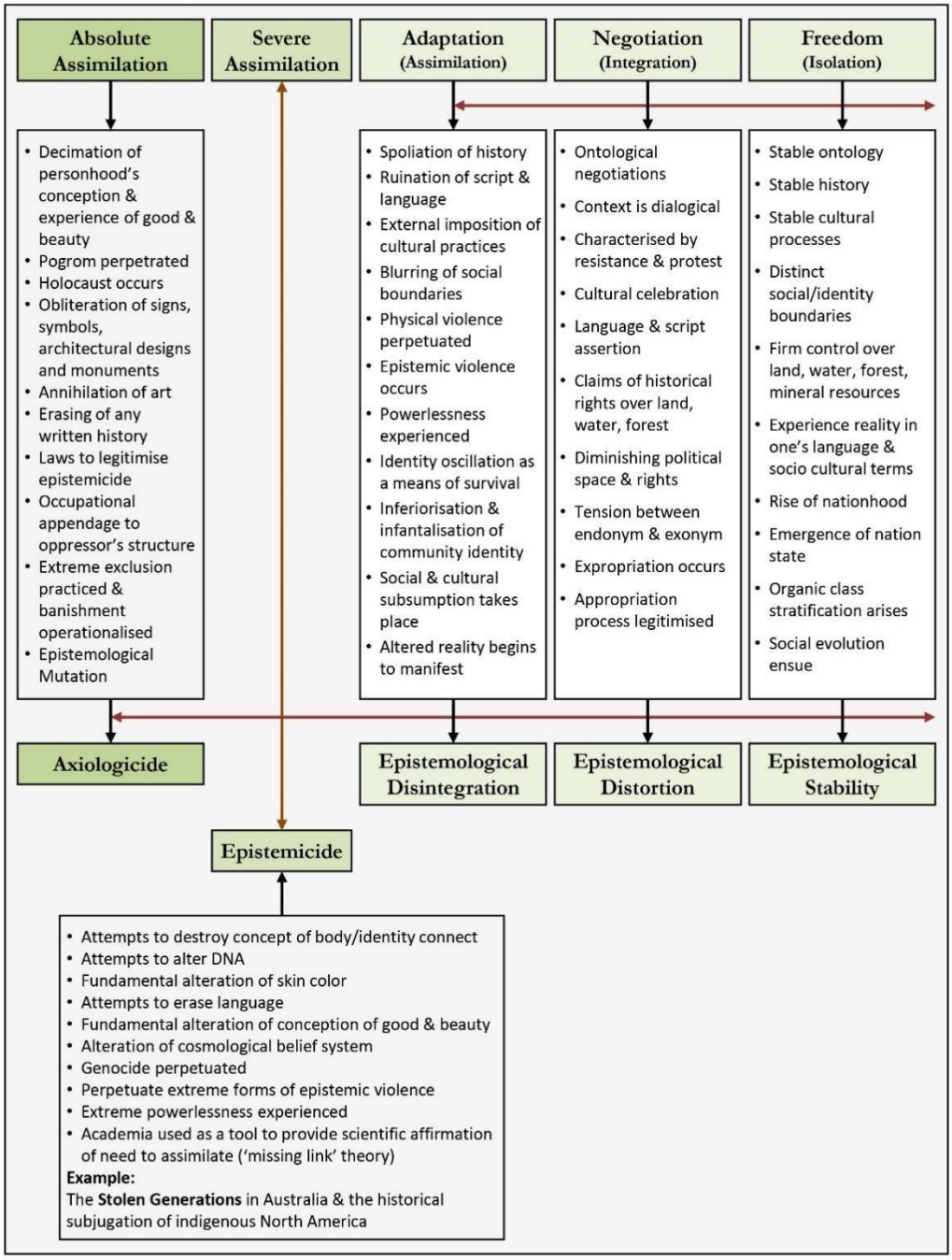
25 Op.cit

26 This idea has been taken from a lecture by Ramon Grosfoguel available in https://www.youtube.com/watch?v=-x68bK-4rN4&t=20s retrieved on 12 April 2019. Also read Ramon Grosfoguel (2013) where he discusses the four genocides/epistemicides of the long 16th century. That is the extermination of the knowledge of African, Indigenous, Muslim and Jews and Woman's knowledge in his article "The Structure of Knowledge in Westernised Universities, Epistemic Racism/Sexism and the Four Geneocides/Epistemicides of the Long 16th Century. Human Architecture: Journal of the Sociology of Self-Knowledge. Vol.11, Issue 1, Article 8. pp.73-90."

27 The concept 'art' is used to refer to mirror that reflects the beauty and good, allowing the person to see self, know self and appreciate self as reflected in the 'art' form. Used in this sense the concept 'theory' is also an 'art'.

28 Edward Said in his book Orientalism uses the concept 'Epistemological Mutation' to refer to the alteration of 'consciousness of our time'. Orientalism, (2003) Preface. p.xvi. We use the concept to refer to a fundamental alteration of the being itself and the reproduction of a 'new being' in the image, form, content of the colonialist.

Conceptual Map: The *Adaptation-Negotiation-Freedom Spectrum* - A Tribal Perspective



Pertaining to the polemics of assimilation in direct relation to the contemporary tribal/Adivasi realities in India, we do not have empirical evidence to show that these two forms of extreme assimilation have occurred to those scheduled as tribes. However, we do not rule out the possibility of 'absolute

assimilation' of indigenous communities in India in periods much earlier than contemporary times. But, we assert, as regards tribal/Adivasi communities, that there have been numerous attempts by the dominant community to alter tribal/Adivasi ontology epistemology to the extent that 'epistemological disintegration' of many tribal/Adivasi communities has definitely taken place. From our point-of-view, this is also another form of epistemicide but of lesser intensity than the other two forms of assimilation we have discussed above. In the conceptual map above, we have unravelled the key features of assimilation, integration, isolation, but from a tribal/Adivasi point-of-view conceived and formulated around an 'adaptation-negotiation-freedom' framework. Below we attempt to articulate our reflections as much as we think it is possible for us to do so, on the subject.

Firstly, the reason we are using the word 'adaptation' (endonym) for 'assimilation' (exonym) is because we believe that till such time that 'severe' or 'absolute' assimilation happens, the oppressing community's notion or practice of 'assimilation' from a tribal perspective is actually a way of the tribal/Adivasi community 'adapting' to dominant groups' attempt to subsume them. Within this frame we observe that tribes/Adivasis tend to overtly conceal their identity and are silent about the same in the presence of the dominant community. However, even in this state, deep down the tribal/Adivasi community knows who it is and experience their socio-cultural reality pulsate in their daily life. The nature of this form of 'adaptation' which is spoken about as 'assimilation' by the dominant groups are characterized by the tribal/Adivasi community experiencing the spoliation of their history, the ruination of their script and language, an external imposition of cultural practices on their social world, the blurring of social boundaries between them and the dominant community and the repercussions of physical violence when and if they resist. It is in such concrete conditions that epistemic violence occurs and the community experiences powerlessness and an inferiorization and infantalization of their identity. They are subsumed in the social and cultural milieu of the dominant community and following which they begin to experience an altered social reality. In these conditions, many tribal communities in order to stay alive engage in identity oscillation as a strategy of survival. It is important to note here that till tribal/Adivasi epistemicide ensue, no matter how blurred the socio-cultural boundaries of a tribal/Adivasi community are from those of the oppressor's community, the tribal/Adivasi community will always attempt to keep its narrative alive away from the gaze of the dominant groups, yet adapt to the culture of the dominant and oscillate from adaptation to freedom while silently negotiating minute and miniscule spaces for surviving as socio-cultural beings.

Some distance away from 'adaptation (assimilation)', in which tribal/Adivasi communities experience 'epistemological disintegration', one enters the socio-contextual but extremely fluid space of **'Negotiation'**, where a tribal/Adivasi community's culture is subjected to tremendous external pressure[29] to alter itself at the fundamental levels but still has the capacity to negotiate[30] their status and place in the structure of the dominant group. **'Freedom',** on the other end of the continuum refers to a state where a community begins to conceive itself as a nation and in their attempts to attain nationhood, they envisage themselves as being a nation state. This Nation State can be conceived as an organic structure emanating from the 'lived realities' of the tribal Nation itself rather than an imposed system/structure from outside the community in the form of other's State Nation; this referring to the imposition of a State on other nations by use of excessive and brute force.

In the fluid space of 'negotiation' we observe a number of processes taking place. Here the tribal/Adivasi community experiences 'epistemological distortion'. Some of the characteristics of this 'epistemological distortion' as observed in India reveal firstly, a fierce and tense ontological negotiation between the exonyms of dominant group and the endonyms of the tribal/Adivasi community. Here the dominant group enforces its identity construct on the tribal/Adivasi community, which is resisted and countered by them, asserting in the process its own community identity. In this back and forth negotiation process, there are spaces of dialogue, but the political situation is often characterized by resistance and protest by the tribes/Adivasis against the use of force by the dominant group to politically insinuate or practically implement their agenda. The tribal/Adivasi community in this concrete condition generally uses cultural celebration as a means to assert their identity. There are also other forms of assertion such as the usage of tribal/Adivasi language and script and an overt political declaration of historical rights over land, water, forest. Notwithstanding the same, there are diminishing political spaces and rights, and the process of expropriation of community resources (minerals, land, water, forest, etc) by the dominant group takes place. Most of these processes are

29 These systemic processes ushered by the dominant community, are in all probability to either force the tribal/Adivasi community to fit into the cultural norms or to force them to submit to new cultural practices of the dominant group.

30 We see a fluid back and forth movement between adaptation on one end and freedom on the other with capacities for negotiation with the powers that be based on given contexts that are themselves dependent on ethnicity, population, religion, geography, history, etc.

often carried out in the name of development or political necessity under the rubric of the 'state', which provides both the legal sanction and the political legitimacy for such appropriation.

Important to note that these processes can be observed being overplayed in daily socio-cultural activities of the tribal/Adivasi peoples, such as their scripts and language, their historical claims to land ownership, their religious practices, traditional clothing, people's names, food habits and almost certainly history writing. While the demands from the oppressing community to the tribal/Adivasi community to alter at the fundamental levels are often enforced, the transformation in the concrete conditions of the tribal/Adivasi community is generally incremental. That is, it takes years, through small incremental steps for the tribes/Adivasis to let go of their own organic cultural practices and to begin to adopt the cultural practices and worldviews of the oppressing community.

Further while being in a state of 'negotiation', a tribal/Adivasi community can also begin to experience degrees of freedom, when they are able to more overtly negotiate with the dominant group in the realms of power, institutions and state. In such situations they are also able to openly assert their cultural distinctiveness in the public domain and express more freely the community's socio-cultural practices.

As one edges closer to 'freedom' on the adaptation-negotiation-freedom spectrum, one enters the spheres of more equitable negotiations between the tribal/Adivasi community and the dominant groups. Exchanges taking place at such locations within the continuum are generally political– ownership and control of institutions, structures and systems of governance. These processes are sometimes characterized by backward and forward movements for greater demand of autonomy and self-determination along the continuum and exhibits social upheavals and militant struggles[31] to achieve the same causing violence and loss of life. In these processes, from a tribal/Adivasi perspective, it is often argued, as Virginius Xaxa himself points out in his chapter, "Their movements (tribal/Adivasi) are not strongly felt unless they resort to armed struggle." This is an unfortunate situation but a concrete condition of the tribes/Adivasi at least in India. Contrary to the oft repeated

31 One needs to qualify such upheavals and militant struggles emerging from Tribal contexts. There are some militant struggles that are posits as a struggle for freedom from an imposing (other) State nation such as those we witness taking place among the Nagas in North East India. The other militant struggle witnessed are those that begins to emerge as a last resort of a community to resist assimilation, such as those we see taking place among the Bodos in Assam and the indigenous peoples of Tripura. However, while the same principle applies to tribal movements emerging in Chhotanagpur and Bastar, yet because they are sometimes blurred by ultra-left class movements, we cannot pinpoint whether such movements are seeking freedom for their ethnic community or participating in the larger class struggle to resist expropriation.

slanders, the most prevailing narrative within and among the tribes/Adivasis is that "the Indian State is deaf and blind to our reality. It pays no heed to our demands. Unfortunately, it does so only when we use two extreme languages: the language of militant struggle and the language of international pressure. Otherwise, usage of any other means of struggle gets neither its attention nor its consideration."

The nature of this political condition that we identify as being in the space of **'Freedom'** are characterised by organic politico-historical elements such as stable community ontology, stable history, stable cultural processes and distinct social /identity boundaries. There is also a firm sense of community control over land, water, forest, mineral resources, etc. The tribal/Adivasi community in this socio-historical space experiences social reality in their language and socio-cultural terms. There is also an organic rise of the sense of nationhood or of being a nation and of the emergence of the need for one's own nation state. In this concrete condition of 'freedom', tribes/Adivasis experience 'epistemological stability' and a greater degree of cohesiveness as a community. However, it is interesting to note that in this stage of social evolution, one begins to observe gender discrimination and an organic process of class stratification coupled with a rising class consciousness within the tribal/Adivasi community.

Seeking as we do to theorise fundamental questions about peripheralised tribal/Adivasi social life and uncover a historical narrative subsumed in waves of colonialism, while at the same time attempting to understand and solve the enormous challenges before us, this book is a product of such a critical theoretical engagement.

As tribes/Adivasis we have histories of interaction and boundary crossing, shared spaces and even contested terrains. Within our communities, our foundational principles are always aimed at minimizing conflict and maximizing justice. Resistance against any form of domination is an articulation of our existence, not merely an act of political interplay. However, as tribes/Adivasis we are also caught in rigid heavily invested pre-formulated theoretical summaries that bears on us like an iron cage and wringing ourselves out of these ironclad theories is a humongous task.

Nevertheless, even in an era of dominant western/caste paradigms and extensive neo liberal penetration, where tribes/Adivasis have all to learn and nothing to teach, we felt it an urgent necessity

to revisit the polemics of epistemology, the theoretical content of tribal studies and the problematics of integration through an eclectic scholarly enquiry.

We only hope that an endeavour such as ours that attempts to situate our perspective in existing social theory, do not end up propagating colonial stereotypes. We have observed that in any collective theoretical engagement that positions alternative ways-of-seeing and thinking on existing 'done and dusted' theoretical truths, we risk the imperative of seeming unnecessary radical. Needless to say, that the immediate response from the hegemon would be to shun the arguments and to mark the theoretical content as a piece of reactionary writings.

It is a fact that tribes/Adivasis cannot set the rules for a game the hegemons had invented, but no matter the consequence, it is within our reach to attempt the production of an emancipatory discourse that will free our conceptual world from the theoretical grip of colonial frames and to challenge the production of a 'modern'/'tribal' subject moulded in the image of hegemonic societies. This world was not born only in the dominant's image of the 'other' and neither only for their sole convenience. As tribes/Adivasis we have reached a point where we are tired of being made mere 'objects of inquiry' in somebody else's truth formulations, the time to restore to ourselves the agency to reflect organically on our own experience has arrived.

Problematizing the Discourse and Context

Tribes and Indian National Identity: Location of Exclusion and Marginality

~ Virginius Xaxa

National identity is generally posited as a feeling of consciousness and loyalty toward one's community as *ethnos* (people). As ethnos, communities have common origins (real or fictitious), histories, languages, cultures, customs, traditions, and territorial boundaries. Communities also have sovereignty, and they care specifically for their members' interests and welfare. At the same time, communities seek to preserve and promote their national identity through the enrichment and revival of language and other social and cultural customs. Given that India is a land of enormous diversity, this understanding of national identity poses serious challenges to the conception of a coherent Indian national identity.

Religion, language, region, caste, and tribe are the most critical aspects of India's diversity. Indians practice a wide spectrum of faiths, perhaps contributing to the fact that religion in India has historically been a source of segregation, cleavage, and conflict. Religion stands as a serious challenge to the unity and integrity of the nation. Moreover, Indians speak hundreds of languages. As such, language and region also complicate the Indian national identity. The country has been divided into different regions and sub-regions that invariably present themselves as distinct linguistic and cultural zones. This has engendered demands, dating back to colonial rule, for distinct states for people of the same language and culture. These divisions and demands are especially problematic for Indian national development as people from distinct linguistic regions are further divided into hundreds of castes and sub-castes. Moreover, there are people who fall outside of such linguistic-cum-regional societies and thereby are excluded from the caste system as well. They have been generally described as tribes with their own language, religion, culture, and geographical territories. They regulate their social and cultural life according to their own traditions, norms, and values.

This paper addresses the development of the Indian national identity, with a particular focus on tribal people. How have tribal people related to the development of Indian national identity in colonial and post-colonial India? What have they contributed to the nation-building process? How have the nation

and national leadership accounted for tribal people in the nation-building process? How have they fared in this process and why? How have conflict and alienation manifested themselves?

Mapping the Margin

According to the 2011 census, tribal people number 104.3 million, forming 8.6 percent of the total population of India.[32] Though they represent a relatively small proportion of the entire Indian population, they are quite ethnically diverse. The Anthropological Survey of India identified 461 distinct tribal communities in 1976.[33] Meanwhile, the 2011 census lists 705 individual ethnic groups as scheduled tribes.[34] As noted earlier, tribes speak distinct languages and have distinct cultural systems. Their languages originate from four families, and they stand at different stages of social, economic, cultural, and political developments.[35] Thus, each tribe lives differently. Some tribes still depend on hunting and gathering for their livelihoods, others on shifting agriculture, and still others on settled agriculture. Tribes also differ significantly in size. Tribal populations range from 7 million on the high end to less than 1,000 on the low; such differences have a bearing on the Indian national identity, for the Indian state (as well as states in India) generally turns a blind eye to small tribes as their role in overall democratic electoral politics tends to be marginal. Their movements are not strongly felt unless they resort to armed struggle, and they are not able to negotiate effectively. This likely stems from their complicated demography as described above.

Tribes are scattered over the length and breadth of the country, but their distribution is far from even. The island regions have the lowest concentration of tribal populations, followed by northern and southern India. The islands contain just over 1 percent of the total tribal population, while northern and southern India are home to just over 2 and 5 percent of the population, respectively. Slightly over 12 percent of the total tribal population is concentrated in northeast India. Thus, a very large portion

32 Government of India, Statistical Profile of Scheduled Tribes in India 2013 (New Delhi: Ministry of Tribal Affairs, 2013), 2.

33 The Anthropological Survey of India launched the People of India project on October 2, 1985 to generate an anthropological profile of all communities in the country. It identified 461 tribal communities in India. See: Kumar Suresh Singh, "Marginalised Tribes," Seminar 412 (1993): 1–7.

34 Ministry of Tribal Affairs, Report of the High-Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities of India (New Delhi: Government of India, 2014), 705.

35 The four distinct families are: Austro-Asiatic, Tibeto-Burman, Dravidian, and Indo-Aryan. See: Lachman M. Khubchandani, Tribal Identity: A Language and Communication Perspective (Shimla: Indian Institute of Advanced Study, 1992).

of the tribal population can be found in the remaining regions of eastern, central, and western India. This is the contiguous region where nearly 80 percent of the tribal population of India lives.[36]

One commonality shared by tribes is exclusion from many social groupings that have historically, socially, and culturally been associated with India. For example, tribes are not part of the dominant linguistic groups, such as Hindi, Telugu, Bengali, Gujarati, and so on. Even more importantly, tribes do not share the religious ideas, values, institutions, and cultural practices that comprise Hinduism. Hinduism has knit the dominant linguistic groups together. These social groupings from which tribes are excluded from the key pillars of Indian national identity.

Shades of Nationalism

Nationalism in India emerged out of India's struggle for freedom from British rule. Given its geographical size; linguistic and religious diversity; and above all, fragmentation and segmentation into different castes and sub-castes, Indian nationalism was a remarkable phenomenon. In the course of its struggle against British rule, nationalism in India developed two shades and currents. One entailed the assertion and articulation of nationalism against the British. The other comprised the assertion and articulation of India's own distinctive linguistic and cultural identity and its aspiration for a distinct politico-administrative space in conjunction with this identity. The earliest manifestations of such phenomena were visible in the formation of the new provinces of Assam, Bihar, and Odisha in eastern India in the late nineteenth and early twentieth centuries. The more mature Bengali nationality did not articulate such aspirations, as it enjoyed hegemony over the benefits that it had accrued under colonial rule, except when Bengal was partitioned into two in 1905. However, as nationalism gained momentum at the national level, so did the assertion of linguistic and cultural identity at the provincial levels. This was nothing short of nationalism—their demand was for separate states/provinces based on linguistic and cultural considerations. Scholars have used terms such as "sub-nationalism," "regional nationalism," and the like to describe such movements.[37] This demand had remained unfulfilled for many major linguistic communities and nationalities when India attained freedom in 1947. Post-independence, there was a renewed interest in and mobilization for separate states, posing

36 Government of India, Report of the High-Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities of India (New Delhi: Ministry of Tribal Affairs, 2014), 34–35.

37 Amalendu Guha, "Great Nationalism, Little Nationalism and Problem of Integration," Economic and Political Weekly 14, no. 7/8 (1979): 456; Sanjib Baruah, India Against Itself: Assam and Politics of Nationality (New Delhi: Oxford University Press, 1999).

a great threat to the newly born nation in its nation-building process. The mobilization was most intense in the case of the Telugu and Kannada-speaking people in southern India, and the Marathi-speaking people in western India. Similar demands for separate states emerged from other regions as well. Against this backdrop, Jawaharlal Nehru, the first prime minister of India, appointed retired Supreme Court Chief Justice Fazal Ali to chair the States Reorganization Commission (SRC) in December 1953, hence known as the Fazal Ali Commission[38] The mandate of the Commission was to examine "objectively and dispassionately" the entire question of the reorganization of the states of the union.[39] Throughout the two years of its work, the Commission faced demonstrations, agitations, and hunger strikes, which activists used as strategies to press their demands. Different linguistic groups clashed with each other verbally and sometimes even physically, reflecting tensions wrought by linguistic overlap on people who wanted a state based on their own language. The SRC submitted its report in October 1955 and made recommendations for the reorganization of states. Consequently, the Parliament enacted the States Reorganization Act, which came into effect in November 1956.[40] By absorbing the aspirations and sentiments at work at the provincial level into a federal structure that formally incorporated linguistic consideration into the organization of states, India accommodated the national sentiment and aspirations of the kinds widespread in the country. Rather than weakening Indian national development, this has strengthened it as the linguistic states have fulfilled the aspirations of the linguistic communities for their rights for self-determination, although bereft of sovereignty. Indeed, the Indian national identity tends to be weak where recognition of this kind has been denied. The case of tribes is an apt illustration.

Colonialism and Its Imprints

As we have seen, the Indian national identity emerged out of the struggle for freedom from the British. The mobilization and participation of the people in this struggle was, however, far from uniform. The unevenness was primarily due to low socioeconomic and administrative positions in the structure of the society and polity under colonial rule. The British administration brought about far-reaching

38 The other members of the Commission were K. M. Panikkar and Hridaynath Kunzru.

39 Government of India, Report of the States Reorganisation Commission (New Delhi: Government of India,1955, i.)

40 Following the recommendation of the States Reorganisation Commission, many new states were added into the union and the boundaries of many of the states were redrawn, keeping in mind the linguistic considerations. In all, 14 states and six union territories were created.

economic, political, social, and cultural changes in India. In the course of such changes, some regions/peoples benefited from relatively higher levels of development than others. Those who benefited, such as the Bengalis, were consequently better able to take advantage of the opportunities provided under colonial rule. In this regard, tribes were the most disadvantaged groups during this period.[41]

Tribes generally lived as self-contained units until the arrival of the British. This meant that tribes lived outside of Indian society and not as a part of it. Interaction certainly occurred between the two, but it was not until the arrival of the British that tribes came under the same political and administrative structure as the larger Indian population. They were subjected to the same laws, rules, and regulations. Through land, labor, credit, and commodity markets, tribes were also brought under a single economic order. In this new politico-administrative system, however, tribes faced the steady erosion of control over, and access to, natural resources such as land, forest, and water. Both the colonial administration and the non-tribal Indian population - particularly traders, merchants, and moneylenders - were responsible for this phenomenon.

Tribes thus had to experience two forms of colonialism: one in the hands of the British and the other in the hands of the non-tribal Indian population. Tribes who had control over natural resources and enjoyed their autonomy of governance were pushed to the margin of the new political and economic system through fraud, deceit, debt, usury, and other related processes. This marginalization was intricately linked to the process of integration that resulted in wide-spread discontent, culminating in a series of revolts and rebellions throughout the eighteenth and nineteenth centuries. The revolts were directed against both the British and the non-tribal Indians who had moved into the tribal areas. In response, the British - having suppressed the revolts - introduced somewhat different administrative arrangements in the tribal areas. This assumed the form of isolating tribes from non-tribes with the objective of protecting them from further exploitation and marginalization. This different arrangement evolved following the enactment of the Scheduled Districts Act in 1874. Under the Act, the scheduled districts were kept outside of the general administration. The Government of India Act of 1919 categorized the areas where tribes lived into "backward tracts" areas.[42] The Government of

41 Donald L. Horowitz, Ethnic Groups in Conflict (Berkeley: University of California Press, 1985), 141–84.

42 National Commission for Schedule Tribe, Good Governance for Tribal Development and Administration: Special Report (New Delhi: Government of India, 2012), 2.

India Act of 1935 treated the areas the same way the 1919 Act did and declared them "wholly excluded areas or partially excluded areas." The administration of these areas was exclusively vested in the governor of the province.[43] The governor was empowered to decide the applicability of the general laws to the excluded and partially excluded areas.[44] In short, enactments made by central and state legislatures were not directly applicable in tribal areas, unless so desired by the executive authority. This arrangement allowed tribes to enjoy some autonomy and to be governed by their own traditions and customary practices. It is a different matter that autonomy so granted had more of a purpose of containing the potential revolts by tribes, as opposed to a genuine interest in protecting tribal people.

On the eve of independence, tribes were thus uniquely placed in the structure of colonial rule and administration. Tribes were first divided by whether they were inside British territory. Those inside the territory were then placed under three distinct administrative arrangements: frontier/agency tracts, excluded areas, and partially excluded areas. Tribes that did not live in such areas came under the same administrative structure that was applicable to the general population. Notably, a large tribal population also lived in territory not directly controlled by the British, but by princely states, whose administrative structure differed from the colonial administration.[45]

Tribes and the Constraints of Participation in the Freedom Struggle

Far before the concerted Indian struggle for freedom from colonial rule emerged, tribes had demonstrated resistance to colonial power and administration in order to safeguard tribal autonomy and self-governance. This is evidenced by a series of revolts and rebellions dating from the onset of colonial rule.[46] However, they hardly find place, or even appear, in the official writings of the history of freedom struggle movements in India. Paradoxically, as the Indian struggle for freedom gained

43 Government of India (Excluded and Partially Excluded Areas) Order, vol. 99, 1936, 734–43.

44 See: R.C. Verma, Indian Tribes through the Ages (New Delhi: Government of India, 1990), introduction and chapter 10; B.K. Roy Burman, "State and Tribes in India," Mainstream, November 26, 1983, http://www.india-seminar.com/.

45 The Indian administrative structure was divided into the British administration and approximately 600 princely states. The princely states were relatively free in their internal administration except for the payment of a tribute as part of their loyalty to the British. Elsewhere, there were British residents, who acted as liaison officers between the British and the king. British residents interfered in the internal administration of the kingdom as and when they saw fit.

46 The tribes of the eighteenth and nineteenth centuries had waged about 50 revolts against the British. See: V.R. Raghavaiah, "Tribal Revolts in Chronological Order: 1778–1971," in Peasant Struggles in India, ed. A.R. Desai (Bombay: Oxford University Press, 1979).

momentum, tribes' participation in this national movement was either absent or relatively weak. It is difficult to understand this paradox, but the increasing contradictions and conflicts between tribes and non-tribes may have contributed to it. Yet responses of tribes to the Indian national movement were far from uniform. On the one hand, the geographical distance at which tribes lived constrained the nationalist leaders and volunteers from going to tribal areas and mobilizing them. On the other hand, wherever tribes lived in the vicinity of, or alongside, non-tribal Indians, they experienced exploitation and domination by the latter. This restrained a wider participation of tribes in the struggle led by the nationalist leadership and its volunteers. Participation was confined to certain pockets and had more to do with either the civil disobedience movement, such as non-payment of tax and rent, or the assertion of rights over natural resources, than with issues of their exploitation and domination. This had a bearing on tribes with respect to their identification with Indian national identity. Thus, some tribes strongly identified with Indian national identity, some did so less strongly, some were indifferent, and some were even hostile. It is worth noting here that there was no effort by the colonial rulers to improve the social and economic conditions of the tribal people during colonial rule. While some development did happen, it is much more attributable to Christian missionaries. The limited education imparted by Christian missionaries did give rise to modern leadership, but it was relatively tiny and predominantly concerned with addressing issues affecting tribal communities. This overriding concern and articulation of tribal elites against outsiders' exploitation of tribal people placed the tribes in conflict with non-tribal society. Tribes took the latter as outsiders, or even exploiters, considering them the cause of their marginalization and vulnerability. This was at odds with nationalist leadership since non-tribal society did not adequately address the issues that tribes were facing. Further, even when tribes participated in larger struggles against the colonial rule and administration, they were not part of the higher echelons of leadership and thus were excluded from having roles and participating in the decision-making process.

At the dawn of independence, tribes articulated their interests with regard to national development in varied forms. In the northeastern region, the Nagas demanded a sovereign state, which meant secession from India. The Nagas could make this demand as they had developed a strong national identity and a strongly united leadership. Among other tribal communities of the region, such as the Mizos, political articulation was far from uniform. There were some who, like the Nagas, sought sovereignty. Others, however, were in favor of integrating into India, but with political and administrative arrangements to safeguard their distinct identity. There were still others who did not

articulate any position openly. The pattern was somewhat different in the case of the tribes of mainland India. Tribes on the mainland demanded the separate states of Jharkhand, Gondwana, and Bhilasthan, but notably, they were articulated within the framework of the Indian union. As for other areas in the region, there was no distinct articulation of demands. Thus, a large chunk of tribes had no clear voice at the dawn of independence. In short, with the exception of some tribes in northeast India, tribes on the whole had no problem with being part of India as this did not matter to them. The tribes probably had very little understanding of the specific implications greater national identity would have on them.

And yet at no point in time were their demands seriously addressed; only after they took to violent struggle were they heard. The movements for autonomy and self-determination of the Naga, Mizo, and Tripuri tribes and the Bodos of northeast India provide apt examples. As noted earlier, this has not generally been the case with larger linguistic groups. The outcome of such differential treatment has been the alienation of tribes within the Indian state and society at large. This has been most pronounced in northeast India. A strong disenchantment was visible in northeast India within a few years of India's independence, resulting in demands for sovereignty by different tribal groups, accompanied by armed struggle. The demand for sovereignty has been accommodated by both the grant of a separate state within the Indian union and of an autonomous regional council under the sixth schedule of the Indian Constitution. However, there are still groups within tribes who are unhappy with the autonomy granted in the form of existing institutions and thus continue with their struggle for sovereignty.

Tribes as Irreconcilable with Indian Nationhood

India embarked on a path of national reconstruction after it gained independence. During this national reconstruction, the nationalist leadership took note of the tribal situation. Poor economic conditions and social and educational underdevelopment characterized the tribal situation at the dawn of independence. This reality was attributed to tribes' geographical and social isolation. However, when and where new means of communication—roads, railways, etc. broke down geographical and social isolation and brought tribes and non-tribes into closer interconnection with each other, their socioeconomic condition did not necessarily change for the better.[47] Rather, this process often led to a worsening of the situation as the movement of people from the outside led to the alienation of tribal

47 See: Indra Munshi, ed., The Adivasi Question: Issues of Land, Forest and Livelihood (New Delhi: Orient Blackswan, 2012), 1–24.

land by non-tribes through such means as force, fraud, forgery, and, most importantly, usury. The cases of the Santhals, Mundas, Oraons, and Kondhs, among others in central India, can be cited as examples. In these cases, money-lenders advanced loans against land mortgages and charged exorbitant interest rates. As tribes could not repay the debt, land moved from the hands of tribes to non-tribes. This happened throughout the colonial period on a large scale and was one of the key factors of tribal revolt against the British and non-tribal outsiders.

This situation incited a heated policy debate led by Verrier Elwin and G.S. Ghurye on the eve of independence.[48] Elwin made a plea for the isolation of tribes due to the record of misfortune previously experienced by tribes upon contact with the outside world. This exposure to the rest of the world had historically led to indebtedness, alienation of land, forced labor, and thereby to exploitation and marginalization. Ghurye, meanwhile, attributed the prevailing tribal situation to their geographical and social isolation, which he argued needed to be overcome through assimilation into greater Indian society. Gandhi wanted the tribes of central India to be culturally assimilated through Hinduization. In contrast, the tribes of northeast India had to be politically integrated.[49] And yet, despite this debate, there seems to have been no clear statement of tribal policy in India. The provisions made in the constitution consists broadly of three kinds. That of protection is evident in Articles 244, 244a, and 29 of the constitution. The first two articles provide for special administration of tribal areas in the form of the fifth and sixth schedules of the constitution. The last is a general provision for the protection and promotion of languages and cultures in India, which is equally applicable to tribal communities. The other provisions establish reservations (affirmative action) in political institutions (Articles 330 and 332), state employment, and higher educational institutions (Article16.4). These would be ineffective if there were no provisions for economic and social development, which we actually do encounter in Article 46. The latter two provisions are aimed at integrating tribes with greater Indian society.[50]

48 Elwin was an Anglican Missionary who left the mission and subsequently went to tribal areas and lived among them. He has written extensively on tribes. Ghurye was a sociologist teaching at Bombay University.

49 T.K. Oommen, "Scheduled Castes, Scheduled Tribes and the Nation: Situating G.S. Ghurye," Sociological Bulletin 60, no. 2 (2011): 239.

50 See: Verma, Indian Tribes through the Ages, introduction and chapter 10.

Despite constitutional protection from exploitation and land alienation, in the dominant national discourse tribal issues have primarily been couched in terms of social backwardness. Underdevelopment was routinely tied to the isolation of tribal communities, and hence their integration was viewed as a panacea for the problem. Nationalist leadership has thus implied a conflict in the simultaneous presence of tribes and the nation. It understood the nation in a particularly definite form, within which tribes did not fit. To be part of the nation, it was not sufficient for tribes to join the economic and political system; rather, this new nationalism required them to assimilate into the sociocultural system of larger India as well. Greater India had come to perceive tribes as primitive, uncivilized, lazy, and hedonistic. Tribes were thus expected to shed those characteristics under a civilizing mission. The Indian state's education curriculum played a critical role in working to achieve this. Tribes were required to learn an alien language, history, culture, and tradition, and to identify with them. Though there were provisions for the protection of tribal language and culture in the constitution, individual states took no initiatives to that end whatsoever. With respect to religion, tribes were constrained to identifying themselves as Hindus not only in census enumeration, but also in routine statecraft and practices.

Moreover, the Rashtriya Swayamsevak Sangh (RSS), or the "National Volunteer Organization," and its affiliates have long been engaged in a process of Hinduization. This process, with its genesis in colonial India, has become especially vigorous and aggressive in post-independence India. All of these processes amounted to assimilation. Any process seeking to move in a different direction, especially in the form of religious conversions and moving toward the lifestyle of non-Indic religions, has not been received well in the larger Indian population. Tribal Christians, who have intermittently been the target of various forms of attack, provide a case in point. There has been a sustained campaign by RSS affiliates to create discord between tribal Christians and tribal non-Christians. In fact, there have been social mobilization and legal cases whereby attempts have been made to de-schedule Christian tribes from scheduled tribe status, thereby denying them their constitutional rights and entitlement. The Indian national identity in the case of tribal Christians tends to be even more problematic because of the foreign origin of the Christian religion. The Indian national identity has been implicitly or explicitly defined in a way that excludes existing tribal cultural forms.

The Price of Inclusion into the Nation

While there has been a clear sense of dedication and urgency surrounding integration, similar attention has proved lacking in addressing issues of socioeconomic development and inclusive state and non-state institutions that show respect for the tribal communities of India. All institutions in India are still far from inclusive. Reservation policy in political institutions, state employment, and higher educational institutions have served as key tools for building a more inclusive society. However, the dominant national groups have generally been bitterly opposed to reservation policy, for they see it as depriving them of their legitimate share and entitlement. This opposition has consequently caused discord between tribes and non-tribes and adversely affected the cohesion of national identity.

The reservation policy, an extreme form of affirmative action, was and remains perhaps a necessity given the distinctive structure of Indian society. There is no doubt that tribes have benefited from its provisions. This is evidenced by their presence in almost all governmental institutions and at every level of government service. Yet in terms of their share or quota, the position of the tribes is far from adequate, especially in the upper echelons of government service. In fact, even by 1999 the share of tribal people in classes I and II of central government services, for example, stood at merely 3.39 and 3.35 percent respectively. Even in the case of class III (6.07 percent) and IV (7 percent) services, the percentage fell short of the stipulated 7.5 percent.[51] The scenario has been no different with respect to economic metrics. In 2004–5, the share of the tribal population living below the poverty line was as high as 46.5 percent, compared to 27.6 percent for the population as a whole.[52] Thus the gap between the two remains one of the key concerns in poverty discourse in India. The same has been the case with respect to indicators of social development, such as education and health. In 2001, the literacy rate for the general population was 68.81 percent, as compared to 47.10 percent for the tribal population. The 21.71 percent gap between the two is still very large.[53] The picture is no different with respect to tribal health: the infant mortality rate as per NHP-2002 was 84.2 per thousand as compared to 67.6 for the total population; the child mortality rate was 46.3 as compared to 29.3; and the under-

51 Planning Commission, Report of the Steering Committee on Empowering the Scheduled Tribes for the Tenth Five Year Plan: 2002–2007 (New Delhi: Government of India, 2001), 25.

52 Ashok Mathur, "An Overview of the Jharkhand Economy and Perspectives for Human Development," (background paper read at the National Seminar on Growth and Human Development, Jharkhand: Perspectives and Policies, Ranchi, India, July 4–5, 2008).

53 Government of India, Report of the Working Group on Empowerment the Scheduled Tribes for the Eleventh Five Year Plan: 2007–2012 (New Delhi: Ministry of Tribal Affairs, 2007), 21.

five mortality rate was as high as 126.6, as compared to 94.9.23 Thus, an inordinately high proportion of people living below the poverty line and people with poor educational and health status come from tribes.

A number of factors seem to account for this poor state of affairs. First, the resources earmarked for tribal development, though increasing over time, have been far from adequate. At no point in time has the budget allocation[54] under five-year-plans gone beyond 3.7 percent.[55] Given the inadequate funds earmarked for tribal development, few tangible gains can be expected in tribal communities. This partly explains why infrastructure, schools, and health centers, as well as the personnel to operate them, fall short in tribal regions. The ineffective implementation of the social programs also partly explains the lacking social development among tribes. Why such poor implementation has persisted for over six decades is an interesting question, but one that academics and development practitioners have so far not posed in such a manner.

It is worth noting that while on the one hand the benefits of state initiated projects have been marginal, on the other there has been a steady dispossession of tribes from control over natural resources. Despite the presence of law restricting the expropriation of land from tribes to non-tribes, tribal land has steadily passed from tribes to non-tribes all throughout the post-independence era. It is unimaginable to think of tribes as landless as they are traditionally and historically linked to land and forest. However, by 1993–94, as many as 47.89 percent of tribal households had begun to be enumerated as rural labor households (i.e., households with wage labor as their primary means of livelihood). Of these, 54.07 percent had some land, while the remaining 45.92, percent were landless.[56]

Equally important to note is that as many as 42.9 percent of the operational holdings of tribes belongs to the category of marginal farmers, which means that they hold less than one hectare. Another 24.1 percent are small cultivators with a holding of 1–2 hectares.[57] The expropriation of land and a steady

54 Ibid., 27.

55 The only exception was the eighth plan period when the allocation was the highest at 5.2 percent of the total budget outlay.

56 Sukhadeo Thorat, "The Tribal Deprivation and Poverty in India: A Macro-Analysis," in Ordeals and Voices of the Indigenous Tribal People of India, ed. Joseph Bara (Guwahati: Indian Confederation of Indigenous and Tribal Peoples, North-East Zone, 2006).

57 Ibid.

decline in landholding size have been the key factors leading to the impoverishment of tribes. The story of dispossession is, furthermore, not confined to the transfer of land from tribes to non-tribes. The biggest source of dispossession has been the state itself. As part of the nation-building process, India has embarked on a path of rapid economic development and social change in which industrialization, mineral exploitation, and infrastructure projects have been prioritized. Most of these projects—especially in the early phase of the nation-building process—came up in tribal areas as these regions were best endowed in terms of natural resources. This led to a large-scale displacement of tribal people. Between 1951–90, development projects—dams, mines, factories, and wildlife sanctuaries—are estimated to have displaced a little over 21 million people. Of the total displaced population, over 16 million have been displaced by dams, and about 2.6 and 1.3 million by mines and industry respectively. Over 1 million have been displaced by other projects, wildlife sanctuaries being the most significant. Of the total number displaced, as many as 8.54 million have been enumerated as tribal. Tribal peoples have thus come to constitute as much as 40 percent of the displaced population, even as they comprise less than 8 percent of the total population.[58]

The benefits of this development, which Nehru described as the temples of modern India, did not accrue to the tribal people: the employment created by these projects did not go to tribes; power projects did not electrify tribal villages; and irrigation projects did not irrigate tribal land.[59] The projects were detrimental to the interests of tribes and adversely affected them. Tribes contributed to the making of the nation, but this sacrifice was not acknowledged. This pattern has continued until recent years. However, the situation today has changed: tribes today are engaged in resistance against such projects, which the state has taken as critical to development and hence to the building of the nation. The oppression and exploitation to which tribes have been routinely subjected under the post-colonial regime and the lack of any development in tribal regions have drawn tribes toward the extremist politics of Maoism, thereby posing a great threat to Indian national identity. At the roots of this shift to Maoism and Maoist struggle has been the disenchantment of tribes with the Indian state, which seems to side in its everyday practice with non-tribes, and more importantly, with the dominant section

58 Government of India, Report of the Steering Committee on Empowering the Scheduled Tribes for the Tenth Five Year Plan: 2002–2007 (New Delhi: Planning Commission, 2001), 39.

59 Ramachandra Guha, India after Gandhi: The History of the World's Largest Democracy (New Delhi: MacMillan, 2007), vii.

of non-tribes.[60] This is evident in state officials' attitudes toward tribes. Tribes must not only bear state and non-state exploitation and oppression in the form of harassment and violence, but also suffer humiliation in the form of abuses and ridicule. They found solace and liberation in Maoism.

Concluding Remarks

Tribes were economically and socially less developed prior to the onset of colonialism, but they had autonomy over land, forest, and water. The loss of autonomy that began under British rule accelerated under India's post-independent nation-building process and added a new dimension to their existing marginality. Their disproportionate share of impoverishment and poor educational and health status has more to do with the dispossession that has been central to nation-building in post-independence India. Bluntly speaking, the nation has been on the march, but tribes have not. In fact, no social group in India has been treated as shabbily as tribes in the post-independence national construction process.

Why tribes have fared so poorly appears to be connected to the question of national identity. After all, tribes do fall short of the standard conception of the Indian national identity. Although this concept is not adequately addressed, there are some broad frames in which Indian national identity is posited. These frames stem predominantly from Hindu religious traditions, with those who fall outside of those traditions not considered due members of the nation. There have been processes at work both at the state and non-state levels that aim to integrate tribes into what is popularly termed "the mainstream of national life."[61] This term is mainly used to reference the ethos, values, and traditions of the larger Indian society. It is assumed that if tribes were to mold themselves, their conditions would automatically improve. However, this has not yet happened. After all, a large chunk of tribes has indeed Hinduized and Sanskritized, and yet there has been no corresponding improvement in their socioeconomic status.[62] Hence, not only are the interests and issues of tribes inadequately addressed, but these tribes also undergo treatment that is exploitative, oppressive, and discriminatory.

60 Government of India, Development Challenges in Extremist Affected Areas: Report of an Expert Group to Planning Commission (New Delhi: Planning Commission, 2008), 44–54.

61 Subhadra Channa, "Concept of the Mainstream," in Indian Tribes and the Mainstream, ed. Sukant K. Chaudhury et al. (Jaipur: Rawat Publications, 2008), 69–76.

62 Virginius Xaxa, State, Society and Tribes: Issues in Post-colonial India (New Delhi: Pearson, 2008), 17–20.

This acts as both an impediment to forging a national identity and alienates tribes from it. Tribes are not merely at the margins, but possibly even outside the margins of Indian national identity.

Integration: A Historical Conspectus from a tribal/Adivasi Perspective

~ bodhi s.r & raile r. ziipao

Laying the Frame

No sooner did the post British Indian state come into being, then the task of integration fell upon those at the helm. This responsibility was delegated to the Constituent Assembly who in turn formed various bodies to look into the complex matter of consolidating a new Dominion of India. There were three key statutory bodies, tasked with the 'integration' of tribes into the Indian state. These include the 'Ministry of States' that looked at the integration of 'Native States' (some of which were tribal states) and the two[63] Sub-committees constituted by the Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas.[64] These were the Sub-Committee on Excluded and Partially Excluded Areas (Other than Assam)[65]and the Sub-Committee on North East Frontier (Assam) Tribal and Excluded Areas.[66] All these three committees implemented at various levels, the integration of 'tribes' and 'tribal' habitats into the dominion state. The objective of the latter two sub-committees was to study, understand and gauge the sentiments of the 'tribal' communities across the

63 Initially under the Advisory Committee on Minorities' Fundamental Rights, etc., to the Constituent Assembly of India in pursuance of paragraph 19(IV) and 20 of the Cabinet Mission's Statement dated May 16, 1946, three committees specifically related to 'tribes' were constituted in their meeting held on February 27, 1947 related to– (i) the tribal and excluded and partially excluded areas in Assam Province (ii) the tribal areas in the North-West Frontier Province and Baluchistan (iii) the excluded and partially excluded areas in provinces other than Assam. However, with the British Government's statement of June 3, 1947, following a referendum, number (ii) became the territory of the Dominion of Pakistan.

64 The Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas were constituted by Vallabhbhai Patel as Chairman and a total of seventy-nine members out of which 16 were 'Not as Assembly Member'. Among the prominent tribal members in the Advisory Committee were Jaipal Singh Munda and J.J.M. Nichols-Roy (Assembly members) and Rup Nath Brahma and Aliba Imti (Not Assembly members).

65 This Committee was headed by A.V. Thakkar as Chairman. The Committee members were Jaipal Singh, Dvendranath Samanta, Phul Bhanu Shah, Jagjivan Ram, Prafulla Chandra Ghosh, and Raj Krushna Bose. The Co-opted Members were Khetramani Panda (Phulbani Area), Sadasiv Tripathi (Orissa P.E. Area), Kodanda Ramiah (Madras P.E. Area) Sneha Kumar Chakma (Chittagong Hill Tracts), Damber Singh Gurung (Darjeeling District) and Shri Ramadhyani ICS (Secretary). It submitted it report on August 18, 1947. It is important to note here that A.V. Thakkar was Chairman of the "Excluded and Partially Excluded Areas (Other Than those in Assam) Sub-Committee and he was a member of the "North-East Frontier Tribal Areas and Assam Excluded and Partially Excluded Areas Sub-Committee.

66 The Committee was headed by Gopinath Bordoloi as Chairman. The members of the committee were J.J.M. Nichols-Roy, Rup Nath Brahma, A.V. Thakkar and Aliba Imti. The co-opted members were Khawtinkhuma and Saprawng from Lushai Hills, Harrison W. Momin and Mainram Marak from Garo Hills Area, S.S.Ingti and K.S.Terang from Mikir Hills, Kezehol Khelhoshe from Kohima Area, Swat Daulagopu and C.T. Tnanga Biete from Haflong Area and Josing Rynjah and Larsingh Khyriem from Khasi and Jaintia Hills Area. Its secretary was R.K. Ramadhiyani.

country and to negotiate with each of them their future status in 'India'. In retrospect it could be argued that it is the work of these three statutory bodies together that the whole process of the integration of 'tribes' was planned, operationalized, supervised and finally secured.

The perspective that informed this 'integration' was grounded in the State's view of the 'tribes' at two levels. The first level was how 'Tribes' were conceived and the second was how the integration process was posited. Both these levels were articulated by L.M. Shrikant, the first Commissioner of the National Commission for Scheduled Caste and Scheduled Tribes appointed by the Indian Parliament in his "Report of the Commissioner for Scheduled Caste and Scheduled Tribes for the Period Ending 31 December 1951" submitted to the President of India. Regarding who the tribes were from a State's perspective he noted as follows –

"The main characteristics which are common to all the Scheduled Tribes of India are: (i) Primitive way of living (ii) Habitation in remote and less accessible areas and (iii) Nomadic habits and love for drink and dance."[67]

About how the integration process was framed by the State, the Commissioner quoted B.S. Guha,[68]

67 It is important to note the way the category 'tribe' evolved. The state census was the key tool in which the construction of the tribal category took place. In the 1871 Census, just prior to the first census of 1881, these communities were marked as 'others', 'religion not known' and 'hindus'. In 1881 the 'Tribal' category was a separate religious category, in 1891 they were denoted as 'forest tribes under agriculture and pastoral caste', in 1901 they were identified as 'animist' and in 1911 they were conceived as 'tribal animist or people following tribal religion'. By 1921 they were designated as 'hill and forest tribes', in 1931 the words 'primitive tribes' was used, in 1941 they were designated as 'tribe' and in the new Indian state they were identified as 'Scheduled Tribe'. Later the Kalelkar Commission 1955, Dhebar Commission 1961, Lokur Committee 1965 and the Chanda Committee 1969, identified markers such as 'primitiveness' and 'backwardness', 'distinctive culture', 'geographical isolation' and 'having shyness of contact with communities at large' as the defining criteria for the 'Scheduled Tribe.'

From a Tribal perspective however, the category 'tribe' is used to mean not only a socio-cultural unit but a culturo-political cum politico-historical entity existing in time and space that is fundamentally diverse. For many of the communities designated as tribes by the Indian State, as much as tribe is a socio-cultural unit, it is also an organic political bounded entity, with its own history, with a sense of being a nation in and by itself. It is neither backward, nor isolated, nor primitive, nor shy of contact with other communities. It is also neither a caste, nor a peasant group and neither is it a stratified grouping which in due course of time will lose its sense of nationhood and nationality in the sea of the more populated caste societies. The tribal (non-caste) communities do not see or conceive themselves in such terms of reference. These are the paternal (caste) States' conception of non-caste societies. (For more details on the debate see Virginius Xaxa (1999) Transformation of Tribes in India, Terms of Discourse. Economic and Political Weekly, June 12, 1999. pp.1519-1524)

68 The quote was from B.S.Guha's, The Indian Aborigines and their Administration submitted to the Government of India in 1946 used by L.M.Shrikant (1952) Report of the Commissioner for Scheduled Caste and Scheduled Tribes for the Period Ending 31 December 1951, Printed in India by the Manager Govt.of India Press, New Delhi. The need to submit a yearly report by the National Commission for Scheduled Tribe is as per Article 388 of the Indian Constitution. The same now have become a source of controversy since the NCST has not submitted the said mandatory report to the President that should be then tabled in the Lok Sabha and Rajya Sabha since 2013-14. Many tribal/Adivasi movements in the country are raising this issue concerning Article 388 because they feel their voices are not being heard and thus their issues ignored by the Indian State because of the same. (For more details do refer to www.ncst.nic.in/content/ncst-reports)

the Director of Anthropology, Government of India who argued on the following lines -

"The administration of the aboriginal people is a very difficult problem, for on the one hand it is a mistake to keep them completely isolated, as isolation leads to stagnation and decay. On the other hand, indiscriminate contact is also harmful to the tribes, as is shown by the rapid depopulation of the primitive tribes in Australia, Malenesia and the U.S.A. The correct policy of administration should safeguard the tribal integrity and social organization at the same time evolving ways and means of gradual adjustment of the tribal population to changed conditions and slow integration in the general life of the country without undue and hasty disruptions. The healthy, vigorous and colourful life of the aboriginal population should not be substituted for a life of emasculation and stagnation in the name of uniform and progress."

However, from a tribal perspective, throughout this period, remnants of which are felt to this very day, many of these myriad communities were constantly negotiating with the three statutory bodies about their location and status within the new Indian state.[69] The 'Indian State' in this chapter is used as an expression to represent large politically stable communities bounded by caste relations seeking to expand their own polities by absorbing smaller non-caste communities. As observed, most of these smaller communities who were beginning to get subsumed into this state, were struggling to extract more autonomy and greater degrees of freedom from the same. While from the perspective of the 'Indian state' it was keen to integrate and assimilate the tribes in ways that brought them at par with other citizens by diluting and minimizing any demand for special treatment sought by tribes from it. Between these two extremes of deeper integration (from the perspective of state) and greater freedom (from the perspective of tribes) lies a fluid but somewhat steady continuum of Integration. It is this continuum and the concomitant dynamics that we intend to uncover in this chapter. However, while discussing the same we will also attempt to historicise and unveil the politico-legal location of tribes in the evolving structure of the new Indian State.

Historically, during British India, there are four important Acts that must be considered in relation to tribes in India. These are the *Bengal Eastern Frontier Regulation Act, 1873* (whose implications were and is still being observed in the form of the 'Inner Line Permit'[70] in the States of Mizoram, Nagaland and

69 Many of the tribal communities were not part of the 'province centered' independence movement, so negotiation with the three statutory bodies was seen as negotiating their position in a new political structure to be called India.

70 The Inner Line Regulation, 1873: "Whereas the Secretary of the State for Indian in Council has by resolution in Council declared the provision of Act XXXIII

Arunachal Pradesh), the *Scheduled Areas Act 1874* (that created the concept of geographical habitats to be 'Scheduled Areas'), the *Government of India Act 1919*[71] (that gave birth to the concept of 'Backward Tracts') and the *Government of India Act 1935*[72] (that produced the concept of Excluded and Partially Excluded areas). It is observed that a finer identification of community geographical habitats was made by these acts. Further many of the 'legal' rules of engagement were drawn throughout this period by a multiplicity of concomitant Acts and Rules, each grounded fundamentally under the intrinsic colonial urge to somehow encapsulate the tribes under one politico-administrative infrastructure. Such acts and rules further gave rise to a number of context-specific instruments of rule for each of the tribal communities we find across the country today.

Stating the Context

The locus classicus of understanding state-tribes relations goes back to the passage of the Government of India Act 1935 read along with Notification No.144-Fed dated 4 March 1937.[73] In this Act, two heads of British India were pronounced- the Governor General and the Crown Representative. The Governor General of India concerned self with the Provinces and the Crown Representative with the Native States. However, as was observed, it is a single individual who occupied both these

Vic Cap. 3 Section, to be applicable to the districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, Garo Hills, Khasi and Jaintia Hills, Naga Hills, Cachar and Cheettagong Hills...(1) This Regulation shall extent to the districts named in the preamble, and shall come into force on the 1st of November 1873...(2) It shall be lawful for the local Government of Bengal with the previous sanction of the Governor-General-in-Council to prescribe, and from time to time after by notification in the Calcutta Gazette, a line to be called "The Inner Line" in each or any of the above named districts. The Local Government by notification in the Calcutta Gazette, prohibit all British subjects, or any class of British subjects, or any persons, sending in or passing through, such districts, from going beyond such line without a pass under the hand and seal of the executive officer of such district... (7) it shall not be lawful for any British subject, or other persons not being native of the district comprised in the preamble of this Regulation to acquire any interest in the land or the product of land beyond the said Inner Line without the sanction of the Local Government..."

71 Government of India Act, 1919: "...(2) The Governor-General-in-Council may declare any territory in British India to be a "Backward Tract" and may by notification, with such sanction as aforesaid, direct that this Act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification..."

72 Government of India Act, 1935: "91. 1. In this Act the expressions "Excluded Areas" and "Partially Excluded Area" mean respectively such areas as His Majesty may by order in Council declare to be excluded areas or partially excluded areas...92.1. The executive authority of a province extends to Excluded and Partially Excluded areas therein but, notwithstanding anything in this Act, no Act of the Federal Legislature or of the Provincial Legislature, shall apply to an Excluded Area or Partially Excluded Area unless the Governor in giving such a direction with respect to any Act may direct that the Act shall in its application to the area, or to a specified part thereof...2. The Governor may make regulations for the peace and good government of any area in a province which is for the time being an excluded area or a partially excluded area..." immediately after the "The Government of India (Excluded and Partially Excluded Areas) Order, 1936" was published in the Gazette.

73 Published in Gazette of India Part I, p.436.

positions.[74]The Government of India Act 1935 was critical for various provinces and native states with a sizable tribal population, as it laid down the ground rules of engagement in areas where many movements resisting social and political assimilation erupted after India achieved its independence from British rule.

These initial eruptions have now become fundamental and are a cause of an unprecedented crisis in the tribal realities. The crisis is multi fold and plays itself in various domains. On one hand, tribes are encountering powerful forces of assimilation, mainstreaming or co-option,[75] operating on them at a rapid and humongous scale rarely witnessed before. On the other hand, they are faced with political conditions where their loyalty to the state is always suspect no matter their sincere intent. The state, premised within a vaguely conceptualized frame of 'integration' has thus deployed massive forces as a means to check their loyalties or to stamp out any secessionist tendencies and to ensure their acceptance of the 'nation state'.[76] All or most of these processes are since the 1990s grounded in a

74 Gilbert Shullai in Ka Ri Hynniewtrep Shuwa Bad Hadien Ka "Independence Day. p.2.

75 These social forces range from individually distinct but operating collectively in a complex macro, messo and micro mix of Westernization, Christianization, Islamization, Sanskritization/Hinduization, Peasantization among others. These forces are a combination of socio-religious, culturo-political, politico-economic and historio-philosophical. For detailed discussion on the concepts of Sanskritization and Hinduization please see Virginius Xaxa (1999). Transformation of Tribes in India, Terms of Discourse. Economic and Political Weekly. pp.1520-1521.

76 The concept of 'nation state' in India is a complex one. Debates within caste society raged on to this day. Babasaheb Dr.B.R. Ambedkar (The Chairman of the Drafting Committee of the Indian Constitution) had laid bare the concrete condition prevailing in the context. In a speech delivered while submitting the Constitution on 25th November 1949 he noted "I am of the opinion that in believing that we are a nation we are cherishing a great delusion. How can people divided into several thousands of castes be a nation? The sooner we realise that we are not as yet a nation in the social and psychological sense of the word, the better for us. For then only we shall realise the necessity of becoming a nation and seriously think of ways and means of realising the goal. The castes are anti-national in the first place because they bring about separation in social life. They are anti-national also because they generate jealousy and antipathy between caste and caste." On the other hand we have M.S.Golwalkar (The Second Sarsanghchalak of the Rashtriya Swayamsevak Sangh) who in his book, 'We or Our Nationhood Defined' asserted "Do we strive to make our 'nation' independent and glorious, or merely to create a state with certain political and economic powers centralised in other hands than those of our present rulers?...We stand for national regeneration and not for that haphazard bundle of political rights-the state." (p.3). For Jawaharlal Nehru, the first Prime Minister of India the "State was a rational and secular institution based on a shared perception of common interest. If needed, it should only be divided (referring to the creation of States in India) on rationally demonstrated criteria of administrative convenience. Any division on linguistic, ethnic or other grounds was to plant a non-rational, emotional and alien principle at its heart, to confuse its identity and to pave the way for eventual disintegration. As far as traditional culture (caste) was concerned, Nehru believed it was ill-suited to modern India and best left alone to die an inevitable historical death." Bhikhu Parekh (1991) in bodhi s.r (2016) Social Work in India. p.102. From a tribal/Adivasi perspective the 'Nation State' was seen more as a government of the dominant societies located in the Province. They did not see this 'nation state' as theirs. Various terms are used to reflect this idea. We will cite a few- Gilbert Shullai the prolific Khasi historian uses the term captured in the title of his short book- 'From British India to Bharat India.' Jaipal Singh Munda even while being an extremely active member in the Constituent Assembly and the only overt and outspoken 'leader of the tribal peoples' in the said assembly saw the Nation State in terms of the oppression and conscious marginalization by larger dominant communities. In his Presidential speech delivered in the gathering of the All India Adivasi Mahasabha at Ranchi on 28 February 1948, he noted "No amount of cooperation, however, friendly, can alter the economic hostility that must exist between Bihar Proper and the Chhota Nagpur Plateau. It is unnecessary to go into details. British imperialism may have been eradicated from our midst, but unfortunately, in its lieu, has stepped in automatically as it were Bihari imperialism as far as the Chhota Nagpur Plateau is concerned." (pp.128-129) The situation, however, was a bit complex. History notes, as Nehru points out in his speech at the opening session of the Scheduled Tribes and Scheduled Areas Conference at New Delhi on the 7th June, 1952 - "For half a century or more, we have had a struggle for freedom in this country, culminating in the achievement

neo liberal perspective of development, thereby trapping the tribes in a narrative where their existence itself is perceived as antithetical to the state's neo liberal development agenda.

Encapsulated between these layers of contested and contradictory social, political, economic and religious processes, closing in and stifling them from all ends, the tribes/Adivasis have attempted multiple and strategic forms of resistance against each of these forces. Some responses have been in the realm of the socio-religious and socio-cultural, while some have been within the socio-political and politico-economic spheres. Central to the formulation of such resistances, which are in many ways an articulation of their organic existence, is the pulsating endogenous need to differentiate themselves from the 'other' and to protect and preserve their historio-geopolitical and socio-cosmological spaces in the realms of territory, culture, politics and life. Thus, in retrospect, when we turn to the states' oft-celebrated 'Integration' process of tribes during the period 1946 to 1952, which is the focus of this chapter, we see the seeds of contradictions sowed during the period germinating and slowly erupting in conflictual ways in various domains.

From a states' perspective, however, the period 1946 to 1952 was marred by humongous and complex challenges. Referring to the uncertain conditions prevailing during the period, Menon (1956) notes -

"When the British Government decided to transfer power to India, they no doubt found it the best solution of a difficult problem to declare that the paramountcy[77] which they exercised over the Indian States would automatically lapse. The rulers generally welcomed this decision; and, after all, the parties directly concerned were the British Government and the rulers. Thus, had the edifice, which the British themselves built up laboriously for more than 150 years, been demolished overnight! There were many well wishers, both British and American, conversant with the problem of the India States, who said at the time that the seriousness of the problem had not been appreciated at all outside India and that it was graver than any other that faced the country. Even in India there were very few who realized the magnitude of the threatened danger of balkanization ... Our first task to prevent the balkanization of the country and to stop any possible inveiglement of the States by Pakistan was to

of independence. That struggle itself, apart from the result, had a liberating tendency. It raised us and improved us and hid for the moment some of our weaknesses and other qualities. We must remember that this experience of hundreds of millions of Indian people did not extend to the tribal area. It did affect somewhat the tribes in the central parts of India but in the frontier areas, say, of Assam, it did not affect them at all, or did not affect them much, partly because those areas were cut off from any approach in the old days and partly for other reasons..."

77 The concept of Paramountcy in British India refers to the doctrine which established the supremacy of British power and interests over all other interests.

bring the (Native) States into some form of organic relationship with the Centre. This we did by means of the expedient of accession on three subjects, as well as a Standstill Agreement which kept alive the relations subsisting at the time between the States and the Government of India. The rulers were at first suspicious of this move; but most of them realized that, with the partition of the country, if they did not give their full support to the Government of India there was real danger that the country would be submerged in one big deluge."[78]

When the transfer of power from British India to the Dominion of India took place in August 1947, Nehru who was impressed and thrilled with the 'revolutionary change' that followed, remarked on September 1948 –

"Even I who have been rather intimately connected with the States People's Movement[79] for many years, If I had been asked six months ago what the course of developments would be in the next six months since then, I would have hesitated to say that such rapid changes would take place ... The historian who looks back will no doubt consider this integration of the (Native) States into India as one of the dominant phases of India's history."[80]

With specific reference to the integration of the tribal peoples into the Indian State and the challenges that arose in relation to the same, Nehru later in the year 1952 while speaking in a tribal conference stated -

"You may talk here day after day about development programmes in regard to schools and other matters, but you will fail completely if you do not touch the core of the problem. The problem is to understand these people, make them understand us and create a bond of affection and understanding between us. After the achievement of independence, the basic problem of India, taken as a whole, is one of integration and consolidation. Political integration is now complete but that is not enough. We have to do something much more intimate than political integration and that process takes time. It is not a matter of law. It grows. You cannot force it to grow just as you cannot force a plant or a flower to grow. You can only nurture it and produce conditions where it grows. So, the greatest problem of

78 Menon, V. P. (1956). Integration of the Indian States. Chennai: Orient Longman. Reprint 1997. pp.494-485.

79 The States Peoples Conference was a movement within the Native States affiliated with the Indian National Congress located in the Provinces.

80 Quoted by Menon, V.P. (1956). Op cit., p.489.

India today is psychological integration and consolidation, to build up a unity which will do away with provincialism, communalism, and various other 'isms' which disrupt and separate..."[81]

If we revisit all these processes during the said period and uncover what concrete conditions existed during the transition stage, the words of Menon (1956) reveals the imperative of the problematic of integration. He stated -

"If one were to ask to name the most important factors that have contributed to the stability of the country, there is little doubt that one would mention at once two factors: the first being the integration of the India States and the second a Constitution framed with the willing consent of the people."[82]

In the new Constitution of India that came into force on 26 January 1950,[83] 'territorial integration' was fundamental in the vision and mission of the framers of the Constitution. The Ministry of States, Government of India tasked with the objective to bring about this 'territorial integration' notes the following –

"One of the important consequences of the adoption of the new Constitution is the completion of the process of the territorial integration of States. The States geographically contiguous to the Dominion of India, as they existed before the Constitution of India operative, could be divided into two categories: (i) the acceding States, and (ii) the non-acceding States. There were only two non-acceding States namely, Hyderabad and Junagadh. The acceding States could be subdivided into the following groups: (a) States which were not affected by the process of integration and continued as separate units, i.e., Mysore and Jammu and Kashmir; (b) Union of States; (c) Centrally-merged States; (d) Provincially-merged States; and (e) Khasi Hill States Federation. Under the new Constitution, all the constituent units, both Province and States – the latter term includes non-schooling States – have been classified into three classes, *vis*: (1) Part A States which correspond to the former Governor's

81 Speech of Jawaharlal Nehru at the opening session of the Scheduled Tribes and Scheduled Areas Conference at New Delhi on the 7th June 1952.

82 Menon, V.P. (1956) p.475. For a more detailed reading of the process and archival documents related to the 'Integration of States' please read the 'White Paper on Indian States" published by the Ministry of States, Government of India, 1950.

83 The Constituent Assembly for the Drafting of the Indian Constitution under the Chairmanship of Dr.B.R Ambedkar "took two years, eleven months and seventeen days to complete its labours, from December 9, 1946 to November 26, 1949. During this period, it held eleven sessions and its total working days numbered one hundred and sixty-five. Notices of as many as 7,635 amendments to the Draft Constitution were received; of these 2,473 were moved and considered in the Assembly. The total expenditure on the Assembly up to November 22, 1949 was given as Rs.6,396,729." J.N. Khosla (August 15, 1967) in (1968) The Framing of India's Constitution, Select Documents. New Delhi: Indian Institute of Public Administration. p.v.

Provinces, (2) Part B States, which comprise the Unions of States and the States of Hyderabad, Mysore and Jammu and Kashmir, and (3) Part C States which corresponds to the former Chief Commissioner's Provinces ... The new Constitution effects the territorial integration of States by means of a two-fold process. Firstly, Article 1 of the Constitution defines the territories of India to include the territories of all the States specified in the First Schedule, including Part B States. This is an important departure from the scheme embodied in the Act of 1935 in that, while section 811(1) of that Act defined India to include British India together with all territories of Indian Rulers, this Act did not define the territories of the Indian Federation. Secondly, with the inauguration of the new Constitution, the merged States have lost all vestiges of existence as separate entities."[84]

From these above negotiations, finally four categories of States emerged - Part A, Part B, Part C and Part D. Augmented by the merger of numerous States into their territory, Part A States (former British provinces) were constituted by the nine Governor's provinces of Assam, Bihar, Bombay, the Central Provinces and Berar (renamed Madhya Pradesh), Madras, Orissa, Punjab (commonly known as East Punjab), the United Provinces (renamed Uttar Pradesh) and West Bengal. Part B States (former princely states or group of covenanting states) constituted of five Unions of Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Tranvancore-Cochin and the three large States of Hyderabad, Jammu and Kashmir and Mysore. Part C States (former princely states and provinces) constituted of the three old Chief Commissioner's provinces of Ajmer, Coorg and Delhi and the seven new ones of Bhopal, Bilaspur, Himachal Pradesh, Kutch, Manipur, Tripura and Vindhya Pradesh. The Part D States (Union Territory) which was the fourth category of 'States' comprised of the Andaman and Nicobar Island.[85] Each of the above mentioned areas included within the four categories of States were either provinces, native states, agency areas, excluded areas, partially excluded areas, tribal tracts or frontier tracts.

The concept of *excluded* and *partially excluded* areas is significant for the Tribes in India. According to the 1935 Act, the determination and classification of excluded areas as per the instructions of the Secretary of State for India was that "exclusion must be based upon strict necessity and must be as limited as possible in scope consistently with the needs of the aboriginal population." In relation to

84 White Paper on Indian States. Paragraph number 224. pp. 114-115.

85 V. P. Menon notes the following about the Part D States "which continue to be directly administered by the Centre through the Chief Commissioner and are not treated as a 'State' in the new Constitution."

partial exclusion, "he considered that prima facie any areas containing a preponderance of aborigines or very backward people which was of sufficient size to make possible the application to it of special legislation and which was susceptible, without inconvenience, of special administrative treatment should be partially excluded." Thus, it was noted much later in 1949[86] that -

"The Government of India in making recommendations for partial exclusion kept in view the possibility of obtaining convenient blocks of territory with readily recognizable boundaries susceptible of special administrative treatment without inconvenience. Thus, the excluded and partially excluded areas are well defined areas populated either predominantly or to a considerable extent by aboriginals. The excluded and partially excluded areas, however, do not by any means cover the entire population of tribal origin, and in many cases represent only a comparatively small proportion of the aboriginal population, the rest of them being scattered over non-excluded areas ...A common feature of the partially excluded areas is that they are generally located in the out of the way and hilly tracts, and it is in these areas that concentrations of aboriginal population may be found. In the non-excluded areas although small blocks of them can be distinguished, notably in the Madras Presidency, elsewhere, they are interspersed with the rest of the population and are sometimes hardly distinguishable from the general population."

The tribes in India were spread all over the geography[87] of the provinces, the native states, the excluded, partially excluded and tribal areas. There were substantive tribal populations inhabiting

86 The sub-committee appointed to report on the 'Excluded and Partially Excluded Areas (other than those in Assam)'

87 From the General Summary of the Reports of the Excluded & Partially Excluded Areas (Other than Assam) Sub-Committee and the North-East Frontier (Assam) Tribal and Excluded Areas Sub-Committee [including the Final Report of the E. & P. E. Areas (other than Assam) Sub- Committee.] - "In provinces other than Assam, with the exception of the Laccadive Islands of Madras and Spiti and Lahaul area of Punjab, there are no excluded areas. In both of these excluded areas the population is not ethnically tribal. In the Laccadive Islands the islanders are Muslims of the same stock as the Moppillahs of Malabar. In Minicoy they are believed to be of Sinhalese origin. In Spiti and Lahaul the inhabitants are of Tibetan origin. In the remaining partially excluded areas of provinces other than Assam the principal tribes to be found are Santal, Gond, Bhil, Munda, Oraon, Kondh, Ho and Savara. Many minor tribes like Korku, Pardhan, Ko, Bhumij, Warli also inhabit the areas. The total population of all the tribes, excluding Assam, is about 13.5 million of which approximately 8 million inhabit the partially excluded areas... As regards Assam, conditions in the hill districts of which the Naga Hills, the Lushai Hills and the North Cachar Hills have been excluded are on a totally different footing and the atmosphere, particularly in these excluded areas, is one which is not to be found elsewhere… As regards plains tribals the total number of whom, including Sylhet, comes to approximately 1.5 million according to census figures, about seven lakhs are tea-garden labour from various parts of the country [not included in the schedule B to the Government of India (Legislative Assemblies Order) 1936] are not to be taken into account as tribes of Assam. The tribal population of the excluded and partially excluded area comes to about 8.5 lakhs. In Assam there are in addition the frontier tracts and tribal areas in which conditions of settled administration prevail only to a very small extent and large areas cannot be said to be under regular administration at all … In the C. P., out of 299 million of tribals of all religions, only 8.3 lakhs live in the partially excluded areas. With the exception of the Mandla District, which is a partially excluded area and contains 60.5 per cent of tribals, Betul and Chhindwara districts which include partially excluded areas and contain 38.4 and 38.3respectively of tribals, the tribals are scattered all over the province and comprise almost a fifth of the population in some districts. This kind of intermingling is prominently noticeable in Bombay and Bengal and to some extent in other provinces also. In Bengal notably, the tribal population of the excluded areas is but a small fraction

'excluded', 'partially excluded' and 'tribal tracts' of each province before 1947. On top of this there were also many tribes inhabiting the normal areas.[88]

Post-independence, the Indian state scheduled 245 communities as 'Tribes' as per 'The Constitution (Scheduled Tribes) Order 1950.[89] Noting that -

"(2) The tribes or tribal communities, or part of, or groups within, tribes or tribal communities, specified in Part I to XIV of the Schedule to this Order shall in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof resident in the localities specified in relation to them respectively in those Parts of the Schedule.(3) Any reference in the Schedule to this Order to a district or other territorial division of a State shall be construed as a reference to that district or other territorial division as existing on the 26th January, 1950."

The 1950 Constitution Order demarcated the communities scheduled as tribes into fourteen Parts. Part I-Assam: 29 (10+11+8) communities, Part II - Bihar : 29 (28+1) communities, Part III-Bombay: 24 communities, Part IV- Madhya Pradesh: 31 communities, Part V- Madras: 40 communities, Part VI-Orissa: 42 communities, Part VII- Punjab:1 community, Part VIII-West Bengal: 7 communities, Part IX-Hyderabad: 9 communities, Part X- Madhya Bharat: 4 (3+ 1) communities, Part XI- Mysore: 6 communities, Part XII- Rajasthan: 1 community, Part XIII- Saurashtra: 6 communities, Part XIV-Tranvancore - Cochin: 16 communities.

Since, the first 1950 Order, there have been twenty-six[90] amendments, changes and modifications made to the Constitution Order of 1950. The major amendments being 'The Scheduled Castes and

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of the total tribal population of the province ... the total population of tribals in the non-excluded portions of British India not including Assam comes to about 5.5millions."

88 Normal areas refer to non-excluded, non-partially excluded areas in the provinces.

89 The Gazette of India No.40 New Delhi, Wednesday, September 6, 1950

90 (i) The Constitution (Scheduled Tribes) (Parts C States) Order, 1951 (C.O. 33) dated 20 September, 1951; (ii)The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (Act No. 63 of 1956) dated 25th September 1956); (iii) Corrigenda dated 28th January, 1957 of the Scheduled Castes and Schedule Tribes Lists (Modification) Order, 1996 dated 29th, October 1956; (iv) The Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 dated 29th October, 1956); (v)The Constitution (Andaman and Nicobar Island) Scheduled Tribes Order 1959 (CO.58); (vi)The Constitution (Dadra and Nagar Haveli) Schedule Tribes Order 1962 (C.O 65); (vii)The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 (C.O. 78) dated 24 June, 1967; (viii)The Constitution (Nagaland) Scheduled Tribes Order, 1970 (C.O 88); (ix)The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (No. 108 of 1976) dated 18 September, 1976); (x)Notification No. BC-12016/34/76 - SCT - V dated 27th July, 1977,MHA, for enforcement of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (No. 108 of 1976) dated 18-09-1976; (xi)Corrigenda dated 3rd February, 1977 of the Scheduled Caste and Scheduled Tribes Order

Scheduled Tribes List (Modification) Order, 1956',[91] 'The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976',[92] and 'The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002'.[93] It is important to note here that struggles to demand inclusion into the Scheduled Tribes list, related directly with the 1950 Order persist to this very day. In fact, some of the biggest movements in the country are connected to the same.

As on 2018, there are 750 communities scheduled as Tribes. Some have been scheduled in one district, some in one state and some in two or more states. Altogether we have Andhra Pradesh (34), Arunachal Pradesh (16), Assam (15+14), Andaman and Nicobar (6), Bihar (33), Chhattisgarh (42), Dadra and Nagar Haveli (7), Daman and Diu (5), Goa (8), Gujarat (32), Himachal Pradesh (10), Jharkhand (32), Jammu and Kashmir (12), Karnataka (49+1), Kerala (43), Madhya Pradesh (46), Maharashtra (47), Manipur (34), Meghalaya (17), Mizoram (15), Nagaland (5), Odisha (62), Rajasthan (12), Sikkim (4), Tamil Nadu (36), Tripura (19), Telangana (32), Uttar Pradesh (16), Uttarakhand (5) and West Bengal (40).

Politically the scheduling of communities as tribes by the Indian state produced very new stories of geography, in a sense that it created a new kind of geography of power between the peoples themselves and between the Indian state and the 'tribal' peoples. While the state consciously or unconsciously attempted to manipulate the social and political fabric of the communities scheduled as tribes for their own geopolitical interests, as was the case with many in Chhotanagpur and North East, the tribes' imperative priority was to maintain cultural cohesiveness and keep alive their socio-cultural narrative

(Amendment) Act, 1977 dated 20th September, 1977; (xii)The Constitution (Sikkim) Scheduled Tribes Order 1978. (C.O 111); (xiii)The Constitution (Scheduled Tribes) Order (Amendment) Act, 1987(No. 43 of 1987) dated 9th December 1987; (xiv)The Constitution (Jammu and Kashmir) (Scheduled Tribes) Order, 1989(C.O.142) dated 7th October, 1989; (xv)The Constitution (Scheduled Tribes) Order (Amendment) Act, 1991 (No. 36 of 1991) dated 20 August , 1991; (xvi)The Constitution (Scheduled Tribes) Order (Second Amendment) Act, 1991 (No. 39 of 1991) dated 17 September, 1991; (xvii)The Constitution (Scheduled Castes and Scheduled Tribes) Order (Amendment) Act, 2002 (No. 32 of 2002) dated 3rd June , 2002; (xviii)The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (No. 10 of 2003) dated 7th January, 2003); (xix)The Constitution (Scheduled Tribes) Order (Amendment) Act, 2003 (No. 47 of 2003) dated 19 September, 2003; (xx)The Constitution (Scheduled Tribes) Order (Amendment) Act, 2006 (No. 48 of 2006) dated 12 December, 2006; (xxi)The Constitution (Scheduled Tribes) Order (Amendment) Act, 2008 (No. 14 of 2008) dated 1st April , 2008; (xxii)The Constitution (Scheduled Tribes) (Union Territories) Order(Amendment) Act, 2008 (No. 2 of 2009) dated 7th January, 2009; (xxiii)The Constitution (Scheduled Tribes) Order(Amendment) Act, 2011 (No. 2 of 2012) dated 8th January, 2012; (xxiv)The Constitution (Scheduled Tribes) Order(Amendment) Act, 2012 (No. 24 of 2012) dated 31st May, 2012; (xxv)The Constitution (Scheduled Tribes) Order(Amendment) Act, 2013 (No. 24 of 2013) dated 18 September, 2013; (xxvi)The Constitution (Puducherry) Scheduled Tribal Order, 2016(C.O.268) dated 22nd December, 2016.

91 The Gazette of India No.316-A] New Delhi, Monday, October 29, 1956

92 The Gazette of India No.151] New Delhi, Monday, September 20,1976/Bhadra 29, 1898

93 No.10 New Delhi Wednesday, January 8, 2003

and historio-political claims over land and territory. These processes created very complex concrete political conditions, the repercussions of which are felt to this day.

Each of those scheduled as tribal communities, it is important to note have distinct histories; together with their origin stories, their intrinsic connection to land, water and forest, their community narratives of relatedness, their cultural practices, their organic state/government structure, their sense of nationhood, among others. However, in the course of the integration process, their social reality got intertwined and mired with other communities in very conflictual relationships and geographically complex ways.

With intent to capture some of these complex processes and unravel the politico-legal status of the 'tribal' communities around the concept of 'integration, 'pre and post 1947, an attempt is made to discuss the same around four overarching geographical spaces yet distinct interconnected tribal habitats. This is because the socio-historical canvas of individual tribal/Adivasi communities is so expansive and the social intersections and political interplay highly complex, that one needs to approach the same around geographies of power. Thus we have marked out for theoretical interrogation (i) the **Hilly Terrains** consisting of North East India, (ii) the **Mainland Region(s)** which includes Western India, Madhya Pradesh, Chhattisgarh, Chhotanagpur, Santhal Pargana, Odisha, Bengal, Uttar Pradesh and erstwhile Madras province which includes current Andhra (iii) the **Himalayan Range** consisting of Ladakh, Lahaul, Spiti and Sikkim and the (iv) **Island Enclaves** consisting of the Andaman and Nicobar and the Lakshwadeep Islands. This is done in view of the stated limitations of the expansive nature of the subject as argued above.

The Hilly Terrains: Negotiating Peripheralization, Dominance and Development

With regards to the 'hills', the case of India's North East is an apt example to demonstrate the complexity of the socio-political condition in the period 1946 to 1952. As early as the 1770s, the tribes in the region had begun challenging British colonialism as and when encounters took place. Recorded history of this period reveals tremendous struggles between the British and the tribal peoples. Beginning with Regulation X of 1822[94] the tribal communities were slowly pushed to the periphery of

94 Regulation X of 1822: "I. There exist in different parts of territories subordinate to the presidency of Fort William races of people entirely distinct from the ordinary population, and whose circumstances therefore the system of Government established by the General Regulation is wholly inapplicable ... Savage tribes in some respects similar, exist on the North-Eastern Frontier of Rungpore … As yet little had been done to reclaim or civilize these people. The, reciprocal animosity which subsists between them and the inhabitants of the uncultivated country prevents any extensive intercourse of pacific nature; while, on the contrary,

an emerging center later known as the normal areas of Assam.[95] From the perspectives of tribes, this politico-conceptual peripheralization was actually conceived as freedom achieved by resistance to the colonization project of the British. Throughout the period till 1947, the periphery was reconstructed and reproduced in the structure of the government and in the social imagination of the peoples through a battery of legal measures passed from time to time by the British Indian government. After 1950, when the tribes in the north east were brought within the State of Assam, resistance erupted over what was overtly stated as the domination of the 'plains Assamese people'. This continued till 1970s when the reorganization of Assam took place and many new states and Union territories were carved out of the state of Assam.

What we now know as the North East India, before 15 August 1947 was comprised of (i) Assam Province (ii) Assam Tribal Areas (iii) Manipur State (iv) Tripura State (v) Khasi States.[96]Within the Assam Province there were (i) Normal Areas (ii) Partially Excluded Areas and (iii) Excluded Areas. The *Normal Areas* were (1) Goalpara (2) Kamrup (3) Darrang (4) Nowgong (5) Sibsagar (6) Lakhimpur (7) Cachar. The *Partially Excluded Areas* were (8) Garo Hills (9) Khasi and Jaintia Hills[97] and (10) Mikir Hills portion within two Districts of Nowgong and Sibsagarexcepting the mouzas of Barpathar and

their mutual injuries have produced feuds leading frequently to disturbance and bloodshed. The Zamindars of the frontier, have, there is reason to believe, usually been the aggressors, by encroaching on the independent territory of the xxx and similar rude tribes, until, despairing of other resource, the latter are driven to seize occasions of private revenge and retaliations. These encroachments having been of long-standing, several Zamindars were, at times of perpetual settlement, in the receipt of incomes derived from cesses of various kinds levied on tribes, and hence a portion, of the tract of a country occupied by them has been considered to lie within the operation of the General Regulation as forming part of the Zamindaris. This, however, instead of conducing to reclaim the tribes, to civilized habits, has rather had a contrary effect, the system being totally inapplicable to their savage and secluded condition, and substantial means of redress. The condition…has for some time past, attracted much of the attention of the Governor General-in-Council, and the circumstances which have conducted to check the progress of civilization among them have been fully investigated and ascertained. With a view, therefore, to promote the desirable object of reclaiming these races to the habits 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, …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 …The following rules have accordingly been enacted, to take effect from the date of their promulgation, in the matter within the limits therein described…"

95 The erstwhile Province of Assam was earlier a Chief Commissionership as per the Government of India, Home Deptt. Notification No.380, dated the 6th February 1874. As on 1st September 1905, it was made part of the new Province of Eastern Bengal and Assam as per the Government of India Home Department proclamation No.2832, dated the 1st September 1905. Following which, as per the Government of India, Home Deptt. Notification No.291, dated 22nd March 1912 it was again brought under the Chief Commissioner and called the Chief Commissionership of Assam.

96 Gilbert Shullai on 'Noristan' published in Ropeca June 10, 1981.

97 The Khasi and Jaintia Hills as noted above constituted of only those areas under British control which today can be identified as the Jaintia Hills District, the Cantonment Areas, European Ward and Police Bazar in Shillong. These three localities form a very small portion of Shillong proper. Outside these British areas are the Khasi States that constituted of twenty-five mostly semi-independent States.

Sarupathar. The *Excluded Areas*[98] were (11) Naga Hills (12) Lushai Hills and the (13) Cachar Hills Subdivision within Cachar District. There were also the *Assam Tribal Areas*[99] which consisted of (1) *North East Frontier Tracts including Balipara Frontier Tract, Abor Hills District and Mishmi Hills District*[100] and (2) The *Naga Tribal Area*. In the Assam province the total tribal population before 1950 stood at 24,84,996 which is 24.4 percent of the total population.[101]

Of the two Native States of *Manipur* and *Tripura*, both were declared as Chief Commissioner's provinces with effect from 23 January 1950 vide *The Merger (Chief Commissioners' Provinces) Order, 1950* issued under the Government of India, Ministry of Law Notification No.S.O.30 dated 22 January 1950.[102] These States viz. Manipur State and Tripura State were known as PART-C STATES with effect from 26 January 1950 vide the First Schedule to the Constitution of India, read with *The Constitution (Amendment of First and Fourth Schedules) Order, 1950*: 0.0. dated the 25 January 1950 issued by the Government of India in exercise of the powers conferred by Article 391 read with Article 392 of the Constitution of India. Both Manipur and Tripura States were for some time Union Territories and only on 21 January 1972 became States vide the North Eastern Areas (Reorganisation) Act, 1971.

It is interesting to note the case of another of the native states in north east -the *Khasi States*. They were constituted by twenty-five semi-independent States. The Khasi States did not sign the Instrument of Merger like all other Princely States did nor were they ever a part of Assam province. Expounding

98 It must be noted that there were no members in the Assam Legislative Assembly from the Naga Hills District and the Lushai Hills Districts which were regarded as Excluded Areas vide The Government of India (Excluded and Partially Excluded Area) Order, 1936 issued in exercise of the powers conferred by Section 91 of the Government of India Act, 1935.

99 Assam Tribal Areas were created vide Notification No.387 NEF dated 30 October 1947 and Notification No.388 NEF, dated 30 October 1947 published in the Gazette of India, Part I. Section I, November 8, 1947: pp.1464-1465, read with Notification No 1-X, dated 1 April 1937 issued by the Government of India in the External Affairs Department. For details, Constituent Assembly Debates, Volume VII, p.126. The administration of these Areas was entrusted by the Government of India to the Government of Assam and had a different governance framework.

100 The North-East Frontier Areas (Administration) Regulation, 1954: "... (a) The North-East Frontier Tract, including the Balipara Frontier Tract, the Tirap Frontier Tract, the Abor Hills District, the Mishmi Hills District shall be known as the North-East Frontier Agency (b) The Balipara Frontier Tract shall be divided into two separate units of administration called the Subansiri Frontier Division and the Kameng Frontier Division..." Later the "North-East Frontier Agency (Administration) Regulation, 1965" and the "The North-East Frontier Agency Panchayat Raj Regulation, 1967" was enacted.

101 Constitutional Assembly Debates, Annexure V (I, II, III). 'Statement Showing the total population and tribal population of provinces. Interim Report of the Excluded and Partially Excluded Areas (Other Than Assam) Sub-Committee of the Advisory Committee (Constituent Assembly of India)

102 By the States Merger (Chief Commissioners' Provinces) Order, 1950, dated 22nd January 1950 that came into "force on the 23rd day of January, 1950... 2(1) As from the appointed day, each of the States of Manipur, Tripura and Vindhya Pradesh shall be administered in all respects as if it were a Chief Commissioner's Province, and shall respectively be known as the Chief Commissioner's Province of Manipur, Tripura and Vindhya Pradesh." Reference Appendix XLVIII of the White Paper on Indian States, pp. 315-316.

on the complex status of these states, Gilbert Shullai, the prolific Khasi Political Historian notes -

"Unlike Manipur State and Tripura State, no Privy Purse was granted to the 'Heads' of the Khasi States, as the Khasi States did not sign the Instrument of Merger. Though they did not sign, they did however sign the Instrument of Accession and thus became part and parcel of India vide the terms as laid down in the IOA (Instrument of Accession) which was accepted by the Governor General of India on the 17 August 1948 in accordance with the provisions contained in Section 6 of the Government of India Act, 1935 as adapted by the India (Provincial Constitution) Order, 1947."

Jawaharlal Nehru had followed the case of the Khasis closely during the period of integration, noting in a letter to Sardar Vallabhai Patel -

"May I point out to you (Vallabhai Patel) that the Khasi States (referring to the khasi peoples) are hardly States in the normal sense of the word; they are frontier tracts inhabited by tribal people. Their problem thus is a double one of dealing with some States or sub-States and tribal people. It is a very mixed affair and has to be treated separately. Being a frontier area, it has also certain special importance for us. I feel that it would be advisable to treat this matter on a separate basis without in any way infringing your general terms of Accession. These tribal people have given us a lot of trouble in the past and we have repeatedly given them many assurances ... If there is a feeling in these areas that we are going back on what we have agreed, there is bound to be difficulty and trouble. I feel that the question is wholly different from other applicable to States generally because of the tribal position..."[103]

When the new State of Assam was formed after 26 January 1950, the day the Indian Constitution came into force, the Province of Assam, the Assam Tribal Areas and these Khasi States[104] were

103 Letter addressed to Sardar Patel by Jawaharlal Nehru dated 13 October 1947, New Delhi (This letter is available with J. F. Kharshiing, Adviser and Spokesperson Federation of Khasi States (FKS) and kept in the archive of the FKS. It was also released publicly by the FKS in the Khasi National Durbar Hall, Mawkhar Shillong on 13 August 2013).

104 Gilbert Shullai makes the following observation about the status of the Khasi States "The Khasi States would have been merged in the Province of Assam or would have been declared as a Chief Commissioner's Province before the 26th January 1950 in exercise of the powers conferred by Section 290-A of the Government of India Act, 1935 as amended by the Constituent Assembly of India. But as they did not sign (the instrument of merger), hence the description in the First Schedule to the Constitution of India relating to the territory of the State of Assam remains." In the White Paper on Indian States published by the Government of India, Ministry of States the following is noted – "112. Khasi Hill States – The Khasi Sill States on the north-east of India were not affected by the process of integration until the inauguration of the new Constitution. These are for most part occupied by tribal people. The Rulers were designated as Siems ... 113. The Khasi Hill States formed a Federation of their own and had both individually and collectively acceded to the Dominion of India subject to the provision of an Agreement. The Instrument of Accession (Appendix XXVI), empowered the Dominion Legislature to make laws for the Khasi States in respect to any

brought together under a Part- A State viz. The State of Assam vide the 'Description' in the First Schedule to the Constitution of India, read with *The Constitution (Amendment of First and Fourth Schedules) Order, 1950*: 000. dated the 25 January 1950 issued by the Governor-General of India in exercise of the powers conferred by Article 391 read with Article 392, of the Constitution of India. Pertaining to the Assam Tribal Areas; the Naga Tribal Areas and the Naga Hills District (brought together as the Naga Hills-Tuensang Area[105] in 1957 of the erstwhile Province of Assam), were declared a new State of Nagaland[106] with effect from 1 December 1963 vide The State of Nagaland Act, 1962 (dated 4 September 1962). The other remaining portion of the Assam Tribal Areas earlier known as the North East Frontier Tracts and later the North East Frontier Agency were constituted into a Union Territory named Arunachal Pradesh[107] with effect from 21 January 1972 vide the North Eastern Areas (Reorganisation) Act, 1971.

The North Eastern Areas (Reorganisation) Act 1971 was steeped in very complex political processes. As early as 1960, the Statehood demands by Hill Tribes began to take shape, articulations of which became louder with every passing year. Nehru had attempted various strategies such as the Scottish

matter. The Agreement (Appendix XXVI), which formed part of the Instrument of Accession, provided inter alia for a unified legislation on subjects of common interest to Assam- and the Khasi Hill States. Constitutionally therefore the position of the Khasi Hill States Federation approximated to that of a Chief Commissioner's Province." pp.45-46. From the perspective of the Khasi States and the number of Chiefs of various himas, the whole period noted Agreement above beginning with the Indian Independence Act, 1947 right till the formation of the State of Meghalaya, they were at the heart of the Statehood movement. The sense of betrayal and humiliation that they felt with the non-fulfilment of the Integration process starting with the Standstill Agreement, followed after four months of signing the same with the Instrument of Accession and Annexed Agreement (supposedly under duress for some of the himas), then suddenly subsumed under the Sixth Schedule by mere 'Declaration' and finally subjugated under a 'cruel' and 'colonial' law hoping to 'enslave' them in the form of the 1959, The United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headman) Act reveals the worst of the "Integration" process."

105 By the Naga Hills-Tuensang Area Act, 1957, the existing Naga Hills District, administered by the Government of Assam and the Tuensang Frontier Division of the North East Frontier Agency administered by the Governor of Assam as agent of the President was brought together and renamed Naga Hills-Tuensang Area to be administered by the Governor as the agent of the President and was distinct from the North East Frontier Administration.

106 The creation of the State of Nagaland was agreed upon in a "Sixteen Point Agreement Dated July 1960 Between Naga Peoples' Convention and Government of India". Point one of the agreement states "The Territories that were hitherto known as the Naga Hills Tuensang area under the NHTA Act 1957, and any other Naga areas, which may hereafter come under it shall form a state within the Indian Union and be hereafter known as the Nagaland.

107 As per the NEA(R) Act 1971"…comprising the territories which immediately before that day were comprised in the tribal areas specified in Part B' of the table appended to paragraph 20 of the Sixth Schedule to the Constitution (but excluding the areas covered by notification No.TAS/R/35/50/109, dated the 23rd February, 1951 issued by the Governor of Assam under the proviso to sub-paragraph (3) of the said paragraph 20 and known as the North-East Frontier Agency and thereupon the said territories shall cease to form part of the existing State of Assam."

Pattern Plan,[108] the Nehru Plan,[109] followed by the Pataskar Commission[110] and the Gulzarilal Nanda Committee,[111] each with their own proposals of autonomy for hill tribes within Assam. None of these proposals were accepted by the concerned stakeholders. This was partly because of the adamant stand of the plains leaders of Assam who were not very forthcoming with the idea of breaking up Assam. It was only after the death of Nehru, that things began to change with Indira Gandhi taking over as Prime Minister of India. Initially an 'Indira Gandhi Model'[112] was proposed followed by the constitution of the Mehta Committee[113] to look into the nitty-gritty demands of the Hills peoples but to no avail. However, on 21 March 1968, Indira Gandhi convened a meeting and requested that the All Parties Hill Leaders Conference (APHLC); the platform of hill tribal leaders who led the demand for separate statehood, to attend the same. The Home Minister and members of the Internal Affairs Committee were also invited to the meeting. Tense discussions were carried forward to another meeting on 29 April 1968. Following these deliberations, the Prime Minister assured the very agitated APHLC delegation that the Government of India would finally make a decision within a fortnight. Exactly on 14 May 1968, the Home Minister announced that the Government of India intends to create an Autonomous State within Assam.[114]

After nearly a decade of relentless struggle by the hill tribes, the Garo Hills District and the Khasi and

108 Nehru proposal under the Scottish Pattern Plan was to "give the hill areas full authority in internal affairs and complete control over the expenditure and also freedom to use the language they liked ... necessary funds would be placed at the disposal of the Tribal Areas Department which would be invariably headed by a hill Minister ... the representatives of the hill areas could discuss their development plans with the Planning Commission and he would welcome them to meetings of the National Development Council ... any legislation affecting the hill areas which might be passed by the State Assembly would not be enforced in the hill areas without the consent of the representatives of the hill areas...a Council of Representatives from the autonomous hill districts should consider all bills passed by the State Assembly...he would seriously consider the measures necessary to ensure adequate delegation of powers in order to enable the hill people to undertake development programmes in the hill areas."

109 The "Nehru Plan", fundamentally aimed at "conferring full autonomy to the hill areas subject to the preservation of the unity of Assam."

110 The Commission was finally appointed on 16 March 1965 with H.V. Pataskar as Chairman and G. S Venkatachar and C.S.Rau as members. C.S. Venkatachar withdrew from the Commission on health grounds and Shankar Prasad was appointed in his place. The final report favoured the Government of Assam with great degree of dilution on the points of assurances given by Nehru to the APHLC.

111 A Cabinet Sub-Committee was constituted by the Government of India under the headship of Gulzarilal Nanda to examine the Pataskar Commission proposals.

112 On 13 January 1967, Indira Gandhi announced that Assam would be reorganised on federal lines. "The proposed Federation would consist of two units, with equal status and each unit should not be subordinate to the other." By the evening of the same day, when the APHLC leaders met the Home Minister, Yashwantrao Chavan, they were told in clear terms that "if the people of the plains would not accept the federal structure, the other alternative was clear, which meant the clean cut separation of the hills from the plains."

113 The Government in Delhi appointed a Committee under the leadership of Ashok Mehta when no headway was being made in the Joint Discussion held from 1 July and on 7 and 8 July 1967 could not proceed beyond a point as there was resistance between the APHLC and the Assam Government.

114 R.S. Lyngdoh's article "Evolution of Meghalaya (In a Nutshell) Section I. in the regional newspaper-Ropeca, August 22, 1981. Also see (1996). Government and Politics in Meghalaya, New Delhi: Sanchar Publishing House by the same author.

Jaintia Hills District of the erstwhile Province of Assam together with the Khasi States were first given an Autonomous State within Assam in 1969 and then an independent State of Meghalaya on 21 January 1972 vide the North Eastern Areas (Reorganisation) Act, 1971. During the same period, the Mizo Hills District which was previously known as the Lushai Hills District[115] of the erstwhile Province of Assam was constituted into a Union Territory known as Mizoram[116] with effect from 21 January 1972 by the 1971 Act. Following which a separate state of Mizoram by the State of Mizoram Act, 1986 (dated 14 August 1986) came into being on 20 February 1987.

The above negotiation processes were nothing less than complex. It must be noted that the rise of the demand for separate statehood in the north east of India was probably because of how the notion of 'Integration' was framed, constructed, articulated and even operationalised by the Indian State. These processes have deep roots in the period spanning India's independence. The 'Indian State' one may posit, was fundamentally constituted by people and communities whose lived realities were mainly within the confines of the 'Provinces'. The partially excluded and excluded areas were like a bounded political vessel. The Native States existed as a distinct lived reality with a different system of governance. Thus, when the 'integration' process kick started

"The integration of States did not follow a uniform pattern in all cases. Merger of States in the Provinces geographically contiguous to them was one form of integration; the second was the conversion of States into Centrally administered areas; and the third the integration of their territories to create new viable units known as Union of States. Each of these forms has been adopted according to size, geography and other factors relating to each State or group of States."[117]

In the Province of Assam, the problematics of integration was more contentious. The small distinct ethnic communities inhabiting within and around the Assam province, who were designated as 'tribes', had to face the brunt of the integration process. In the eyes of the dominant Assamese community,

115 By the Lushai Hills District (Change of Name) Act, 1954. The Act came into force on 1 September 1954. – "2 … The tribal area in Assam now known as the Lushai Hills District shall, as from the commencement of this Act, be known as the Mizo District."

116 As per the North-Eastern Areas (Re-Organization) Act, 1971 – "6. Formation of the Union territory of Mizoram.-On and from the appointed day there shall be formed a new Union territory, to be known as the Union territory of Mizoram, comprising the territories which immediately before that day were comprised in the Mizo District in the existing State of Assam and thereupon the said territory shall cease to form part of the existing State of Assam."

117 White Paper on Indian States, No.94, p.39.

integration meant assimilation of all 'tribes' into Assamese society. Gopinath Bordoloi,[118] the then premier of Assam and highly revered by both tribes and non-tribes alike was quoted to have declared, "The new accepted policy of his Government was - Assam for the Assamese."[119] Later in the same year, he asserted, "Undoubtedly, Assam is for the Assamese. By Assam it means the entire territory within the geographical limit of the State of Assam and by Assamese is meant only those whose mother tongue is Assamese."[120] In the floor of the State Assembly, Nilmoni Phookan went a step further and stated "Regarding our language, Assamese must be the State Language ... There can be no gainsaying of it even if the Government stand or fall by it ... All languages of the different communities and their culture will be absorbed in Assamese culture ... This State cannot nourish any other language in this province."[121]

Earlier, similar sentiments were also expressed in the Constituent Assembly when the 6th Schedule was being debated on 5 September 1949. Kuladhar Chaliha[122] had argued vehemently that, "If you see the background of the schedule (6th schedule) you will find that the British mind is still there. There is the old separatist tendency and you want to keep them away from us. You will thus be creating a Tribalstan just as you have created a Pakistan ... There is no need to keep any Tribalstan away from us." Rohini Kumar Chaudhury[123] even wanted complete assimilation of the tribal people into Assamese community noting "We want to assimilate the tribal people. We were not given that opportunity so far," he noted.

The use of force as a means to assimilate the tribal peoples was perceived with contempt by the communities who by this time were legally designated as 'Scheduled Tribes'. This prompted J.J.M. Nichols-Roy, one of the few representatives from among the tribes[124] and the architect of the sixth schedule of the Indian Constitution to state -

118 Congress leader of Assam. Premier of Assam, 1937-39 and again from 1945 onwards till his death in 1950.

119 R.S. Lyngdoh (August 22, 1981) Evolution of Meghalaya (In a Nutshell) Section I. *Ropeca*

120 Ibid

121 Ibid

122 Kuladhar Chaliha was Constituent Assembly Member from Assam General. Was the first speaker of the Assam Legislative Assembly from March 1952 to June 1957.

123 Rohini Kumar Chaudhury was Constituent Assembly member from Assam General.

124 J.J.M. Nichols-Roy was a member of the Constituent Assembly. He did not represent the tribes but was elected from a general seat to the house. In the elections

"The Emotional Integration of the Hill peoples with the Assamese cannot be considered against the wishes of the people, for such an integration cannot be termed Emotional Integration, but rather forced domination by a majority racial group over the hills tribal groups. Our Assamese brethren will not want to speak of their having emotional integration with the Bengalees of West Bengal, though their language and culture are similar. They are afraid of such an integration. Let the Assamese brethren put themselves in the place of the hill tribes of the autonomous district of Assam ... TheHills cannot be forced. The wise Indian Government will not want to follow the principle of emotional integration when it virtually means forced domination."[125]

J.J.M..Nichols-Roy endlessly rued the forces of domination that was bearing on him after India's independence although he was the loudest proponent of friendship and merger with Assam. In his later memoirs titled "My Great Disappointment"[126] he lamented -

"As a hill man alone in the Constituent Assembly, against the opposition of my Assamese brethren .... and with the changed attitude of my colleagues in the Constituent Assembly, the Premiere of Assam, due to the pressure of his Assamese colleagues in the Constituent Assembly, had to alter the provisions in the Draft Sixth Schedule which were based on the recommendation of the Sub-Committee of the Constituent Assembly, I was taken aback and greatly disappointed. What could I do at that time? My Khasi people generally speaking did not want even the Sixth Schedule. They did not want to be in the mixed administration of Assam. The people who supported me on account of my personality also did not feel satisfied with the provisions in the Sixth Schedule. I asked them that they should have faith in our Assamese brethren whom I thought would be able to gauge the feeling of the Khasi people and other hill people. I was considered by a section of the Khasis who used feeling that I was their devoted leader that I had handed over the country to the Assamese. In spite of all this I tried to pacify my people ... I felt very sorry that the impression had been made upon the hills people that the government would utilize all the powers given by the Sixth Schedule though it might be against the interest of the hills tribes ... they felt that the government of Assam would grasp all the powers they possibly could get under the law and would not consider the weakness and feelings of

to the Constituent Assembly he was noted as "Assam, General-7 Members. Members nominated by Congress: 3.J.J.M. Nichols-Roy (Minister, Assam, Christian)."

125 Snaitang, O.L. (1997). Memoirs of the Life and Political Writings of the Hon'ble Rev. J.J.M. Nichols-Roy's Vol.1, Part III – My Great Disappointment. pp.117-118.

126 Op.cit. pp.59-61

the tribal people ... before the inauguration of this District Council, some Khasi young people went to see the Chief Minister and they returned from him disappointed, offended and decided to have a procession to show their disappointment... a procession was taken by them with black flags before the Governor and the Chief Minister went to the hall for inaugurating the District Council. The police took matters in their own hands, fearing there might be trouble, they put tear gas against the crowd, and some were arrested."

Much later during the hill state movement spearheaded by the All Parties Hills Leaders Conference, R.S. Lyngdoh,[127] pointed out -

"...they (Assamese) could not see the distinction between integration and assimilation. This is really unfortunate. According to popular conception, assimilation involves a total loss of cultural identity of a group which is being assimilated and its complete absorption into the dominant group on the terms of the latter. It is this type of attitude of the leaders of the dominant group which generates fear in the minds of the minorities. Usually it leads to tension; antagonism and increasing alienation each from the other ... one should not lay emphasis on assimilation but must encourage integration."[128]

The key word that characterises the concrete tribal conditions then and now is 'negotiation', both with the Indian Government and the Government of Assam. This process continues to this very day. Having been pushed to the periphery by British colonialism and followed by ethnic tensions between hill tribes and the larger Assamese society, the current situation is characterised by statehood demands from plains tribes and across the region - 'negotiations with the complex concept of development'. Movements for separate statehood still ring across the North East. The foremost being the Bodo people's cry for a separate Bodoland[129] and the tribes of Tripura demanding a separate Tipraland state.

127 He was one of the leaders of the hills state movement and the first speaker of the Meghalaya Legislative Assembly when it was an Autonomous state.

128 R.S. Lyngdoh (August 22, 1981) Evolution of Meghalaya (In a Nutshell) Section I. *Ropeca*

129 Monjib Mochahari (2016) notes the following about the distressing case of the Bodo Kachari community – "after India's independence from the colonial rulers in 1947, the Bodos lost whatever they had – freedom, territories and sovereignty in the hands of dominant caste-Hindu Assamese ruling elites who had done too little for the community in the past several decades. In an absence of Constitutional safeguards, the community began experiencing high degree of socio, cultural, economic and political uncertainty and became natural victims of forced assimilation, exploitation and subjugation,…it is said that the British had enacted Chhotanagpur Tenancy Act in 1908 to protect the land rights of the Adivasis in Bihar, but Assam has failed on this count even in the twentieth century. For the first time in Assam, in the year 1948, the controversial Chapter X was added to the Assam Land Revenue Regulation, 1886 to legally provide protection to the backward tribal communities from mass encroachment by non-tribals into tribal areas. It is ironical, that successive State Governments failed to enforce the said act in letter and spirit following which large scale land alienation continued unabated." He also quoted the three members Expert Committee head by Bhupinder Singh to look into the Plains Tribes of Assam set up by the Government of India in 1991 to make recommendations for an appropriate political structure. The Bhupinder Singh committee referring to the two sub-committees set up by the Constituent Assembly on tribes within and other than Assam stating "The view

From a more regionalist tribal perspective however, the debate across the North East has moved towards 'development' and the processes that concern the same.

The Mainland Region(s): Negotiating with 'Marauding Communities'

With regards to mainland India, the areas currently within the Fifth Schedule were before August 1947 placed under different administrative structure. Most of these areas were framed by the 1935 Act as Partially Excluded areas. These Partially Excluded Areas were spread over Bombay Province, Central Province and Berar, Bengal Province, Orissa Province, Bihar Province and the United Province. Notwithstanding the fact that these above areas were designated as 'partially excluded' and had protective laws, yet the situation was dire across the mainland regions.

In the United Province, the total tribal population was 2,89,422, amounting to 0.53 percent of the total population of the province.[130] The United Province was inhabited by the Jaunsari tribes in the north and portion of Mirzapur district below the Kaimur range. There was no excluded area. The Partially Excluded Areas was the Jaunsar-Bawar Pargana of the Dehra Dun District and the portion of the Mirzapur District south of the Kaimur Range.

In the Bengal Province the total tribal population is 18,89,389 constituting 3.1 percent of the total population of the province.[131] The Excluded area was the Chittagong Hill Tracts and the Partially Excluded areas was the Darjeeling District; the Dewanganj, Sribardi, Nalitabori, Haluaghat, Durgapur and Kalmakanda police stations of the Mymensingh District.[132]

In the Bombay Province,[133] the tribes in this area are the Bhils, Warlis, Kokna, Thakur and Katkari and are found historically inhabiting present day Gujarat and Maharashtra. In the Bombay Province

expressed by the former sub-committee (North-East Frontier (Assam) Tribal and Excluded Areas) that the plains tribes would, in any case, be assimilated with the rest of the plain population perhaps discouraged further deliberation" in the two committees. 'State, Identity Politics and Resistance in Bodoland. pp. 194-195. In bodhi s.r (edited 2016). Social Work in India. Tribal and Adivasi Studies, Perspectives from Within. Kolkata: Adivaani.

130 CAD, Annexure V (I, II, III) 'Statement Showing the total population and tribal population of provinces. Interim Report of the Excluded and Partially Excluded Areas (Other Than Assam) Sub-Committee of the Advisory Committee (Constituent Assembly of India)

131 Ibid., CAD

132 The data is as reported by the two sub-committee appointed to study Tribal areas – Excluded and Partially Excluded.

133 Three very significant processes in the year 1950, 1951 and 1956 took place concerning Bombay State in relation to the scheduling of tribes under the Constitutional Order, 1950. The Constitutional Order declared by the President of Indian in 1950 was first amended in 1951 and again amended in 1956 after the Kaka Kalerkar Report that was submitted to parliament in 1955. At the same time in the year 1956 the States Reorganization Commission (SRC) came out with its report months

the total tribal population recorded was 16,14,298 which is 7.7 percent of the total population of the province.[134] There were no Excluded areas. The Partially Excluded Areas constituted of "the West Khandesh District, the Shahada, Nan durbar and Taloda Taluks, the Navapur Petha and the Akrani Mahal, and the villages belonging to the following Mehwassi Chiefs' namely, (1) the Parvi of Kathi, (2) the Parvi of Nal, (3) the Parvi of Singpur, (4) the Walwi of Gaohali, (5) the Wassawa of Chikhli, and (6) the Parvi of Navalpur; the Satpura Hills reserved forest areas of the East Khandesh District; the Kalvan Taluk and Peint Peth of the Nasik District; the Dhahanu and Shahapur Taluks and the Mokhada and Umbergaon Pethas of the Thana District; the Dohad Taluk and the Jhalod Mahal of the Broach and Panch Mahalas District.[135]

In the Madras Province the total population of tribes before 1950 was noted as 5,62,029, which is 1.1 percent of the total population of the province.[136] In this province the Excluded area were the Laccadive Islands (including Minicoy) and the Amindivi Islands. The Partially Excluded areas were the "East Godavari Agency and so much of the Vizagapatam Agency as is not transferred to Orissa under the provisions of the Government of India (Constitution of Orissa) Order,1936."[137] The province was inhabited by the Koya, Koya Dora, Hill Reddy, Dombo, Kondh and others. This area consists of East Godavari Agency and the Polavaram Taluq of West Godavari Agency.

The Aiyappan Committee that prepared the Report on the Socio-Economic Conditions of the Aborginal Tribes of the Province of Madras in 1948 enquired into three tribal groups it designated as Agency Tribes [inhabiting Godavari district (3) and Vizagapatam district (22)], Non-Agency Tribes [(inhabiting Malabar district (26), Madura (2), Salem, North Arcot, South Arcot and Trichinopoly (1), Nilgiris (5), Coimbatore (Anamalais) (4), Kurnool and Guntur (1)] and 'Criminal Tribes'[138] [inhabiting

after Kalelkar Report. In the SRC Act the Marathi speaking part of Berar was annexed to Bombay State later bifurcated into Maharashtra and Gujarat in the year 1960. Rest of the Hindi speaking tribal communities remained with Madhya Pradesh with Bhopal as its capital.

134 Ibid., CAD

135 Ibid., CAD. For detailed status of the tribes of Bombay Province, please see Symington, D. (1938). Report on the Aboriginal and Hill Tribes of the Partially Excluded Areas in the Bombay Presidency.

136 Ibid., CAD.

137 Ibid., CAD.

138 The concept of Criminal Tribe was used by the British Indian Government as early as 1871 to criminalise any 'tribe, gang or class of persons' who resisted and confronted British colonization. The Criminal Tribes Act 1871 notes "If the Local Government has reason to believe that any tribe, gang or class of persons is addicted to the systemic commission of non-bailable offences, it may report the case to the Governor General-in-Council and may request his permission to declare such tribe, gang or class of persons to be a criminal tribe." After India got its independence, a committee was constituted to look into the matter. This committee

Chittoor, Chingleput, South Arcot, North Arcot, Nellore and Guntur (2), Madura, Ramnad and Tinnevelly (2) and throughout the province (2)].[139]

In the Province of Orissa that came into being in 1936, the total tribal population was 17,21,006 which is 19.7 percent of the total population of the province.[140] In Orissa (now Odisha), the Kondhs, Bonda, Porja, Gadaba and Sawra inhabit the former Angul district and Sambalpur district. There were no excluded areas. The Partially Excluded Areas constitutes of the District of Angul; the District of Sambalpur (*The areas transferred from the Central Provinces under the provisions of the Government of India (Constitution of Orissa) Order, 1936);* the Ganjam Agency Tracts (*The areas transferred to Orissa under the provisions of the aforesaid Order from the Vizagapatam Agency in the Presidency of Madras.)*[141]There was also the Orissa States.[142]

In the Central Province (CP) and Berar the total tribal population was 29,37,364 which is 17.5 percent of the total population of the province.[143] In the Central Province and Berar, tribes inhabited the Mandla District of which majority were Gonds. The Korku inhabited Melghat within Berar. There were no excluded areas. The Partially Excluded Areas in the province were the Chanda District, the Ahiri Zamindari in the Sironcha Tahsil, and the Dhanora, Dudmala, Gewardha, Jharapapra, Khutgaon, Kotgal, Muramgaon, Palasgarh, Rangi, Sirsundi, Sonsari, Chandala, Gilgaon, Pai-Muranda and Potegaon Zamindar is in the Garchiroli Tahsil; the Harrai, Gorakghat, Gorpani, Batkagarh,

– the Ayyangar Committee recommended the repeal of CTA in August 1952 thereby leading to the denotification of all the tribe within the 'criminal' category. There are officially no 'criminal tribes' in India anymore, but the repercussions of being designated 'criminal tribe' during the British period is felt by many of these communities to this day. .

139 Aiyappan, A. (1948). Report on the Socio-Economic Conditions of the Aboriginal Tribes of the Province of Madras by Aiyappan, Secretary, Aboriginal Tribes Welfare Enquiry Committee. Printed by the Superintendent Government Press, Madras. p.6. In the introduction Aiyappan gives us an insight on how tribes were conceived in the Madras province. He notes "A Chenchu or Konda Reddi or Koya cannot be distinguished by any bodily peculiarities from the plains Andhra, if he were dressed in the plains fashion and spoke without his dialectical peculiarities. The popular idea still propagated in our school books that the hill tribes are the "Kolarians" is all absurd, and the earlier our children are told that the hill tribes are our own kith and kin, lost and stagnating in the jungles, the better for them from the scientific point of view and also for the tribes to whom such a belief has done a good deal of unintended injustice... It is not necessary for the purpose of this report to go into historical speculations about origins, ancient Indian races and race contact and clashes. At present the differences between the plainsmen and the tribes are chiefly in economic matters. Some of our tribes are still in the primitive stage of food-gathering, but fortunately food-gathering tribes are few in number; there are some other tribes who have learnt only cultivation with hoes and are slowly taking to plough cultivation. These simple tribesmen were following their own primitive modes of life when the exploitation of the forests started on a wide scale." p.3.

140 Ibid., CAD

141 Ibid., CAD

142 The Orissa States were 26 in numbers.

143 Ibid., CAD

Bardagarh, Partabgarh (Pagara), Almod and Sonpur jagirs of the Chhindwara District, and the portion of the Pachmarhijagirin the Chhindwara District; the Mandla District; the Pendra, Kenda, Matin, Lapha, Uprora, Chhuri and Korba Zamindaris of the Bilaspur District; the Aundhi, Koracha, Panabaras and Ambagarh Chauki Zamindaris of the Drug District; the Baihar Tahsil of the Balaghat District; the Melghat Taluk of the Amraoti District and the Bhainsdehi Tahsil of the Betul District.[144] Interestingly in the Central Provinces and Berar[145] only 833,000 out of the 2,990,000 aboriginals lived in the areas selected for partial exclusion, a somewhat inadequate translation into effect of Parliament's intentions.[146] In the CP and Berar, there was also the Chattisgarh States[147] where a substantive number of tribes inhabited.[148]

The Gonds of central India,[149] one of the oldest communities[150]and also the largest tribal/Adivasi society in the country, have probably one of the longest histories of resistance movements in the subcontinent. During the mid-1940s to 1950s, the struggle against multiple forces of assimilation occupied the psycho-social life and politico-historical imagination of Gond elders. It is reported that on April 1945, in the sixth assembly of the Gond Mahasabha held in Nainpur, some of the key issues that were discussed threadbare was the need to reclaim ancestral land, the lack of written historical evidences and the imperative to rediscover Gond's glorious history. During this period just before India attained its independence, there was an increased sense of external pressure on the community by forces the Mahasabha identified as 'Hindu'. In the assembly people were reminded about "how the imposition of Hindu Law in 1935 was vehemently rejected by the Mahasabha's efforts." While

144 Ibid., CAD

145 Central Province and Berar were two separate provinces till 1881. In the year 1883 they were combined to form one single province.

146 Grigson. W.V. (1944). The Aboriginal in the Future India. The Journal of the Royal Anthropological Institute of Great Britain and Ireland, Vol. 74, No. 1/2, pp. 33-41.

147 The Chattisgarh States numbered 15. The largest was Bastar with an area of 13,000 square miles and a population of well over half a million.

148 For a detailed reading about tribes in C.P. and Berar, read Grigson, W. V. (1944). The Aboriginal Problem in the Central Provinces and Berar. Government of the Central Province and Berar. Nagpur: Government Printing, C.P & Berar.

149 Akash Poyam (2016) notes "Gonds have been conjectured to be the aborigines of Hindustan and are one of the largest tribal groups in the country. They are important ethnic groups who inhabit the central regions of India known as Gondwana. They founded a number of states, graphically described in the medieval chronicles, and their political authority survived in a number of the Gond zamindaries until recently, which gave them a measure of social dominance over other communities. The disempowerment of Gond kingdoms and dilution of their culture was a result of the appropriation and seizure of power by groups and communities that came from the outside". Tribal and Adivasi Studies, Perspectives from Within, Social Work in India by bodhi s.r (edited 2016). p.136.

150 For a detailed reading of the Gonds see Bhukya, Bhangya (2017). The Roots of the Periphery. A History of the Gonds of Deccan India. New Delhi: Oxford University Press.

identifying the Mahasabha as a non-political entity, they suggested to the government of the day not to unnecessarily worry about the Mahasabha's activities and instead to check the influence of 'other religions' on them.[151] Akash Poyam (2016) notes the deep tension that prevailed between the Gond Mahasabha and those that were identified by them as 'Hindus'.[152]

Another region in mainland India which witnessed fierce contestations and remains a space of great turmoil to this day is the erstwhile Bihar province. Here the partially excluded area extended to over 32,458 sq.miles and the province had a total tribal population of 50,55,647 which is 13.9 percent of the total population of the province.[153] Again here there were no excluded areas and the Partially Excluded Areas was constituted by the Chhota Nagpur Division and the Santhal Parganas District.[154] Like the Gonds in Central Province and Berar, the question of 'Integration' was also complex, but the struggle was far more overt and fierce than in any other mainland provinces. Other than the province proper, there were also a number of Native States in the Chhota Nagpur plateau in which substantial Adivasi populations inhabits. Historically two of these; Kharsawan and Saraikela are the most discussed because of a violent incident that occurred on 1 January 1948 and shook the lifeworld of Adivasis of Chhota Nagpur. About the incident Jaipal Singh recounts -

"On January 1st, a general meeting of the people of Kharsawan was arranged to be held at the marketplace at Kharsawan, and, it happened to be a market-day also. Permission for the meeting had been obtained and no objection whatever was raised by the newly installed Orissa authorities in Kharsawan State. Thousands of Adibasis went to the meeting from distant places like Jamshedpur, Mayurbhaj, Chaibasa and Raj Gangpur. Everything was orderly. There was a procession through the

151 Ibid

152 Motivaran Kangali (1986) Paari Kupaar Lingo: Gondi Punem Darshan. Nagpur: Tirumay Chitralekha Kangali Publications. p.348., notes an interesting point about the situation prevailing and the perspective dominating Gond consciousness during the late 1940s. He stated "A prominent question was raised during this period; what is going to be the benefit of this independence? Even if India gets independence, Christians will leave, but the colonizers of our culture, traditions and property - 'Hindus' will stay right here and will keep ripping us off." Quoted by Akash Poyam in Gondwana Movement in Post-Colonial India: Exploring Paradigms of Assertion, Self-Determination and Statehood p.143. Tribal and Adivasi Studies, Perspectives from Within, Social Work in India by bodhi s.r (edited 2016).

153 Ibid., CAD

154 There were three land related laws prevailing in the region before the promulgation of the Indian Constitution: the Wilkinson Rules (1837) that applies to Kolhan region, the Chhota Nagpur Tenancy Act (1908) that applies to the Chhota Nagpur division and the Santal Pargana Tenancy Act (1949) that applies to Santal Pargana. All these Acts that continue to operate to this very day were attained from the relentless struggles by the peoples of Chhotanagpur.

main thoroughfare in the morning. After the processes, a number of Adibasi leaders went to see the Raja at his Palace. He received them willingly and explained to them that he had acceded to the Indian Union and had requested the Government of India to take over the administration of the States, as an interim arrangement pending final settlement. The leaders came away from the Palace and a public meeting was held at the marketplace from 2 p.m. to 4 p.m. The Adibasi leaders, before going to their various halting places, asked the people, who numbered about 35,000, to disperse and get back to their homes...About half an hour later began the terrible firing and it went on for over thirty minutes. As Adibasis were going back to their homes, the Orissa Government soldiers confronted them with showers of bullets from Bren guns. People, who were knowing, lay flat to avoid being mowed down by the battery of indiscriminate and ruth less firing. Firing insensate, premeditated and merciless continued even when the people fled. Men, women and children were shot in their backs. Even horses, goats and cows in the market-place are among the victims of the bloody savagery."[155]

After the violence against Adivasis which Jaipal Singh called a 'Massacre of Innocents' amounting to '1000' by 'Oriya soldiers' in which 'Orissa authorities had committed a foul crime, the foulest in the history of Free India, another Jallianwallabagh', he called for a "Kharsawan Martyr Memorial Meeting" on 11 January 1948, in Chaibasa. In the meeting Jaipal Singh Munda put forth three resolutions. Each of these related to Native States with a substantial adivasi population.

Resolution one – "the people of Bihar Proper and Jharkhand condemn the Orissa Government atrocities at Raj Kharsawan on January 1st, 1948 and request the Government of India to remove the Orissa Administrators immediately from the States of Seraikela and Kharsawan at least and to place all the ten Chhota Nagpur States, namely Sarguja, Jashpur, Udaipur, Korea, Changbhakar, Bonai, Gangpur, Bamra, Seraikela and Kharsawan either under the Government of Bihar or appoint neutral administrators during the interim period."

Resolution two – "This meeting, which is representative of all political parties and all sections of the people of Bihar Proper and Jharkhand, request the Government of India to commit the ten Chhota Nagpur States ... which were not many years ago, under the Chhota Nagpur Administration, and

155 Pankaj, A. K. (2017). Speech delivered in Kharsawan Martyr Memorial Meeting, 11 January 1948, Chaibasa. Adivasidom: Selected Writings and Speeches of Jaipal Singh Munda. Ranchi: Pyara Kerketta Foundation. Pp.115-116.

historically, geographically, linguistically, ethnically and administratively belong to Chhota Nagpur, back to the Province of Bihar on their being merged into the Provincial Administration."

Resolution three – "I shall now send these resolutions to the Government of India. Now we must appoint an authority to negotiate with the Government of India in connection with the merger of the ten Chhota Nagpur States...I would for example, find it necessary to have some of the Rulers themselves. Is it your wish that I should have charge of this work? You must now formally authorise me to negotiate on your behalf."[156]

In the same speech Jaipal Singh Munda, also brought the case of another Native State- Mayurbhanj. On this he noted -

"you will notice that so far, I have said nothing about Mayurbhanj and its 990,997 people, of whom 714,954 are Adibasis. The Greater Orissa leaders had tried their damdest to force His Highness the Maharaja of Mayurbhanj to join the Orissa Administration. He deserves our congratulations for having defeated and overcome Orissa designs. He has not joined Orissa Administration. He is naturally with us, and I want to assure him, on your behalf, that he will receive every help to prevent Orrisa aggression."[157]

Sardar Patel as head of the Ministry of States transferred Kharsawan and Seraikela to Bihar hoping to tempt the fire that was burning among the Adivasis and resolve the conflict between states of Bihar and Orissa. Other than Kharsawan and Seraikela, the other Native States that Jaipal Singh mentioned in his speech remained as they were and many of the Adivasi inhabited areas within the native states remained to this day fragmented into various states – Odisha, Chattisgarh, Jharkhand. On one occasion, pertaining to the demands of the Adivasi to consolidate and bring the people of the Chhota Nagpur under one administrative umbrella, Sardar Patel showed his displeasure to demands for transfer of more states to Bihar, the place in which most of the Chhota Nagpur plateau lies. In a letter to Sri Krishna Sinha,[158] dated 29 May 1948 he first castigated Abdul Qayum Ansari[159] for raising the

156 Ibid., pp. 121-122.

157 Ibid., p. 122.

158 Member of the Constituent Assembly of India and the First Chief Minister of Bihar holding office from 1946-1961.

159 Minister in the cabinet of Sri Krishna Sinha in the Bihar government. One of the proponents of the setting up of the first All India Backward Classes Commission.

issue of transfer of more states to Chhota Nagpur which were currently in Orissa and Central Province and asserted -

"I had hoped that, with the transfer of Seraikela and Kharsawan to Bihar, Bihar's claims on Orissa shall have been completely met. Bihar never claim to any other States except Surguja and Jashpur, which matter has been separately settled. I am, therefore, surprised to find a colleague of yours giving expression to such idea which merely seem to encourage Jaipal Singh in his nefarious activities. I should like to know why Abdul Qayum Ansari made this statement. I hope he will be careful in future."[160]

As discussed above, the Adivasis of Chhota Nagpur were spread out into various Provinces (partially excluded areas) and Native States. The key struggles of the adivasis throughout the British period were to resist the invasion into their habitats by 'outsiders' and the constant negotiations through state with these groups to confront their claims over the lands. We observed a vibrant struggle for freedom and rights all throughout the years beginning mid 1880s right up to the period of 1947-50. Jaipal Singh Munda who was a member of the Constituent Assembly[161] was vehement from the very beginning, demanding the special recognition of Adivasis in the Constitution and safeguards in the form of a separate Jharkhand State. His struggle against what he called the "Marauding Community" or 'dikus' was relentless. In one of his speeches delivered as President of the All India Adibasi Mahasabha on 5 March 1949 in the Adibasi Mahasabha Bhawan in Ranchi, he thundered -

"I have never been an advocate of paper safeguards. I have seen how the Chhota Nagpur Tenancy Act has been vitiated by unscrupulous District Officers. Nearly eight lakhs of Chotta Nagpur Adivasis are today in the tea gardens of Bengal and Assam because of this. Will 'scheduling' make any concrete difference in a province where the dikus are ruthlessly determined to defy your rights, privileges and customs? 'Scheduling' is no guarantee against a *marauding community* ... Jettison paper safeguards and organise yourselves, all Jharkhandis, Adivasis, Non-Adivasis, into a powerful and effective political

160 V.Shankar (Edited 1960) Select Correspondence of Sardar Patel 1945-50. Volume I. Navajivan Publishing House Ahmedabad. P. 657. (No.73)

161 He was listed in the Constituent Assembly as "3. Independent Members, Jaipal Singh (Adibasi)."

organisation and thereby ensure that Jharkhand gets what it deserves and is no longer the hunting ground of Bihari colonization."[162]

In relation to Bihar province, the final report of the Excluded and Partially Excluded Areas (Other than Assam) Sub Committee report noted -

"The extreme expression of the discontent prevalent in Chhota Nagpur is the separatist movement which demands the formation of a new province of Jharkhand out of the partially excluded area. This movement is sponsored at present by the Adibasi Mahasabha containing a very large advanced or Christian element but in Singhbhum and in the Santal Parganas also, a good proportion of non-Christians seem to have been affected by it. To borrow Dr. Sinha's[163] words it is "capturing the imagination" of the tribals. Unmistakably also the movement is gaining sympathy among the non-aboriginals; and even if it be partly due to mere local ambition, the virtual exclusion of tribal elements from the Cabinet has undoubtedly contributed much to it. We have already held in our interim report that the question of the formation of a separate province is not for us to tackle but we would invite the attention of the Provincial and Central Government to the separation movement, which seems to be gaining strength, as a symptom of the discontent which is simmering in varying intensity among all sections of the Chhota Nagpur population ... We are inclined to the view which seems to be shared by Dr. Sinha also, that there should be adequate association of the people of the partially excluded areas, particularly the tribals, in the different branches of the administration including the Cabinet and that there can be neither satisfaction nor adequate progress until this is done. In short, the problem of administration in this tract must be dealt with not only by economic and educational improvements but also by remedies which recognise its political and psychological aspects; and we would lay the maximum emphasis on the urgency of action in both these directions."[164]

162 Speech titled '"Scheduling" is No Guarantee Against A Marauding Community' by Jaipal Singh in the All India Adibasi Mahasabha, 5 March 1949, Adibasi Mahasabha Bhavan, Ranchi. Pankaj A.K. (2017). Adivasidom, Selected Writings and Speeches of Jaipal Singh Munda. Ranchi (Jharkhand): Pyara Kerketta Foundation.p.143.

163 Dr. Sachchidananda Sinha was M.L.A Provincial from Bihar Province. He was also Former Vice-Chancellor of the Patna University and was the Interim President of the Constituent Assembly of India on 9 December 1946.

164 Constitutional Assembly Debates. Final Report submitted by A.V. Thakkar, Chairman, Excluded and Partially Excluded Areas Other Than Assam Sub-Committee. Annexure VII, Appendix D.

Throughout the period when India was formulating its Constitution, the concept of a Tribal Advisory Council was discussed and debated. Here it was noted that -

"Most of the Provincial Governments have found it necessary to set up advisory bodies for the proper administration of the tribal areas. In our view, it is necessary that there should be a body which will keep the Provincial Government constantly in touch with the needs of the aboriginal tracts (Scheduled Areas) in particular and the tribal for such a council requires little explanation. Whatever legal machinery is set up, it is no fancy to suggest that its actual translation into practice may not be in accord with its spirit, and besides the legal machinery itself may be found defective in practice. For a number of years clearly, the development of the aboriginals will require the most meticulous care. There are many ways in which the aboriginals' interests may be neglected, and it is known that regardless of certain prohibitory rules they are subjected to harassment at the hands of subordinate government officials and contractors. In spite of the abolition of beggar, for instance, there are still a good many cases of it in fairly serious form coming to notice from time to time. The working of provincial legislation or the machinery of administration in whole or in not needs constant scrutiny and regulation. The reclamation of the tribal is not likely to be an easy matter since, it is seen from experience that even where provision for local bodies exists the aboriginal requires special encouragement to take active part in it. We have also pointed out that the representation of the aboriginal in the legislature is likely to be weak for some time to come. To exercise special supervisory functions therefore and to bring to the attention of the Provincial Government from time to time the financial and other needs of the aboriginal areas, the working of development schemes, the suggestion of plans, or legislative or administrative machinery, it is necessary to provide by statute for the establishment of a Tribes Advisory Council in which the tribal element is strongly represented. There may be no objection to the advisory council being made use of for supervision of the interests of other backward classes as well. We are of the view that the establishment of an Advisory Council for the next ten years at least is necessary in the Provinces of Madras, Bombay, West Bengal, Bihar, C. P. & Berar and Orissa, and we recommend that statutory provision be made accordingly. We have referred earlier (Para.11) to the part that the Tribes Advisory Council will play in respect of Legislation."[165]

165 Constitutional Assembly Debates.

In the same breath, while referring to the recommendations being made by the Excluded and Partially Excluded Areas Sub-Committee[166] of which Jaipal Singh Munda was an active member, but greatly marginalised by the other committee members, he argued -

"There has been considerable commotion, particularly in Ranchi district, over the recommendations of the Advisory Committee of the Constituent Assembly for the Tribal Tracts ... Personally I am not enamoured of the proposed Advisory Council or of the idea of Scheduled Areas. The Advisory Council cannot be effective unless it is an elective body chosen by Adivasis only. 'Advisory' itself is nauseating."

The Chhotanagpur region was a very complex place and caused deep tensions among members of the Excluded and Partially Excluded (Other than Assam) Sub-Committee. To the Interim report of the Committee, Jaipal Singh submitted two 'Minute of Dissent'. The first, submitted on 19 August 1947 states -

"I regret I must submit a minute of dissent in regard to the "Scheduled areas" for the Chhota Nagpur Plateau. I cannot agree to the elimination of the Districts of Manbhum, Hazaribagh and Palamau which, even according to the unreliable 1941 Census, contain 678, 126, 478, 253 and 323,106 Adibasis respectively, that is, a total of 1,479,485 Adibasis for the three Districts. I cannot see how I can agree to the demolition of the economic, geographical and ethnic unity and entity of the Chhota Nagpur Division. It is not right that we should give an ex parte verdict and change the status quo of these three Districts."

He submitted a second 'Minute of Dissent' on 25 September 1947 stating -

"I submitted a dissenting minute against the provisional report which had included recommendations for those tribal areas also which had then not been visited. After the visit of the Sub-Committee to these areas, I am more than confirmed in my opinion that all the six districts of the Chhota Nagpur Plateau, namely, Manbhum, Singhbhum, Palamau, Hazaribagh, Ranchi and the Santhal Parganas, should remain "Scheduled Areas." All the witnesses were emphatic that the Chhota Nagpur Division as a whole should be scheduled, and no district or territory should be excluded from the scheduled

166 The Report of the Excluded and Partially Excluded Areas Sub-Committee Chair by A.V. Thakkar was submitted on August 18, 1947

status. Even Dr. Sachchidananda Sinha, whose Memorandum has received such attention from the other members of the Sub-Committee, has admitted that for administrative reasons all the six districts should be scheduled. I have other reasons also for the same insistence but the most vital one is the necessity of protecting 1,479,485 Adibasis of the districts of Manbhum, Hazaribagh and Palamau with the veto of the Tribes Advisory Council. This 1941 Census figure is large enough to justify the claim that 15 lakhs of Adibasis should not be exposed to the dangers of General Administration."

Even till 1954, Jaipal Singh Munda remained vehemently confrontational, feeling let down by what had transpired between the Indian state and the adivasi peoples. In a speech he delivered in the year same year while addressing the Tribal Affairs Conference held in New Delhi on 4 and 5 December. He asserted -

"I hope what I say will not be treated on a personal level. As is well known, I hold very very strong views, views which are unpalatable to others and as I am an Adivasi, they will continue to be unpalatable. Everybody from President of the Republic, the Prime Minister, the Home Minister to the specialist has talked about the right approach. I have been hearing this every year, but I have yet to see this right approach made. I have travelled a good deal and everywhere. Certainly, from where I come, I see we are not making any right approach. You will, therefore, ask me what is to be done? The first contribution I have to make in regard to this is this. Try to help them through themselves, that is to say their betterment, certainly not their uplift – it is an obnoxious, ugly word. I have protested before also against the use of that word. Let us say advancement or development or anything else. To put it plainly, what we do need is something of what Dr..Katju in a very limited way said – the missionary spirit. Not a condescending attitude but a missionary spirit – something which impels you to go and live among them, not for your own good but to serve them. Suppose I go among Hindus to cure them of their vices – Hindus are also full of vices. This idea of treating them as poor junglis should go. I see it in the highest places, I see it in the Home Minister, in the Centre. When you talk of the right approach, what do you mean? Are you the only person who can make that approach? Is the Adivasi incapable of helping himself with(out) your assistance? Therefore, to my mind the correct approach is to work through the tribals themselves. Centuries of antagonism have existed between the tribals and the non-tribals. It is the non-tribal who has expelled him from his original land. It is the non-tribal who is responsible for his isolation. I am not thinking in terms of isolation, but I do not accept Dr. Katju's advise to this conference. Individual non-tribals penetrated and did incalculable

damage and now he wants more to go there. What did the Prime Minister say? If you have an open door, the most undesirable persons will get in there. The Constitution has therefore, provided safeguards."

After the Constitution of India came into force and the constitutional process set it, specific safeguards were enshrined in the Indian Constitution such as Article 19 (5)[167] and Article 244[168] for the Mainland Regions. However, persistent eruption takes place that has altered the realities of tribes fundamentally. Over the years we observe the situation worsening in terms of tribal people's control over their land, water, forest and mineral resources across the region and more so in Chhattisgarh, Jharkhand and Odisha. From the point-of-view of tribes, the situation is felt wanting. The Tribal Advisory Councils[169] have been found to be inadequate in both their role as speakers about welfare of the community and leaders heralding the advancement of their community. There is an increased demand by the tribal/Adivasi peoples across the mainland regions for the implementation of the Sixth Schedule[170] in all places designated as Fifth Scheduled areas, but to this demand neither the Central nor the State government seems interested in engaging with the tribes/Adivasis. The issues and questions raised by Jaipal Singh Munda,[171] the lone tribal/Adivasi voice in the Constituent Assembly persist as both relevant and imperative to this very day.

167 Article 19 spells a Fundamental Right and relates to 'the Protection of certain rights regarding freedom of speech, etc.' Article 19 (1(d)) to move freely throughout the territory of India and 19(1(e)) to reside and settle in any part of the territory of India are restricted by Article 19(5) 'Nothing in sub-clause (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing reasonable restrictions on the exercise of any of the rights conferred by the said sub-clause either in the interests of the general public or for the protection of the interests of any Schedule Tribe.'

168 Article 244 under Part X, The Scheduled and Tribal Areas: "Administration of Scheduled Areas and Tribal Areas.- (1) The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the [States of Assam] [Meghalaya, Tripura and Mizoram]…"

169 During the period 1950-51 after the Indian Constitution came into operation, Tribes Advisory Council were set up in Orissa (June 1950), Madhya Pradesh (December 1950), Madras (February 1951) and Bihar (November 1951). Other States were yet to constitute their TAC during the above stated year.

170 The movement for the implementation of Sixth Schedule in Fifth Scheduled areas is present in Jharkhand and Chattisgarh, especially Bastar. In Chattisgarh it is led by Manish Kunjam, President All Indian Adivasi Mahasabha.

171 Jaipal Singh Munda in the Constituent Assembly was part of the 'Finance and Staff Committee', 'Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas' and the 'Excluded and Partially Excluded Areas (other than those in Assam) Sub-Committee.'

The Himalayan Range: Negotiating Historical Accidents and Geopolitical Powers

With regards to the Himalayan Ranges, it should be noted that during the tumultuous period of 1947, Ladakh was in a precarious position, with China Pakistan and India asserting their claims on the region. It could be argued in retrospect that the tribal inhabited regions in the Himalayan range could have gone either to Pakistan, China or India. The history of the place spans the Himalayan kingdom of Tibet and was part of the silk route. Post partition, Pakistan and China occupied 78,114 sq.km and 37,555 sq.km of the lands respectively and later Pakistan gifted China 5180 sq.km of historical Ladakhi lands. Vested interest over these lands remains a contentious issue to this very day. Ladakh itself was under tremendous pressure from Pakistan during the partition period.[172] Historically some of these areas were part of the Jammu and Kashmir State.[173]However, it was able to withstand the geopolitical forces and part of it acceded to India and became one of seven districts in the State of Jammu and Kashmir. In 1979, when the reorganisation of districts was carried out in June, it was bifurcated into two districts- Leh and Kargil. The total area of the two districts is about 98,000 square kilometres; and their population may now be over 1, 70, 000 (1, 32, 299 according to the 1981 census) with a population density of over 1.7 per square kilometre. Of the 60, 500 square kilometres that remain when the Aksai Chin is let out of account, less than 300 square kilometres are under crops, vegetables or fruit. The population pressure on the cultivated area is high - almost 6000 per square kilometre. This includes the population of the two towns and the semi-nomadic population of Chang-thang, who do not live directly off the land.

The Ladakhis after much political manoeuvring and actual agitation against the dominant Muslim community of Jammu and Kashmir, did succeed in wringing from the Central Government of India inclusion in the list of Scheduled Tribes in 1989, which brings them a package of benefits, mainly in regard to education and employment. During the move to ascertain Scheduled Tribe (ST) status, the government identified as STs, all the distinct communities inhabiting Ladakh district with the exception of a community of Sunni Muslims by the name of Arghon. Other than Arghons all the

172 In an urgent letter written by the Prime Minister of Jammu and Kashmir, Mehrchand Mahajan in a letter sent to Sardar Vallabhbhai Patel on 21 November 1947, he enclosed a report on the situation in Kashmir that he had sent to Sardar Baldev Singh who was Defence Minister in Nehru Cabinet. In point 5 it was noted - "we have already lost Gilgit. For the next six months we can do nothing to recapture it. There is another province of Ladakh, which, if not protected at the present moment, we may lose it and to recapture it, it will take a division." Quoted from Durga Das (1971). Sardar Patel's Correspondence 1945-50. Vol.1. New Light on Kashmir. pp.93-95.

173 Constituting of Kashmir, Jammu, Ladakh and Gilgit but excluding Lahaul, Kulu and Chamba.

other five communities namely Boto, Mon, Beda, Gara and Balti received Schedule Tribe status. However, it is interesting to note that three communities, i.e. Mon, Gara and Beda can claim either ST or SC status. The Boto and Balti community can claim only 'ST' status.

Post the 1989 violence between Ladakhi ST Buddhist and Muslims, there were serious negotiations for the creation of a local council with legislative and fiscal powers that would give Leh district a certain degree of independence from the State Government. Prolonged negotiations with the Centre bore fruit with the creation and inauguration of the Leh Autonomous Hill Development Council in 1995. In principle, this gave the People of Leh district, a degree of control over their own affairs that they have not enjoyed since the Dogra conquest in 1834.[174]

Further down, among tribals inhabited regions in present day Himachal Pradesh, situated in the Himalayan Ranges is Spiti with an area of 2,931 and Lahaul with an area of 1,794. Both these areas were Excluded areas within the erstwhile Punjab province of British India, also called the Punjab Hill States and were outside the scope of the Provincial Ministries before 1947. It is only in 1966 when the issue concerning the reorganization of Punjab took place that the demands of the hill areas to include them in Himachal Pradesh was accepted. Thus, the districts of Lahaul and Spiti were merged with Himachal on 1 November 1966. The Lahaulis inhabit the valleys that lie in the trade routes to Ladakh and Sinkiang, and the Spitians, who are similar to the Lahaulis reside in the parched mountains and are bounded in the areas except for few months when the place opens up.

Further down the Himalayan range and touching the Hills of North East lies Sikkim, which in the British India period was a Princely State, starting 1890. From 1947 onwards, it held a protectorate status within the Indian dominion.[175] In 1975, the Indian army deposed the Sikkimese monarchy and in a referendum in the same year Sikkim decided to join India as its 22nd State. Since then, for the State of Sikkim where the Lepcha and Bhutia communities inhabit, under Article 371(f) of the Indian Constitution, the old laws and traditions of Sikkim continue to be legally recognized and implemented in the region. Dzongu which is the lands inhabited by the Lepcha community was part of the Queen's estate, given to her in the 19th Century as part of her 'dowry' was declared a Tribal reserve. The Dzongu

174 For more insights into the same see bodhi, s.r. (2012). Migrant Workers in Leh-Ladakh: Politics and Process. Tribal Intellectual Collective India. Lap Lambert AP.

175 Satyajit Ray made a documentary film called Sikkim in 1971 at the behest of the Chogyal (King) of Sikkim. This film was banned by the Government of India officially until 2010.

reserve was given formal protection by Tashi Namgyal in 1956[176] by a Royal Proclamation. This status was historically part of Sikkim's old laws which was upheld by Article 371(f). Those outside of Dzongu reserve can enter only with a special permit. Also, outsiders can stay there on a temporary basis for work, like sharecroppers and Government employees. However, they cannot buy land or start a business.[177] Although changes are taking place at the socio-cultural levels within the Lepcha community, the rule applies that if a Lepcha woman marries an outsider, she forfeits her land.

The Island Enclaves: Negotiating Tribal Habitats of Freedom

With regards to the Islands, the Andaman and Nicobar Island is an interesting case for unravelling Tribe – State relations. Before 1947, the Islands had a long-chequered history. After Denmark sold the rights of the Nicobar Island to Britain in 16 October 1868, making the Andaman and Nicobar part of British India in 1869, the islands were brought under a single Chief Commissioner located in Port Blair in 1872. The island came under Japanese domination during the second 'world war' and though the Indian National Army established its control from 22 February 1944 upto 7 October 1945 when the island was retaken by the British and Indian troops.

Around the period 1947 the Andaman & Nicobar Island had 11,076 constituting 11.7 percent of the total population.[178] When the Government of India tool over the islands, it made it a priority to protect the interests of the Nicobarese and restricted the entry of outside traders. The regulation for the protection of Aboriginal Tribes popularly known as the *Protection of Aboriginal Tribes Regulation* (PATR) came into force in 1956 under which entry to the Nicobar Islands was strictly restricted. The Andaman and Nicobar Island which was awarded the status of 'Part D' States of the 1st Schedule remained a Union Territory since the 1956 reorganization of the states. It was governed by a Chief Commissioner till 1982, after which the post was upgraded to that of a Lt. Governor. Since ANI, is a Union Territory, it appears that all decisions are taken in Delhi. However, in the late sixties the administration started settlement of non-tribals in the Nicobar group of Islands; 330 ex-defence personnel were settled in some de-reserved areas of Great Nicobar Island where Panchayat System exists at present. For the plantations, labour from Tamil Nadu was also brought in mid-1970s for engaging in rubber plantation

176 Some other sources refer to the year 1958 as the date of Royal Proclamation.

177 From a conversation with Mabel Denzin Gergan, a Critical geographer specialised in Himalayan Studies from the Lepcha community.

178 The data is as reported by the two sub-committee appointed to study Tribal areas – Excluded and Partially Excluded.

works in the Katchal Island.[179] Owing to increase in population, 165 Car Nicobar families were resettled in 1973-74 to the Little Andaman Island.[180]

All the Islands have been declared Tribal Reserve Area under *Andaman and Nicobar Islands (Protection of Aboriginal Tribals) Regulation, 1956* with the exception of eastern coast of Great Nicobar. According to the Regulation, no non-tribal is permitted to carry on any business or acquire land in tribal reserve without permission of the Lt. Governor. The violation of Andaman and Nicobar (Protection of Aboriginal Tribes) Regulation is cognizable offence vide Section 9 read along with the subsequent notification No. AN/PATR/9(1)/6 dated 6 May 1957. These offences form one of the major crimes in the Nicobar District.

As regards to the Laccadive Islands (including Minicoy) and the Amindivi Islands which were excluded areas in Madras Province, constituting of ten inhabited islands, were declared as a Union Territory in 1956 and its name changed to Lakshwadeep in the year 1973. According to the Scheduled Castes and Scheduled Tribes List (Modification Orders) 1956, the inhabitants of Lakshadweep "who and both of whose parents were born in these islands are treated as Scheduled Tribes." Entry into the islands is restricted by the 'The Laccadive Minnicoy & Amindivi Islands (Restrictions on Entry and Residence) Rules, 1967' which came into effect on 1 October 1967.

Tribes and their Integration: Negotiating Greater Degrees of Freedom

As we had earlier expounded, each of the Scheduled to be tribal communities in India have their own distinct narratives pertaining to their political location and status pre and post 1947. The realities they historically experienced till they were integrated into erstwhile British India and now the Indian state provides us an interesting insight into their internal socio-political processes and persistent attempts to negotiate their positions with the British and Indian States. In all of these processes we observe tribal communities moving and oscillating across the spectrum of social adaptation, negotiation and greater degrees of political freedom.

179 One of the authors personally visited the island in the year 2004 during the disaster relief that took place because of the tsunami and have firsthand information about the conditions of the place.

180 Comprising 7 villages, which is a non-reserve area, where 330 Ex-servicemen families were settled under Accelerated Development Programme of the Ministry of Labour and Rehabilitation in 1969-72.

When one situates each of the above identified communities' legal positions vis-a-vis with the four regions of Hilly Terrains, Central Region, Himalayan Range and Island Enclaves, we begin to unravel aspects related to tribal communities and their location in the Indian State. This location is spelled out clearly in the Indian Constitution. There are three distinct types of Articles in the Indian Constitution that are used or applied to the regions as grouped above. These are (i) Article 372 (ii) Articles 371(A), 371(B), 371(C), 371(F), 371(G), 371(H) and Article 244A (iii) Article 244.

The first instrument, Article 372, is the source of a wide range of Acts and Rules cutting across tribal areas. The second; Article 371 and the additions to it, is also the source and basis of many other arguments and counter arguments for struggle towards autonomy, and the third instrument emanating from Article 244 (the Sixth Schedule and the Fifth Schedule) is an area in which most tribal movements in the country are currently posited.[181]

Article 372 which is related to 'continuance in force of existing laws and their adaptation' is a key instrument that has direct implications to Tribal communities and their habitats. This Article notes that laws 'which immediately before the commencement of the Constitution shall continue in force until altered or repealed or amended by a competent Legislature or other competent Authority'. Drawing legitimacy and continuity from Article 372 are the *Bengal Eastern Frontier Regulation Act (BEFR) 1873* applicable to Arunachal Pradesh, Nagaland and Mizoram, the *Wilkinson Rule 1837*, the *Chhota Nagpur Tenancy (CNT) Act 1908* and the *Santhal Pargana Tenancy (SPT) Act 1949* applicable to the state of Jharkhand. While the Indian State has attempted several modifications on each of these Acts that draws legitimacy from Article 372, they remain in place in specific areas to this very day. It could also probably be argued that it is from the spirit of the Article 372 that the *Andaman and Nicobar Island Protection of Aboriginal Tribes Regulation (ANIPATR) 1956* which strictly prohibits entry into the island, and the *2 April 1957 Notification* of ANIPATR 1956 which declared the A&NI a *Tribal Reserve Area* was enacted**.** This is related to the 'protection' of 'aboriginal tribes' which constitutes the Andamanese, Jarawas, Onges, Sentinelese, Nicobarese and Shompens. Later, again under the ANPATR 1956, the Indian State in September 1991, demarcated five kilometres stretch that excluded the area inhabited by the Sentinelese in North Sentinel Island. This area is often referred to as the Exclusion Zone where

181 There are two more areas that Scheduled Tribes generally are found to make demands on and about. These are the Eight Schedule concerning the recognition of languages by the state. Many of the tribes seek recognition of their language and script in this scheduled. The others are Article 330 concerning Reservation of seats for ST in the House of the people, Article 332 concerning reservation of seats for ST in the Legislative Assemblies of the States, Article 335 concerning claims of ST to services and posts and article 342 related to the Presidential Order of Scheduled Tribes.

no one including the Indian State is allowed to enter. Furthermore, in 2012 in an amendment to the ANPATR Act, the *Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Amendment Regulation, 2012* was notified in the Gazette of India on 2-7-2012. Through another notification in the Andaman & Nicobar Gazette as on 9-7-2012 a law was brought into force with effect from the said date that made 'provisions for stringent punishment including imprisonment for exploitation of tribal communities in the Andaman & Nicobar Islands.' Finally, Article 372 also informs Article 371(F) relating to tribes in Sikkim when the Article read with Article 372 upholds the old laws and traditions of Sikkim. The Dzongu reserve inhabited by Lepchas which was given formal protection by a royal proclamation in 1956 much before it became a state within India remains a protected area. Thus though Article 372 establishes continuity with the colonial rule and the law of the colonizer, for the tribes this provision of the Constitution has provided protection from assimilation and forced integration with the dominant communities by retaining the colonial legislative framework of control over land and resources and restriction and exclusion of non tribals in tribal land.

Those laws that draw lineage from the second instrument of Article 371(A)[182] relate to special provisions for the State of Nagaland and contained in the State of Nagaland Act 1962, are Article 371(B) related to Tribes in Assam, Article 371(C) related to hill areas inhabited by tribes in Manipur, Article 371(G)[183] related to Tribes in Mizoram and Article 371(H) which relates to Tribes in Arunachal Pradesh and the powers of the Governor of Arunachal. Article 244(A) provides for the legislative framework of the tribal areas of Assam and the Sixth Schedule states. However, these provisions are not identical and reflect differing state policy towards the different states. While Article 371(A) devolves greater autonomy to the state legislature of Nagaland by overriding the principle of supremacy of laws made by the Parliament as against the state legislatures, it also gives sweeping powers to the Governor to take any action in maintaining law and order when in his opinion there is "internal disturbance" overriding the legislative assembly which only has "consultancy" status in such

182 It is often observed that 371(a) is generally perceived as drawing its source from Article 370 which is related to powers conferred by the Indian Constitution to the state of Jammu and Kashmir rather than Article 371 which is to do with development of Maharashtra and Gujarat. Article 371(a) spells out that no Act of Parliament in respect of religious or social practices, customary law and procedure, administration of justice involving customary law, ownership and transfer of land supplies to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides. This came about after the State of Nagaland Act 1962 created the new State of Nagaland which includes the Tuensang region.

183 Article 371(g) asserts similar Acts and Rules such as those contained in Article 371(a) where no Act of Parliament in respect of religious or social practices, customary law administration of civil and criminal justice involving decisions according to Mizo customary law, ownership and transfer of land shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides. However, the same comes into effect after the Constitution (Fifty-third amendment) Act 1986.

situations. These powers are far in excess of the powers given to the Governors (a representative of the central government) in non-tribal areas. Article 371(C) which is applicable to Manipur especially is also reflective of this "othering" the tribe wherein "the executive power of the Union shall extend to the giving of directions to the state as to the administration of the said areas." Similar is the case of Arunachal Pradesh as reflected in Article 271(H) clause (a) which states -

"The Governor of Arunachal Pradesh shall have special responsibility with respect to law and order in the State of Arunachal Pradesh and in the discharge of his functions in relation thereto, the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken: Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this clause required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment."

Thus, there is differing treatment to the tribes in the different regions. Article 371(B) and Article 371(G) applicable to Mizoram give greater powers to the tribes as does Article 371(A). The different provisions are reflective of the varied successes of the struggles of the tribals of the different regions for greater autonomy and protection of their identity.

The third instrument contained in Article 244, from which majority of the tribal peoples and tribal inhabited regions draw their lineage, are those contained in the Sixth and Fifth Schedule of the Indian Constitution. The Article 244 which spells out the 'Administration of Scheduled Areas and tribal areas, identifies States and Districts under either the Sixth Schedule or Fifth Schedule.

Thus, if viewed as a set of constitutional mechanisms viz. Tribes, we observe different state institutions conceived to situate each of the tribal communities, ranging from separate Hill Councils for separate hill areas, Territorial Councils for separate tribal communities, the Fifth Schedule/Tribal Advisory Councils, the Sixth Schedule/Autonomous District Councils, 371(A), Dzongu Lepcha Reserve and Exclusion Zones of North Sentinel island. While each of these instruments works differently for different communities, collectively, from a State's perspective, they are seen as measures that protect the tribes. However, from a tribal perspective they are seen as safeguards that were attained and achieved from hard fought resistance and struggle.

The Frame of Reference

On the Politico-Historical Location of Scheduled Tribes in the Indian Constitution: Reflections on Critical Intersections

~ Monica Sakhrani

"The identity of a 'nation-state' is premised on the possibility of annulling the cultural rights of a community in order to constitute itself as a political entity" (Savyasaachi, 1998:45)

"A Constitution is a political document, which gives legal content to a set of pre-existing rights, secured politically through people's struggles. Rights have always been acquired, never granted." (Kannabiran, 2004:45)

The framing of the Constitution was a major event in nation building and the construction of a free India, providing its people the transit of passage from subjecthood to citizenship. This was sought to be done through constitutionally guaranteed rights and a framework of governance which was to be a departure from colonial rule to self-rule. These rights embodied social justice and formed an integral part in the reconstitution of the state as a developmental state which seeks to provide opportunities of development to those citizens who need to catch up with the rest. Apart from these provisions, the Constitution also provided for separate forms of governance for tribal communities as encompassed in the Fifth and Sixth Schedules of the Constitution. But how far do these provisions acknowledge recognize and accept different socio-cultural and political systems prevailing in tribal areas or whether they are a continuation of the colonial policy are debatable questions that need examination. Such an examination would entail a study of the administrative structure of the British as well as of independent India.

Continuity in Change: Administration of Tribes in British and Independent India

In the promulgation of the Constitution of India, the administrative structure of the old state was adopted by independent India. Many articles from the Act of 1935 related to administration were incorporated into the new Constitution and more importantly, Article 372 of the Constitution of India continued the operation of all colonial laws in independent India unless repealed by the Constitution. This led to the Supreme Court remarking in its judgment in *State of Gujarat vs Fiddali Badrauddin*

Mithibarwala & Ors.,[184] "…promulgation of the Constitution did not result in transfer of sovereignty from the Dominion of India to the Union. It was merely change in the form of government … The continuance of the governmental machinery and of the laws of the Dominion, gives a lie to any theory of transmission of sovereignty or of the extinction of the sovereignty of the Dominion, and from its ashes, the springing up of another sovereign."

The different administrative structure for tribal areas followed by the colonial rulers was partially retained by the Constitution. The British had formulated the policy of special governance of tribal areas over the years mainly due to the resistance of the tribes to colonial rule. This had led to certain areas being excluded from British governance. The British were driven more by the need and desire to commercially exploit the forest and mineral produce found in abundance in tribal areas in India and hence adopted military control over the areas that were non-regulated.[185] The first law for special administration of tribal areas was introduced in 1839 wherein southern Odisha and seven districts of Andhra Pradesh were brought under special administration.[186] This policy continued after 1858 too, where the Queen's Proclamation stated: "in framing and administering the law, due regard will be paid to the ancient rights, usage and customs of people belonging to different castes, tribes and races in India."[187] The British identified districts all over the country for special administration with the passing of Scheduled Districts Act, 1874. The Montague Chelmsford Reforms of 1918 also recommended that tribal areas be excluded from the administration of provincial governments and be retained by the Governors and the Governor General. The Simon Commission in 1928 also considered tribals to not be politically 'advanced' and hence recommended their protection, with the government earmarking funds for education and welfare of the people (GOI, 2004:18-19). This policy is reflected in the two Government of India Acts of 1919 and 1935. In the 1919 Act, Section 15 (2) termed these areas 'backward tracts' and in the 1935 Act, under Section 91 all Scheduled Districts were treated as

184 AIR 1964 SC 1043

185 Savyasaachi (1998) Tribal Forest- Dwellers and Self-Rule: The Constituent Assembly, 9.

186 Government of India (2004) Report of the Expert Group on Prevention of Alienation of Tribal Land and its Restoration, New Delhi: Ministry of Rural Development, 18.

187 Savyasaachi (1998) Tribal Forest- Dwellers and Self-Rule: The Constituent Assembly Debates on the Fifth and Sixth Schedules, New Delhi: Indian Social Institute, 9.

'wholly or partially excluded' and under Sections 92(1) and (2), the power of administration of these areas was exclusively vested with the Governor of the Province.

However, it is important to note that though the areas were designated excluded, the regime was mostly that of military control and commercial exploitation of the rich resources in the tribal areas. Further, the territorial sovereignty exercised by the colonial rulers over British India was retained in the tribal areas too and the doctrine of eminent domain prevailed in these territories with the Land Acquisition Act 1894 being applied to them. The Forest Act 1878 and 1927 passed by the British which designated forests as reserved and protected bringing them under the domain and control of the government, made the forest dwellers trespassers in their own land and criminalised their existence.

The Constitution gave special status to tribes and tribal areas, bringing in the regulated areas in Central India under the Fifth Schedule and the partially and fully excluded areas of the North Eastern states of Assam, Meghalaya, Tripura and Mizoram under the Sixth Schedule. Over the years, additions have been made to the Schedule with the establishment of the Bodoland Territorial Council in 2003. Special provisions for other North Eastern areas have not been included in the Sixth Schedule but have been dealt with through constitutional amendments such as introduction of Article 371A regarding application of customary law on transfer of land and resources in Nagaland, Article 371C giving the Governor control over the administration of the Hill Areas of Manipur, Article 371G applying customary law to Mizoram, and Article 371H giving the Governor control over law and order in Arunachal Pradesh. Thus, the administrative framework of tribal areas differs compared to non-tribal areas and is determined by the Parliament giving greater powers to the executive than what they enjoy in other regions.

The administration of the Fifth Schedule is in the hands of the central government through the aegis of the Governor who has the power to declare, include or exclude any area from the Schedule as well as declare that a law may not apply to the area. The Governor may take the advice of the Tribes Advisory Council established by the Government which shall include up to twenty tribal Members of the Legislative Assembly on matters relating to 'welfare and advancement of the Scheduled tribes' (Paragraph 4(2). Paragraph 5(2) of the Schedule also provides that the Governor may make regulations for the 'peace and good government' and demarcates three areas for the same - prohibition or restriction of transfer of land by or among tribes, regulation of allotment of land to tribes, and

regulation of money lending amongst tribes. The states that have areas under the Fifth Schedule are Andhra Pradesh (now Seemandhra), Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Gujarat, Himachal Pradesh, Odisha and Rajasthan.

The fundamental difference between the Fifth and Sixth Schedules is the relative autonomy enjoyed under the Sixth Schedule. The Sixth Schedule gives greater autonomy to the tribes with the setting up of Autonomous District and Regional Councils which enjoy legislative and administrative powers (subject to mandatory assent by the Governor) including allotment, occupation, or use of any land except reserved forests, management of forests (except Reserved Forests), appointment of chiefs/headmen, inheritance of property, marriage, divorce and social customs. They also have the powers to administer justice for certain disputes amongst tribals but are subject to the jurisdiction of the High Courts. However, the Governor retains control over the councils including the power to dissolve them. The Supreme Court in its judgment in *District Council of the Jowai Autonomous vs Dwet Singh Rymbai,*[188] held that the powers of the Autonomous Council are determined by paragraphs 3 and 8 of the Sixth Schedule and cannot be enlarged by the Courts. In a reversal of the provision of the Fifth Schedule in Sixth Schedule areas, no law of the Parliament shall apply unless directed by the Governor. The proviso to Paragraph 3(a) prohibits the Council from overriding any state law permitting compulsory acquisition of land for public purposes by the state.

While the administrative structure does provide for greater autonomy in certain matters, it is relevant to note that the powers of state legislatures under the Seventh Schedule are much wider. The two schedules governing tribal areas provide for greater executive control by the Union Government and hence provide less space for democratic governance by the communities, though they do provide greater powers to the districts and the villages (after the passing of the Panchayats (Extension to Scheduled Areas) Act, 1996). However, the most significant protection granted is the prevention and restriction of land alienation from tribals to non-tribals, though most of these laws date back to colonial times.

The debate at the time of independence and the framing of the Constitution while dealing with the issue of continuance of British system of governance and the question of greater autonomy to tribal areas was mainly regarding the issue of integration of tribes into the national mainstream. The debates

188 AIR 1986 SC 1930.

of the Constituent Assembly reflect the views of the mainstream Indian political classes towards the issue of greater autonomy to the Schedule Areas of the need to move from exclusion to protectionism.[189] The views of most of the members reveal that tribals were looked down upon as primitive or backward and there was a reluctance to grant them autonomy, and a resistance to accept the tribal way of life.[190]

In the project of nation building, the Indian state had the choice of embracing the plurality inherent among diverse communities and giving political freedom to the people, but chose instead to opt for assimilation into a pan-Indian national identity and the rewriting of history of the freedom struggle in which the struggles of the subaltern populations were seen as communal or cultural and not national or political. This resulted in viewing them as people requiring disciplining and not worthy of power sharing or having a claim in nation building.[191] Perry Anderson in his book, "The Indian Ideology" argues that the Indian Ideology post-independence, comprises of three concepts – unity and integrity of the nation, democracy, and secularism, within which territorial integrity of the nation has been the main imagery of both the state and its citizens. This idea of territoriality has been the dominant ideology in India post-independence with not just the refusal to recognize the right to secession in the Indian Constitution but also the manner in which aspirations for cession and secession have been dealt with politically by all governments after independence. This ideology perforce requires a homogenous national identity and thus the dominant hegemonic Indian identity has been constructed as being Hindu (upper caste and North Indian). The seeds of Indian nationalism as being synonymous with Hindu nationalism were sown in the Independence struggle led by the Indian National Congress, which has led to the present hegemonic construction of militant Hindu nationalism in the form of Hindutva and the emergence of right wing Hindu state.[192] The creation of a homogenous "Indian" identity necessarily required the rewriting of history including the history of the freedom movement. Anupama Roy posits that: "The success of the 'pan-Indian' struggle was significantly dependent on

189 Savyasaachi, 11.

190 See Savyasaachi, especially views of Brajeshwar Prasad (88, 122, 127), Babu Ramnaryan Singh (90), Kuladhar Chaliha (119) and B. Das (199) are especially revealing of this sentiment.

191 Anupama Roy (2005) Gendered Citizenship- Historical and Conceptual Explorations, New Delhi: Orient Longman, 182-192.

192 For a discussion, see Anupama Roy (2005). Gendered Citizenship- Historical and Conceptual Explorations, New Delhi: Orient Longman Partha Chatterjee (1993) The Nation and its Fragments: Colonial and Post-Colonial Histories, Princeton: Princeton University Press and Perry Anderson (2012) The Indian Ideology, New Delhi: Three Essays Collective.

the presentation of the struggle as a harmonious aspiration of the people as a whole. The invocation of harmony required a normalization of these diverse micro-levels of simultaneous exclusion/ distancing from the national political by attributing them labels such as 'communal' or 'social-cultural', as opposed to 'national' and 'political.'"[193]

The creation of the "other" became an integral part of the nation building project. This was also necessary given the fact that many regions in the North East disputed being part of India. They were fighting for their independence and were forced to become a part of India. This demonising of the other in the garb of social engineering or civilizing mission was a continuation of the justification of the colonial encounter. Hence, while on the one hand the Fifth and Sixth schedules were incorporated in the Constitution due to the efforts of B.R.Ambedkar and J.J.M.Nichols-Roy and in 1957, Prime Minister Jawaharlal Nehru proclaimed the 'tribal panchsheel' which asserts that tribes should be permitted to "develop along the lines of their own genius," on the other, just a year later, the Armed Forces (Special Powers) Act giving the armed forces immense powers including the power to kill was passed and imposed on Manipur. Today it extends to most of the North Eastern states. The presence of the army even otherwise in the North East indicates the continuation of the policy of military control of the excluded areas adopted by the British.

Three Paradoxes of State policy

While the Constitution grants special status and protection to the tribes, the tribal areas have been treated as states of exception to the rule of the law and system of democratic governance. The Central Government has greater control over these areas and militarization has been a constant feature. The contradictions in the policy relating to tribals in the Constitution have resulted in the emergence of three paradoxes:

Greater Autonomy vs Greater Control

The first paradox is that while the Constitution grants greater autonomy to the Councils to make laws, administer justice and be exempted from state legislation, both the Fifth and the Sixth Schedules give greater powers to the Governor. In the Fifth Schedule areas, the rule is practically that of the executive,

193 Roy, 182

but in the Sixth Schedule areas, too, the Governor's consent is required for any legislative action on the part of the Councils which exceeds the powers of the Governor vis a vis state legislatures.

Greater Democracy vs Greater Repression

While the Sixth Schedule gives greater powers to the people and decentralizes democracy to a large extent, this is not true of all tribal areas. In Manipur and Arunachal Pradesh with large tribal populations, the Governor has greater powers for law and order and in the Fifth Schedule areas he enjoys sole administrative responsibility and power. While on the one hand, there are restrictions on the transfer of tribal land, tribals have borne the brunt of developmental policies of the state. According to the Government of India's own report of 2004, over 55 per cent of tribals have been displaced due to developmental projects, and of the estimated 21.3 million displaced persons, 11.75 are tribals constituting over 40 per cent of all displaced. The report further states that of the 21.3 million displaced persons, only 5.8 million have been rehabilitated.[194] Further, military presence and control continues with the imposition of AFSPA in the North East and the military intervention in the Fifth Schedule areas due to the resistance to displacement because of developmental projects. Ironically, the developmental state in the tribal areas is present more as a military presence rather than as a harbinger of welfare or governance system, while the educational, health, nutrition and other socio-economic indicators are abysmally low.[195]

Pluralism vs Assimilation

While the Constitution recognizes the rights of communities to retain their cultural identities and the Sixth Schedule allows for continuation of socio-cultural practices of tribes by exempting the application of other legislations, the Indian state, as a signatory to ILO Convention 107 way back in 1958, continues with the assimilationist/integrationist approach, and use of the protectionist framework of governance and development of the tribals. The ILO which in Convention 107 envisaged an assimilationist strategy of "civilizing" and "development" and thereby mainstreaming of tribal communities, changed its position in 1991. In the preamble of Convention 169, the ILO recognized that the aspirations of tribal communities and indigenous people to exercise control over

194 GOI 2004, Table 4.6: 77.

195 See GOI, 2006.

their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live. It also noted that in many parts of the world their laws, values, customs and perspectives have often been eroded. The preamble called attention to the distinctive contributions of indigenous and tribal peoples to the cultural diversity and social and ecological harmony of humankind and to international cooperation and understanding. ILO repealed the Convention 107 and closed it for ratification. Most of the countries in the world who have significant populations of indigenous people have ratified the Convention 169 and denounced the earlier convention. The Indian government. However, has not ratified ILO Convention No. 169 which recognizes the rights of indigenous people to choose their own path of development and retain their socio-cultural and economic ways of life and continues to adhere to the principles of assimilation under the Convention 107. The limited powers of governance given to the Autonomous Councils and the almost nominal role of the Tribes Advisory Councils apart from the control of the executive of the union government indicate the assimilationist policy of the state.

Contradictions in the Constitutional Framework

These paradoxes arise from the inherent contradictions within the Constitution. While on the one hand, the Constitution grants rights to its citizens and adopts an overarching pluralist framework which accepts the vast cultural diversity in the country, on the other, it retains the administrative structure of the colonial state. As Kannabiran puts it, "Like the British, politicians and political parties in independent India continued to define governance in terms of power."[196]

The first contradiction is the constitutional scheme of recognition of both individual as well as community citizenship rights which divide the politico-economic (individual) rights from the socio-cultural community rights, thereby creating a divide between the community and the individual. These arise from the democratic ideals of the Constitution guaranteed by Parts III and IV which provide for both redistributive rights as well as rights of recognition, embodying aspirations of socio-economic equality coupled with socio-cultural difference. The affirmative action on the part of the state, especially those relating to the reservation policy and representation in democratic institutions give rise to expectations of full democratic participation which are not met due to the third contradiction.

196 K.G. Kannabiran (2004) The Wages of Impunity: Power, Justice and Human Rights, Hyderabad: Orient Longman, 36.

While the hierarchy of rights privileges individual rights over community rights, it also takes the decisions on formulation and implementation of policy outside the ambit of democratic processes,[197] thereby criminalising dissent by leaving only extra-legal measures of dissent available to the people. The judiciary which has been granted the powers to interpret the Constitution has also interpreted rights narrowly. In the conflict between restrictive power by the state and the rights of tribals, it is the former which has trumped the latter in most instances. Retributive justice has subverted distributive justice, and a repressive legal framework privileging property relation over life and liberty.

The second contradiction is the continuation of colonial laws and policies which have been incorporated in the Constitution through Article 372 as well as the vesting of all property and natural resources with the state instead of the people under Article 297. The doctrine of eminent domain and the state's primacy over right to use, enjoyment and ownership of land, forests and natural resources have been used by the post-colonial developmental state to dispossess the tribals since independence in the course of the nation building exercise. The non-justiciable provisions enshrined in the Directive Principles of State Policy have been abandoned with the adoption of neo-liberal policies, leading to greater corporate control over resources at the cost of customary rights enjoyed by communities. Laws such as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006, while giving limited recognition to traditional rights of tribals also help in "disciplining" and mainstreaming tribes by introducing them to the concept of private property and assimilating them into the market economy. The manufactured dichotomy between political economy and the socio-cultural has led to the framing of self-rule by tribes as applying solely to the domain of preservation of cultural practices while all demands for sovereignty of the people over their land and natural resources have been delegitimized by the state.

The final contradiction is the underlying ideology of the Indian State of pan Indian Hinduism with the emphasis of territorial unity and integrity which necessarily requires the containment and repression of any aspirations which differ from this dominant ideal. While the Constitution attempts to create hegemonic consent to the dominant idea of the Indian nation state, due to the inherent contradictions produced by the construction of Indian nationalism as Hindu nationalism, this has not

197 See for example the decisions of the Supreme Court of India in Narmada Bachao Andolan v. State of Madhya Pradesh (Civil Appeal no. 2082 of 2011) and in Balco Employees Union (Regd.) v. Union of India & Ors. (Transfer Case (Civil) 8 of 2001) wherein the court stated that it would not interfere with the New Economic policy adopted by the state.

been possible. Hence, to preserve the territorial integrity of the nation state at any cost, the Indian state looks at difference and dissent as potential threats to be dealt with by repression and by demonizing the other. This has led the state to wage war against its perceived enemies and establish a security regime which is condoned by the Constitution. This war which has also facilitated primitive accumulation in the tribal areas has reconceptualised citizenship which justifies the denial of rights to those individuals who are a threat to national security and national interest. Self-preservation of the state becomes the primary legitimating principle of the state. Those who are enemies of the state thus have lost the moral right to citizenship.

Conclusion

In many ways, the colonial encounter with "natives" continues in post-independence India with the tribes who are still considered subjects and not entirely citizens due to the national, cultural or racial hierarchy embedded in the ideology and governance of the Indian state. The contradiction between the structures of governance and the discourse of rights in the Constitution has led to the failure of the state in fulfilling its constitutional promises. These contradictions also give rise to contrary responses of accommodation and repression and are reflected in the lack of a uniform policy framework for all tribes in the Constitution.

Unmasking Marxist and Nationalist Constructions of Adivasi Uprising: An Exercise in Historical Reassembling

~Bhangya Bhukya

Nationalist and marxist scholars have dubiously documented and interpreted adivasi political history. While on the one hand, they shower accolades on adivasi leaders, on the other, they consciously negate any organic political consciousness prevalent among adivasis. Ironic as it may seem, any consciousness or thinking articulated outside the nationalist and marxist paradigm is attributed as pre-political or ahistorical. Such constructions have not only ethnicized adivasi politics but also pushed adivasi society to the periphery. Although adivasi mobilisations did contextually manifest at either regional or local levels, most of these struggles reflected a strong sense of political consciousness stemming from within their own concrete conditions. This chapter is an attempt to challenge the historical invisiblization of adivasi struggles by nationalist and marxist historians, reassemble distorted nationalist and marxist constructions and position rebellious adivasi struggles within its own organic framework.

Adivasi communities were engaged in probably more resistance and insurgencies against the colonial and postcolonial state than any other community within India. This led the colonial state to identify the adivasis as problematic and violent. The insurgent consciousness of the adivasis which aimed to turn colonial rural India upside down also found a biological foundation in colonial ethnology.[198] After decolonisation, serious attempts have been made by nationalist and marxist scholars to re-examine the colonial version of Indian history, as part of the nation making project. This indeed, created an opportunity to construct a secular history for India. However, the project of nation making has largely failed to capture the history of all sections of society and have instead produced a sectarian or a distorted history of India. Noteworthy among those who suffered such invisiblization are the adivasis. The anti-colonial cum autonomous nature of adivasi resistances were either excluded completely from national history or were framed in a manner that subsumes them under overarching national movements in order to make the adivasis part of the nation-state. Such constructions of the Adivasi movements not only shattered the long-established spirit of adivasi autonomy but also subordinated

198 Ajay Skaria, Hybrid Histories. Forest, Frontiers and Wildness in Western India (Delhi: Oxford University Press, 1999), pp. viii-ix.

them to narratives of the dominant in the new nation. This subordination was achieved notwithstanding the fact that adivasi resistances were anti-colonial in their own historical right and were politically and culturally autonomous that challenged both the colonial state and dominant non-adivasis.[199]

On the other hand, most orthodox marxist scholars celebrate anti-colonial *adivasi* resistances as a necessary stage towards the creation of a new class-consciousness. Though they designate such mobilisations as sporadic, spontaneous, unorganised and pre-political, they welcome these mobilisations as they provide an opening for the education of the adivasis in class consciousness by Marxist party workers, allowing the adivasi areas to become the basis for radical politics and movements. Marxist scholarship has however been unsuccessful in providing an adequate understanding of adivasi movements, as it fails to distinguish the autonomous nature of adivasi insurgencies from a monolithic and hegemonic nationalist movement.[200]

Failing to recognise such explanations, an insurgent identity was attributed to the adivasi community that involved subalternity and primitivism. Particularly adivasi intellectual history (myths, rumours and stories) which are sources of insurgent consciousness has not been perceived as a form of resistance that contests power. Ranajit Guha thoroughly exposed the elitist approach of nationalist, Cambridge and marxist scholarship particularly on the peasant movements of colonial India. However, Guha had failed to see the adivasis as a separate entity from that of the plains' peasantry. The inauguration of the subaltern project marked an epoch in the study of subaltern histories with its sharp departure from a marxist historiography that valorised secular and class-based movements over and above religious or caste-based movements, which were seen to be riddled with 'false consciousness.' Subaltern Studies conceived caste/community in very different terms, mainly as a force for radical anti-colonial mobilisation and organisation that operated according to its own rationality, which was anti-capitalist, and which had a potential to feed into a future socialist society in a way that bypassed capitalism.[201]

199 K. S. Singh, Tribal Movements in India, Vol. I, (New Delhi: Manohar Publication, 1982), pp. ix-xvi.

200 D. N. Dhanagare, 'Subaltern Consciousness and Populism: Two Approaches in the Study of Social Movements in India', Social Scientist, Vol. 16, No. 11, November 1988, pp. 18-35.

201 David Ludden (ed.), Reading Subaltern studies. Critical History, Contested Meaning and the Globalization of South Asia (London, 2002), introduction, pp. 1-26.

Within this framework, this paper proposes to examine two processes. One, the ways in which the post-colonial nationalist and marxist scholarship constructed adivasi uprisings. Two, the impact of these articulations on the adivasi social. Engagement with these questions is informed by a postcolonial perspective.

The celebration of 150 years of the 1857 mutiny has created an occasion to remember heroes of anti-colonial movement. The Government of India directed all its educational institutions and Universities to organise some events on this occasion. Scholars of all kinds have produced considerable amount of literature on the mutiny.[202] The participation of adivasis in the mutiny has been valorised as usual. The fact is that it is the adivasis who fought first against the British expansion in India. Starting from the revolt of Pahariyas of Chhotanagpur in 1776, there had been a series of mobilisations by the various adivasi groups till the end of British rule in India. However, it is an established fact that the British could not conquer the adivasis completely. Note the fact that even at the time of transfer of power the British army was fighting with the Pathan tribes of the North-West Frontier. The early resistances of adivasis, although operated in their own right, had created the foundation for the 1857 mutiny, particularly the Kol resistance of 1831, Bhumij resistance of 1832 and the Santhal resistance of 1855 in Central India.[203] These resistances are generally conceived as pre-political in mainstream history. L.N. Rana, a self proclaimed Marxist scholar observes that 'most characteristics of these tribal rebellions from the end of the 18th century to 1857, such as elemental, spontaneous and violent resistance aimed at overthrowing a new authority that destroyed the old system, were present in the 1857 Uprising in Jharkhand.'[204]This kind of rhetoric is very common in literature concerning adivasi revolts.

Although very little attention was paid to recognise the sacrifices of the adivasis during the national movement, after decolonisation, a great deal of literature has been produced particularly by Marxist scholars. While nationalist scholarship has not produced much literature, yet nationalist leaders'

202 For example, Sabyasachi Bhattacharya, ed., Rethinking 1857 (New Delhi: Orient Longman, 2007),1857 Essays from Economic and Political Weekly (Hyderabad: Orient Longman in association with Sameeksha Trust, 2008), Rudrangshu Mukherjee, Spectre of Violence: The 1857 Kanpur massacres (New Delhi: Penguin Books, 2007)

203 V. R. Raghavaiah, 'Background of Tribal Struggles in India' in A. R. Desai, ed., Peasant Struggle in India (Delhi: Oxford University Press, 1979), p.13.

204 L. N. Rana, 'The 1857 Uprising and Civil Rebellion in Jharkhand' in Bhattacharya, ed., Rethinking 1857, p. 70.

gesture to celebrate adivasi heroes of anti-colonial movement begs attention. Gaidinliu, the Rongmei woman, who was imprisoned in 1932 and released after Independence is often depicted as champion of anti-colonial movements in the North-Eastern regions of India. She was bestowed the title 'Rani' by Jawaharlal Nehru when he visited her in Jail. After independence, she was also awarded a *Tamrapatra* by the Government of India. She was invited to inaugurate many government seminars and development projects in the region. She was also projected as a follower of Mahatma Gandhi. The fact was that she had run a militant movement mobilising about four thousand Adivasi armed force. She was actually used by the national state to impress upon the Adivasis of that part of India and take them into confidence in the project of nation-making by constructing a common history of anti-colonial struggle.[205]

Another much celebrated adivasi hero from the time of anti-colonial movement is Birsa Munda who fought ferociously against the British in Chotanagpur and ultimately died in a colonial jail in 1900. At the session of the Indian National Congress, Ramgarh (19-20 March 1940), the main gate was named after Birsa Munda. After independence, he was depicted as a national icon of the adivasis. He is the only adivasi leader whose portrait hangs in the Central Hall of Parliament. An award is instituted by his name for rendering services to adivasis. Also, the Ranchi Airport and Purulia University are named after him.[206] These celebrations and iconism did not expunge number of stigmas attached to adivasis during the colonial period. Rather, this ended up in depicting adivasis more primitive or half-human in the scale of human evolution. Rani Gaidinliu and Birsa Munda are conceived as leaders of adivasis but not as leaders of India, although a great mass of non-adivasis participated in the movements under their leadership. The lower caste groups in particular had played a crucial role in their movements. Even non-adivasiVaishnavites were important disciples of Birsa Munda.[207]

The project of assimilating the adivasis in nation building through construction of histories and iconism has serious implications on the adivasi society. Indeed, the process of selective inclusion and exclusion has been going hand in hand. The nationalist romanticization of adivasis made their society reminiscent of our old civilisations.[208] Such mere celebrations failed to give any ideological integrity to

205 A.R.N. Srivastava, Tribal Freedom Fighters of India (New Delhi: Publications Division, Government of India 1986), p. 34-37.

206 K. S. Singh, Birsa Munda and His Movement 1874-1901: A Study of a Millenarian Movement in Chotanagpur (Calcutta: Oxford University Press, 1983), p. 3.

207 Ibid., p. 202.

208 K.S. Singh, Jawaharlal Nehru, Tribes and Tribal Policy (Calcutta: Anthropological Survey of India, 1989) , p.130

adivasi society. In fact, the nationalist scholarship did not make any serious attempts to document histories of adivasi mobilisations. Adivasi resistances find only some passing references in the huge volumes produced on the Indian national movement. Importantly these volumes have depicted the adivasis just as followers of the larger national movements headed by non-adivasi leaders or merely as backward mentalities, lacking any real own political consciousness of their own.[209]

In the light of this fact, it is important to examine the volumes on Freedom Struggle in Andhra Pradesh documented by M. Venkatarangaiya, a Brahmin scholar. After the formation of Andhra Pradesh, the state government constituted a committee to compile the history of the freedom struggle in the state under the chairmanship of Venkatarangaiya. The committee produced four volumes on the movement spreading over the period from 1800 to 1947. Except a few pages on the Alluri Sitaram Raju rebellion, there is no single description of Adivasi mobilisations.[210] The Andhra agency constitutes a considerable concentration of adivasis, particularly the Godavari and Vizag districts. The dominant adivasi groups in the region were Koyas, Konda Reddis, and Konda Doras. Among them, Konda Reddis were accorded a privileged position as they were said to be distantly related to the Kapu and Telaga peasant castes. Koyas were a branch of Gond adivasis, spoke the Kui language, and shared many Gond social and religious patterns. Konda Doras might have also been a section of the Gonds. They were more teluguised in speech and social behaviour than the Koyas.[211]

These groups had launched a historical struggle against varied forms of colonial expansion in the hills from 1839 to 1924. There were altogether seven serious resistances by the adivasis both against the British and local dominant peasant castes who were migrating to the hills from the plains. Among many of these confrontations, the 1879-80 resistance was a major challenge to the British Army, after which the names of its leader- Tamman Dora, resounded loud and clear in the region. In fact, these movements produced many adivasi leaders who find no place in the history of Andhra. In the midst of these historical articulations, it is important to note that Alluri Sitarama Raju, a Kshatriya by caste

209 David Arnold, 'Rebellious Hillmen: The Gudem-Rampa Risings 1839-1924' in Ranajit Guha, ed. Subaltern Studies I Writings on South Asian History and Society (New Delhi: Oxford University Press), pp. 88-89.

210 M. Venkatarangaiya, The Freedom Struggle in Andhra Pradesh (Andhra), Vol. 4, (Hyderabad: The State Committee Appointed for the Compilation of a history of the Freedom Struggle in A.P, 1965).

211 Arnold, 'Rebellious Hillmen', (op.cit.) pp. 94-95.

and medicine man from Godavari plains, suddenly became a champion of the adivasi mobilisation. It is said that he had entered the adivasi areas in 1918 and developed intimacy with the adivasis through his magical powers. Eventually, he organised the toiling adivasis and waged a violent anti-colonial rebellion from 1922-24. He was caught and killed by the British police.[212] After independence a good number of biographies of his life and time were written and published, depicting him as the champion of the adivasi cause. Even his strong adivasi followers Gam Gantam Dora and Mallu Dora did not get any recognition in these writings. It is not unworthy to note that only Raju's statue finds place from the adivasi category on the eye-catching Tank bund road of Hyderabad city.

Nationalist scholarship projected Raju's movement as a conscious political act against British imperialism. Venkatarangaiya stated, 'it was his leadership that gave the rebellion a character which distinguishes it from the *fituris* (raids/crimes) which had taken place in the agency on many previous occasions. His was definitely a political movement inspired by the ideal of Swaraj which became widespread in the Country by 1921'. With this sweeping statement, Venkatarangaiya invisibilized hundred years of revolutionary struggles of adivasis and put them on the wrong side of history. Indeed, most nationalist scholarship has wilfully distorted the histories of adivasis and such acts are apparent across their writings.

From this epistemological location, it is important to examine the remarks made by Vennelakanti Raghavaiah, a Brahmin Gandhian nationalist in-charge of Adimjati Seva Sangh in Andhra Pradesh, an organisation floated by Mahatma Gandhi to galvanise the adivasis into the national movement. While narrating Raju's revolt in the Andhra agency, he posits:

The leader of the 1922-24 revolt was a non-tribal person of high prestige while the leader of the Santals and Mundas were ordinary tribals, whose transparent sincerity and spirit of self-sacrifice were the sole motivating force in attracting to the banner of revolt, thousands of followers from almost every corner of their respective tribal lands. As conceded by even his own opponents, Raju was a leader of great organising calibre, skillful strategy and commanding talent while the same cannot be said of Birsa Bhagawan, the Munda leader, Kanu and Sidu, leaders of the Santals, though on that account the latter were not even a whit behind Raju in patriotism, purity of character and courage in facing danger at

212 Ibid., pp. 88-142.

great personal risk. Munda, Santal, Bhil, and Gond insurrections were short-lived and much simpler than the two-year-old continuous struggle of Raju, which kept the British army successfully at bay.[213]

This statement underlines how nationalist teleology is strongly rooted in caste sectarianism that was designed to suppress the revolutionary history of the adivasis. The fact that the Koyas of Andhra, Mundas and Santals of central India had been waging perpetual war from the inception of the British empire to its demise was neglected. There may be moments of quietude in their struggles, but there is no doubting the fact that their struggles across many regions were endless against the British. Yet such processes are seen as sporadic and short-lived. Adivasi leadership was founded on their communitarian bonds and had tremendous organising capacity derived from their cultural values and practices. Although the adivasi struggles are very much political in nature, yet most nationalist scholarship depicted them as apolitical and the adivasis as mere foot soldiers of non-adivasi leaders.

Turning now to marxist scholarship, it must be pointed out that many marxist theoretical strains actually converge with that of mainstream nationalist scholarship and thereby contributing as much to the distortion of adivasi insurgent consciousness. Atluri Murali, a Communist Party of India (Marxist) card holder, committed himself to considerable research on the revolt of Alluri Sitarama Raju. His research was primarily on the emergence of nationalist consciousness in the Andhra region of Madras Presidency. But the inauguration of subaltern studies project, particularly David Arnold's article entitled 'Rebellious Hillmen: The Gudem-Rampa Risings 1839-1924' published in the first volume of *Subaltern Studies* series, drew him to research on Raju's rebellion. He explored the history of Raju's anti-colonial consciousness thoroughly and engaged in a serious debate with Arnold in the *Social Scientist*. Arnold on the other hand charged Atluri on grounds that his arguments on Raju's rebellion were polemic and ahistorical.[214]

Atluri's main contention was that the early adivasi resistances of the region were not articulated within the anti-colonial consciousness. The anti-colonial consciousness spread among the adivasis only with the entry of Raju in the region. All the early mobilisations were *fituries* (raids/crime) against the local

213 V. Raghavaiah, 'Sreerama Raju's Uprising 1922-24', Desai, ed., Peasant Struggles in India, p.302.

214 For a detailed debate see Murali Atluri, 'Alluri Sitarama Raju and the Manyam Rebellion of 1922-24' Social Scientist, Vol. 12, No. 4, April, 1984, pp. 3-33; David Arnold, 'Sitarama Raju's Rebellion: A Response', Social Scientist, Vol.13, No. 4, April, 1985, pp. 44-49; Murali Atluri, 'Manyam Rebellion: A Rejoinder' Social Scientist, Vol. 13, No. 4, April, 1985, pp. 50-56.

zamindars and moneylenders. Importantly most of these mobilisations were launched by adivasi *muttadars* (chiefs/zamindars) and they did not attract and involve masses at large. In contrast, Raju's rebellion targeted only colonial state and not the local zamindars and moneylenders from the plains and was able to galvanise the adivasi masses in large numbers. Raju had great organisational ability and succeeded in organising a powerful peasant class anti-colonial movement in the adivasi region.[215]

It is a fact of history that the colonial administration and the outsiders (constituting of dominant peasant castes from plains) were equally responsible for exploitation and destruction of adivasi economy and polity. As has been established in recent studies, the adivasis had rightly identified their enemies. They were also aware of the nexus between the colonial administration and these outsiders, which was crucial in expelling them out of their land. In this sense, for the adivasis both the exploitative forces were premised on similar grounds. As Arnold pointed out; the grievances over *podu*, forest rights, loss of land and so forth did not stem from colonial actions alone, indeed the transference of land had been officially and ineffectively prohibited by colonial legislation. The immediate agencies of oppression and exploitation, whether official or commercial, were Indian, not European. It was this concrete condition that gave rise to an adivasi consciousness that fuelled them to wage their war against both outsiders and colonial administration.[216]

As a matter of fact, it was indeed Raju's entry that deceived the fighting adivasis by diverting their mobilisations completely against the colonial state. The destiny of this trajectory is that the adivasis are still fighting against the outsiders on an everyday basis in the agency.[217]It is in the light of these understanding that Raju's commitment and integrity is suspect, as the theoretical formulations of his rebellion diverted away from targeting the dominant caste migrants from the plains who were immediate enemies of the adivasis. We also have such examples in the plain area peasant movements. The dominant peasant caste leadership such as N.G. Ranga had successfully converted the anti-zamindari and tenant struggles into no-tax and grain price movements targeting the colonial state. This trajectory not only protected the interests of the dominant peasants but also gradually drew the toiling poor peasants into the larger anti-colonial movement led by Gandhi. Raju was also successful in linking

215 Atluri, 'Alluri Sitarama Raju'(op.cit.), pp. 3-33.

216 Arnold, 'Sitarama Raju's Rebellion,' (op.cit.), p. 47.

217 Bhangya Bhukya, 'The Eternal Colonial Legacy: Adivasis and Land Assertion in Andhra Agency' in Dev Nathan and Virginus Xaxa (eds.), Social Exclusion, Adverse Inclusion and Beyond: From Deprivation to development of Adivasis in India (New Delhi: Oxford University Press, 2012), pp. 66-80.

up the adivasis' specific grievances with his anti-colonial war. All that Atluri has tried to demonstrate is that Raju's rebellion was anti-colonial in character and thereby political, unlike the earlier adivasi popular revolts. This is what forms the premise of Gandhi's claim in 1929 that Raju was not a *fituri* but a great hero.[218]

The question then persists; what was new or innovative about Raju's rebellion and how does it set a new departure in the political consciousness and political action of the adivasis. As mentioned above, one important dimension of Raju's rebellion is that it successfully diverted popular mass movements against the British. As argued, the adivasis had ferociously fought British rule from the very beginning, particularly the mobilisations of 1879-80 and 1886 that had caused great difficulties to the British army. These insurgencies were well organised mass rebellions. Adivasis also used rifles in these rebellions. As Arnold pointed out, Atluri's argument that Raju's rebellion taught adivasis organisational skills and new political consciousness is simply ahistorical.[219] His understanding of adivasi politics is rooted in conventional Marxist paradigm of peasant classes, which does not recognise poor peasant's insurgence consciousness.

Karl Marx's characterization of peasantry as 'petit-bourgeois' and 'epitome of backwardness' was modified by Lenin's concept of 'middle peasantry' which identified class interests within the peasant community. However, experiences in the third world, particularly the Chinese revolution of 1949, disproved the concept of middle peasantry, as the peasants not only formed the great bulk of the fighting revolutionary forces and party cadres but also provide a good part of the leadership in third world. In contrast, contemporary social scientists and historians who are more inclined to use the 'class' model in studying agrarian societies and agrarian movements, began to discover the middle peasant as the most volatile, revolutionary and dynamic force in the rural social order. Needless to say that the middle peasantry analysis of Eric Wolf and Hamza Alavi have a strong impact on our academia, who argued that the middle peasant is free from structural links and bondages in the matter of land control and has both a tactical mobility and sufficient internal leverage to enter into a sustained rebellion.[220]

218 Arnold, 'Sitarama Raju's Rebellion', p. 44.

219 Arnold, 'Sitarama Raju's Rebellion', p. 45.

220 D. N. Dhanagare, Peasant Movements in India (Delhi: Oxford University Press, 1991), pp. 1-10.

Taking examples from the Marxian model of agrarian classes, Daniel Thorner has, based on the relation of production, outlined three model of agrarian class structure in India; Maliks (rich peasantry), Kisans (middle peasantry) and Mazdoors (poor peasants). D. N. Dhanagare confronted Thorner on this point by arguing that his model does not specify the internal differentiations of Indian agrarian society. Towards this end, he classified Indian peasantry into five classes; Landlords, Rich Peasants, Middle Peasants, Poor Peasants and Landless Labourer. He also hinted that the status-groups like castes, religious or ethnic groups have tendencies to disturb the class model in India, as these groups which are bound by non-economic sentiment or identity are so located to prevent revolutionary struggles. Further, he holds that landed upper classes' initiations provoked lower classes and brought them into the anti-colonial agrarian struggles.[221] This prescribes that the dominant peasant castes are political communities, whereas the lower castes and ethnic groups are apolitical communities. In other words, lower castes and ethnic groups are sentimental fools who are carried away by false-consciousness and who are then incapable to formulate a peasant rebellion or movement without the politically informed and sophisticated leadership of dominant peasant caste in India.

On the other hand, most orthodox marxist scholars celebrate anti-colonial *adivasi* mobilisations as a stage towards the creation of a new class-consciousness. Indeed, the anti-colonial adivasi resistances have become a source of inspiration to the post-colonial adivasi mobilisations led by marxist parties. The well-known Srikakulam adivasi resistance of 1969 in Andhra agency was founded on the spirit of anti-colonial mobilisations of Gudem-Rampa adivasis.[222] The post-colonial state continued to practice colonial policies in dealing with adivasi forest and land rights. The state encouraged migration of dominant peasant communities in the agency areas. This influx of outsiders ousted adivasis from their historically inhabited land. In this context it is important to note that the Tribal Land Alienation Act was redundant and did not see any implementation. The state nearly always sided with the dominant peasantry, working against the interests of adivasis. The adivasis had all the while been resisting against acts of land-grabbing, manipulation by moneylenders and exploitation by state officials.

This consciousness of the adivasis was promptly exploited by the Marxist Party. The adivasis were brought under the larger framework of class struggle by rearticulating and reformulating the long history of resistances in the agency, particularly Raju's rebellion which was kept alive among the

221 Dhanagare, Peasant Movements in India, pp. 13-19.

222 Arnold, 'Rebellious Hillmen, p. 141.

adivasis in the form of songs, stories and legends. Apart from this, the Marxist parties have also produced a considerable amount of literature on the mobilisations in Telugu. The revolutionary history of adivasis, thus, set the foundation for a larger class-based agrarian resistance in independent India.[223]

Similarly, the spirit of Komaram Bheemu's resistance was transmitted into Indravelli resistance of 1981 in the Telangana State. Bheemu waged a ferocious war against the Nizam Government in 1940 and formed a Gond Raj consisting of some Gond hamlets in the Asifabad forest of Adilabad district. In an encounter with the Nizam police he was killed along with nearly a hundred of his followers.[224] This insurgent consciousness of the Gonds was celebrated with utmost vibrancy by the Marxist and Leninist groups in order to woo them towards their militant movement. Encouraged by this new consciousness, the adivasis of Indravelli village of Adilabad district resisted the Andhra Pradesh police in 1981, and according to Government records thirteen adivasis were killed. The fact-finding committees of civil liberty bodies, however, stated that the number must be around a hundred.[225]

In all such mobilisations and movements the leadership was starkly non-adivasi. Although the adivasis were crucial foot soldiers at the grassroots level to organise and fight against both the dominant peasant castes and state police. It is impossible to find the role played by the middle peasantry in these revolts. In fact, the concept of middle peasantry or for that matter, the concept of class in India is heavily ruptured by the hierarchical caste system.

The heterogeneous interests of the castes always disturb any formation of homogeneous class even though industrial and agrarian modernity has indeed transformed Indian society considerably into a semi-capitalist society. However, the exploitation of the subaltern peasants takes place more through social relation rather than relationships defined by the economic conditions. In contrast, orthodox Indian Marxist scholarship has more often than not, articulated land and forest questions of adivasis within the larger framework of agrarian class struggle. It is, by all means, doubtful that the Marxian agrarian struggle would emancipate adivasis completely, failing as it is to accommodate cultural

223 N. Y. Naidu, 'Tribal Revolt in Parvatipuram Agency', Economic and Political Weekly, Vol. 7, No. 25, November 25, 1972, pp. 2337-2344.

224 Bhangya Bhukya, 'Colonisation of Forest and Emergence of Gond Nationalism in Hyderabad State' Itihasa, Vol. XXX, No. 1 &2, January-December 2004, pp. 59-79.

225 K. Balagopal, 'Indravelli 1985' Economic and Political Weekly Vol. 20, No. 21, May 25, 1985, pp. 906-907.

differences of communities, this often leading to a negation of any attempts to resolve cultural differences between the communities.

Such politics, indeed, not only dissipate the self-emergence spirit of the adivasi communities but also fail to provide the basis of an ideological integrity to their politics and society. Recent studies have revealed the importance of cultural histories in repairing ruptured conditions of communities, and the secular left always fails to pay heed and comprehend such histories.[226]

Finally, it could be argued that nationalist and marxist scholars have dubiously documented and interpreted adivasi politics. Though awe-stricken by adivasi bravery, both have completely disregarded the existence of a distinct adivasi political consciousness. It is in this context that one must read both nationalist and marxist efforts to formulate the concepts of 'pre-political' and 'ahistorical' respectively. These categories actually resolve their own politico-theoretical difficulties, helping them traverse their own political trajectory with ease rather than unravel any fact about adivasi politics.

Absurd as it may seem, the fact that Gandhi could use the notion 'ram-rajya' or 'gram-rajya' combining traditional values with the new political culture of the masses could be conceived as political and modern, while adivasis inspiring freedom through their religious idiom in their struggle against the modern state becomes merely apolitical and pre-modern is a case in point. It is thus to be noted that whatever manifest of adivasi mobilisations, either regional or local, there exist a political consciousness formed and articulated from within their own embedded lifeworld. It is in the light of this understanding that contemporary adivasi struggles either with colonial or post-colonial enemies must be seen as *modern endeavours to freedom* rather than merely pre-political or ahistorical struggles.

226 Alpa Shah, 'Religion and the Secular Left: Subaltern Studies, Birsa Munda and Maoists,' http://aotcpress.com/author/alpa-shah/ 13/01/2014.

The Polemics of Integration and State Making Processes

~Rimi Tadu

The easternmost part of the Himalayas, also known as Arunachal Pradesh, forms a unique cusp that connects South, East and South East Asia. Its unique geo-political location presents India with a corridor of both opportunities as well as vulnerabilities. Historically, the region remained outside any colonizing force (state or nation-state) despite the fact that it always shared its boundaries with the society and states of the Brahmaputra valley in south, Kham and Lhasa rulers in the north (Guyote, 2017). The region functioned as 'Zomia'[227] where its inhabitants maintained the calculated distance and autonomy from colonizing forces.

It was only during the British period that active intrusion and engagement with the region began. The British administrators tried to bring the region under its direct control in phased manner over the period of a century. In its attempt to demarcate the line of control between the foothills, plains and the hills- to demarcate where administrative responsibility lies and what is beyond the British rule i.e., the land of 'anarchic' and 'unruly' *Dafla* and *Abor*[228]people—the Bengal Eastern Frontier Regulation Act 1873, was introduced. This Act drew the Inner and Outer Lines of administration, where the land within Inner Line, between Inner and Outer Line and beyond the Outer Line was under direct, partial and outside the control of the British government respectively. However, both the Inner and Outer Lines were continuously and carefully shifted further and further up into the hills. Finally, in 1914, the McMahon line was drawn after negotiating the international boundaries with Lhasa. Through this, the geo-political identity of the region was reformulated and subsumed within the British colonial rule.

227 Willem Van Schendel in 'Geographies of Knowing, Geographies of Ignorance: Jumping Scales in Southeast Asia' (1997), describes Zomia people as people who live on the borderlands of any state territories. In other words, at the margins or the outskirts of any state system. Their distance from the power centers makes them irrelevant and ambiguous to state and these people use this ambiguity to their own benefit by traversing and trading their allegiance to any side of the state at their convenience. James C. Scott (2009), contextualizes the life of Zomia and argues that the state of anarchy in these regions are not a condition of their 'backwardness' or inability to live under a law like the citizens of the 'civilized' plains do but rather a calculated strategy to avoid the State. Thus, he presents a unique historiography and the political economy of Zomia in relation to so called state civilization. This is James C Scott's formulation based on his study of present-day Myanmar. James C Scott (2009) The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia. London: Yale University Press.

228 Dafla and Abor are the terms used by the plain inhabitants of Assam for the hill tribes. It carries negative connotations to define hill people as unruly, uncivilized, barbaric, wild and state-less people of the hill. These terms got carried down into Ahom, then in British and then in early Indian official documents.

After independence of 'India'—the region; then called the North East Frontier Tract was invariably passed on to the new dominion of India along with other 'frontier' regions outside the province of Assam. It meant that there was a mutual lack of awareness and understanding about the political and social worlds on both the sides—the autonomous region and the Indian nation-state. And that, during the exchange of territories between the states the natives of the land were not consulted. In another words, the establishment of the state was doing away of the autonomy. A complex reality of bio politics came into being in the region when Indian nation-state started the process of consolidation and integration of the region and its people. This frontier region was inhabited by distinct and egalitarian ethno-linguistic communities—soon to be designated as 'scheduled tribes'—while the Indian nation-state crystallizing its 'nationhood' around the dominant idea of India was fundamentally rooted in hierarchical social relations defined by varna/inherited occupations/caste system. There were fundamental social and cultural differences between these two worlds and based on brute power, one began colonizing, assimilating and integrating the less powerful worlds into itself. The process was violent and remains intense to this very day, but all these processes were legitimized under the name of a 'rational and democratic state system'. This, as observed was commonly practiced across the North East India and wherever the indigenous communities existed.

Providing another perspective on the consolidation process of the Indian state in Arunachal Pradesh, Berenice Guyote-Rechard (2017)[229] argues that most of the political urgency and development in the state was due to the presence of indomitable China on the other side of the border who persisted with claims over the region. This uneasy cold-war erupted into a full-blown Sino-India war in1962, where China actually took control of the region and later unilaterally withdrew from their positions of control. But the presence of this Chinese claim and the memories of the 1962 defeat still loom and linger on the Indian side of the border. Thus, establishing Indian presence, sense of nationhood, patriotism and loyalty towards 'India' among the local communities was perceived as imperative.

This project of States-Making was formulated as early as 1956. For instance, the policy document prepared by Verrier Elwin (the Advisor for Tribal Affairs during the period), in *'The Policy of the Government of India for the Administration of NEFA* 1956', talks about the need to see order, discipline and subservience on one hand, and loyalty and patriotism (among the tribal communities towards the state) on the other. He argued that all this could be produced by building State's legitimacy and forming

229 Guyote-Rechard, Berenice (2017) Shadow States: India, China and the Himalayas, 1910-1962. Delhi: Cambridge.

intimate friendship and allegiance with the tribal peoples inhabiting the hills. The methods employed to form and deepen this 'friendship', as Nehru and Verrier Elwin envisaged, were to be executed by a team of officials from mainland India who socio-politically inherits a legacy of prejudices rooted in caste relations and have historically themselves been 'marauding communities'[230] into indigenous peoples habitats. The likelihood of these officials embodying a psycho-social attitude of racial, caste and class superiority over the 'inferior/backward' tribes, looking down upon them as objects of pity with desires to socially 'civilize' and political develop them was very real.

Further, the formation of the 'modern' nation-state of India was formulated on an imagined notion of a modern, united and homogenous national identity; that every citizen of this 'modern' India should rise above their specific historically embedded identities. The overriding national identity of India was imagined and formulated in images that conform to a socio-cultural symbolism rooted fundamentally in a more dominant Hindu nationalist gaze. These frameworks of nationalism were simultaneously fed through two complex discursive processes - one is through an erasure from the nationalist narratives of what is and what was there (Barak, 2017)[231] by the non-recording of the distinct and diverse tribal worlds. And second was through the insertion of the new narrative that overarched and subsumed the multiple narratives of the tribal 'social'.

For most of the communities inhabiting their historical habitats and insidiously being marked as 'frontiers', 'peripheries' or 'margins', this new national identity with its concomitant state system was non-existent. Further, as this 'new' state system began to impose and insert its new history, new knowledge system, new nationality and identity, new governance and legal system and its new economic models on the tribes, a newer 'waves of colonialism' began. In this context, every 'other' were to be silenced and subjugated, insidiously integrated and finally assimilated into a specific form of 'Indian nationalism' as discussed above. It is within such a worldview that an intense integration program attempting to socialize and discipline the 'margins' and 'peripheralised' populations was initiated with visions of turning them into subjects of a seemingly rational and neutral state.

230 Marauding communities is the label used by Jaipal Singh Munda for dikus or outsiders.

231 Barak, Kalir (2017) Non recording States: Between Legibility and looking away. Focaal—Journal of Global and Historical Anthropology 77 (2017): 1–7. Stichting Focaal and Berghahn Books doi:10.3167/fcl.2017.770101

Within this context of state making and nationalist identity building process, Arunachal Pradesh presents a unique condition to understand the 'integration' of tribal communities into India. Across the other regions of North East, the process of integration continues unabated. For some populations it is political integration, for others it is economic integration and for a few more, it is emotional and psychological integration. Notwithstanding the same, the current more pervasive thrust across the region is on infrastructure and political economy, hoping to capitalize on the global geopolitical significance of the region and the rich dividend that can be extracted and gained from the same.

A Brief Background of Administrative Formation and Territorialization

The state socialization process of multiple indigenous communities is a common feature across hill regions in South Asia. The dominant understanding being that such processes are carried out as state's responsibility towards the welfare and modernization of the communities living in the constructed 'margins' of the state. The agency of these communities situated through historical accident in these 'margins' have neither been recognized nor consulted.[232] Arunachal Pradesh is a classic case of such a constructed 'margin'. It is a culture pot where at least 26 major indigenous tribes and more than 110 minor indigenous tribes with their distinct language/dialect, traditions, cultures and beliefs inhabit and intermingle since time unknown. The migration process into and within the region continued till the middle of the last century, where the movement of people from the southern and northern side of the Himalayas continued. Post India's independence, the government began the entrenchment of its borders; defining and territorializing the region under Indian suzerainty on paper. Till such times, the land and the geography of the region were only in the memory and oral records of the indigenous communities who produced and owned it. Territorializing by the Indian state began to restrict their traditional movements and slowly this movement ceased over the years.

After these movements across the Himalayas were blocked, newer corridors of communications opened up, and their interactions and transfusion with the southern societies were encouraged. It is interesting to note how colonial British and Indian administrators endorsed observations made by early anthropologists to build their own narrative and legitimize such intrusions. Haimendorf (1980

232 Willem Van Schendel in 'Geographies of Knowing, Geographies of Ignorance: Jumping Scales in Southeast Asia' (1997), describes 'Zomia' people (highlander and non-state people) as people who live on the borderlands of any state territories or at the margins of any state system, hence they could traverse their allegiance to any side of the states at their own convenience. James C. Scott (2009), argues that the state of anarchy in these regions are not a condition of their 'backwardness' or inability to live under a law like the citizens of the 'civilized' plains do but rather a calculated strategy to avoid the state.

and 1983)[233] and Elwin (1959)[234] had observed that it is because of the geographical 'isolation' and autonomous existence between the communities in the region, even though they might have the same origin, that such diversity existed within the region. The policy makers saw this isolatedness as the reason behind their 'backwardness' and underdevelopment, as they could not take benefits from the advancement achieved by the 'great civilizations' of the plains. Thus, constructing roads straight into their villages and connecting them to administrative zones became part of state's 'development' policy. Their autonomous way of life with their own self-sustaining ecology, economy, culture, beliefs, traditions and socio-political relations with neighbors were disrupted when influx of other communities into their habitat began to intensify.

Arunachal Pradesh remained as an unknown terrain without any administrative control till about 1824 when the British government took over the Brahmaputra plains of Assam from the ruling Ahom kingdom. The colonial British administrators saw the imperialistic prospects in Assam plains and soon started expanding towards the hills inhabited by autonomous communities. However, their expansion towards the northern hills of Assam, or the easternmost Himalayas, began only after the middle of the nineteenth century. Much of the holding back was due to the complete ambiguity about the region and the fear of encountering the other state rule viz. Tibet or China. Therefore, careful surveys and expeditions were carried out initially which only confirmed the absence of any direct state influence of Tibetan or Chinese government in the majority of the region.

Once the British Indian Government entered, it started influencing and indirectly controlling the communities in the region through the control of their land. For ages the various economic transactions were carried out between the hill communities and plain people at the foothill regions through various traditional trade routes. These traditional transactions often carried political and social relations and even conflicts between communities in the hills and plains. The British government started regulating these interactions to establish their control among the hill communities. One of the first such laws enacted was the Bengal Eastern Frontier Regulation Act 1873. This law introduced the 'Inner Line' and 'Outer Line' of administration. Under this law, those areas outside the Outer Line were excluded from direct administration. The drawing of border lines in the foothills and its regulations affected the communities living further inside the hills. Next came the Assam Frontier

233 Haimendorf, Christopher von Furor (1983) Himalayan Adventure: Early travels in North East India. New Delhi: Sterling Publishers.

234 Elwin, V. (1959) The Philosophy for NEFA. Directorate of Research, Government of Arunachal Pradesh: Itanagar.

Tract Regulation Act 1874. This law introduced the office of the Chief Commissioner of Assam, who was to have control over the regions within the Outer and Inner Line of control.

Earlier under the Assam Frontier Tract Regulation 1880, the first administrative structure had emerged, when two Political Officers were deputed to look after the newly created Lakhimpur Frontier Tract and Sadiya Frontier Tracts at the foothill region between the Assam plains and the Hills. This line of control continued to expand until the drawing of the McMahon line in 1914. The line defined the international boundary between India and China-Tibet. Interestingly China never ratified the agreement as it thought the region was part of itself.

By 1935, a distinctive administrative identity of the region was formed when under the Government of India Act 1935 the region was excluded from the Province of Assam, due to the unique population in the hill area. However, it remained under the control of Governor of Assam. Following the India Independence Act 1947, India consolidated and asserted its territorial sovereignty over the entire geographical region.

The Indian government was quick to grasp the delicate and strategic reality of the region. There was growing demand of separation from Indian state in the North East by various nationalities on one hand, and a growing assertion of Chinese claims over the region on the other. Thus, this territory became a unique project for Indian policy makers to inculcate Indian nationhood and reproduce state subjectivity among the communities inhabiting the region.

In 1954, the region was renamed as the North East Frontier Agency (henceforth as NEFA). The administrative headquarters were gradually moved further up into the interior of the region from foothills. Along with this, NEFA specific policies were introduced, such as the appointment of the Advisor to the Governor. Mr. K. L. Mehta, I.C.S. was appointed Advisor for Tribal Affairs. He together with Verrier Elwin, the Deputy Director of Anthropological Association of India were tasked to draft a special administrative tribal policy for NEFA (following sections will deal with the subject in greater detail).

Creation of a special cadre of officials called NEFA Administrative Cadre was initiated. The cadres were to be trained to be sensitive to tribal people and affairs. A special package was also given to make the cadre attractive. These officers were to possess 'special qualities- a sympathetic and friendly

attitude towards the tribal people' (Elwin, 1956:8) and 'Every officer is an ambassador of a greater India'.[235]

The tribal policy for NEFA went through drastic alterations after the Sino-Indian war of 1962. During this period the view was that the tribes needed to 'sacrifice' for the larger interest of the country and as long as the 'basic elements' of tribal culture and traditions are preserved, transformation (modernization) of the tribes was a necessity.[236] This narrative was so dominant that in 1963 even Verrier Elwin, who was seen as a tribal sympathizer among policy makers, had to accept that tribal assimilation and integration was inevitable now. In his words, '*Without a trace of suspicion that government has come to colonize or exploit them- a full integration of their mind and heart with the great society of which they tribal people form a part.*[237] In another instance he noted, *'Whether we like it or not, whether they like it or not, they are going to be civilized; their country will be opened up'.* [238]

The Ministry of External Affairs was in-charge of NEFA affairs till 1965. Following the all-pervasive nature of the above narrative and the need for a newer policy orientation demanding more aggressive nationalist integration- both psychological and administrative integration, NEFA was brought under the Ministry of Home Affairs. The designation of Political Officer was changed into a District Collector, and divisions were renamed as districts.

From 1967 onwards, the process of decentralizing governance began when an Agency Council was established with few nominated local leaders in the council at the agency level; and at the village level, Panchayati Raj Institution was introduced. In 1972, NEFA was renamed as Arunachal Pradesh and given the status of a Union Territory. It was also completely separated from the Government of Assam. The Chief Commissioner along with the Governor became the executive head of the new Union. In 1978, the first legislative election was held for the Pradesh Council for 33 members. In 1987, Arunachal Pradesh attained its full-fledged statehood with its own sixty members' Legislative Assembly.

235 Elwin's letter written by Elwin to K. L. Mehta on 31st May 1961. Verrier Elwin Papers, sub-file no. 96, NMML, New Delhi.

236 Minutes of the General Committee Meeting, 1963.

237 As cited in Guyote, 2017:9.

238 Elwin, Verrier (1963) Beating a dead horse. Internet source. URL: http://www.india-seminar.com/2001/500/500%20verrier%20elwin. Accessed on 20/10/1017.

State Expansion and Integration of Tribes

As the administrative setup further developed and state expansion continued, the region which was earlier divided into four administrative divisions till 1956 was then expanded and divided into five by 1965. Similarly, the number of military and political outposts rose from eight in 1947 to sixty-six in 1953-54.

The first boundary line that demarcated the Himalayan range was in 1914 when McMahon line was drawn. What is important to note is that this line was drawn on a paper map rather than on actual ground. Even today its actual physical locations are open to claims and counterclaims and a very complex situation has arisen because of this. This treaty was supposedly signed at a tripartite meeting between India, Tibet and China. The Chinese emissaries withdrew themselves in disagreement with the terms of the map. Ever since, the Chinese claims over the region has been a driving force behind any strategic political development.[239] The tension between India and China over the boundary claims in both the western and eastern sector became so intense that in 1962 the Sino-India war broke out. History tells us that China took over all the areas it claimed but decided to unilaterally withdraw to the earlier LoC.

The failure in the 1962 war provided the perfect grounds for a 'forward policy', which was aggressively propagated by nationalist groups. Nehru - Elwin's policy of restrain was severely criticized and denoted as the reason for the defeat. With time, the voices of criticism grew louder. Two years after the war, Nehru passed away and shortly after, Verrier Elwin also died in Shillong. In a way, one may argue that the era of the oft-celebrated Panchsheel tribal policy which Nehru-Elwin formulated, was over. The philosophy drafted in this Panchsheel was endorsed by the state in its public communication in terms of its relation with the tribes but in actual practice an intensive reorientation of the policy program was carried out. Administratively, the Secretariat located in Shillong, was moved to Itanagar the new capital of Arunachal. At this point, one could argue that when viewed from a State's perspective, territorial occupation was not the goal, rather it was the State's self preserving need to gain the loyalty of the inhabitants that was the informing thesis. Based on this perspective, the Border

239 Berenice Guyote Rechard see the looming presence or the impact of moves and activities on one side of the Himalayan border has having an impact on the other side of the Himalayan border as a 'shadow state'.

Defense Committee pressed with the utmost urgency for the establishment of Indian sovereignty till the border.[240]

Within a decade, a remarkable outreach and expansion was made that extended till the most interior areas. There were several processes that made state expansion possible. Citing one of the main opportunities that Indian government had in building their relations with local communities in Arunachal, Guyote (2017) explains how a high intensity earthquake (at 8.6 degree magnitude) in 1950, experienced in Arunachal, provided 'an unforeseen occasion for state-making'[241] and became an impetus for further expansion under the guise of relief and rehabilitation activities that was carried out.

Large group of people from interior communities from Sian Basin came down to relief camps constructed by administrators. They returned back with relief materials to distribute to their folks in their regions[242] along with the narratives of very caring and benevolent Indian administrators. It is important to note that most relief works were carried forth with the help of local communities, and in most cases, this happens to be the first occasion of mutual interaction between the people and the State. For years to follow, this had set in motion a pattern of relations between the communities and the state system where the locals became a dependent population and the state became a potential provider of tangible goods and benefits; thus making state expansion and interventions – digestible.[243] This benevolent government or *Sarkar* was invited to their villages and helped was provided by the community in establishing outposts. While this provided further impetus to expansion of administration, state socialization took place through another important strategy- the appointment of an array of government employees from among the local communities.

Since, the time of Ahom rule, followed by British and then Indian administration, several local government positions were created, such as the Kotokis or the Political Interpreter (PI) who often acted as the local agent or mediator between the community and the state officials. Further, due to their very roles; the Gaonburas, the local messenger; the Dobasis or the translator; the Sardar or the

240 Report of the Ministry of External Affairs, 1955-56

241 Guyote, 2017. p.100

242 Assam Tribune, 1951

243 Guyote, 2017. pp.100-101.

local agent who facilitates the labor recruitment; and diverse group of people who were recruited as porters for Permanent Labour Corp (PLC) and the Adjunct Labour Corp (ALC), peons, guards, kitchen helpers, etc., began to be absorbed in the government structure. Of these the Kotokis and the Gaonburas, were delegated with limited judiciary and political power to resolve small village level matters owing to their knowledge of customary laws. Each of these positions were reinterpreted and manipulated in multiple ways by the appointed people in order to acquire some power and authority for themselves. Through the years, these positions and even associations with the authorities became more appealing and beneficial.

The associations, especially, was for many a way of solving their own local dynamics and conflicts. It is not that officials were unaware of the impacts of the usage of such power by local agents and even subtle negotiations that the local communities were starting to make to negotiate with government. They, however, played safe by ignoring these few anomalies and consciously allowing the locals to get use to power and authority, plus the economic benefits that accrue from the state. In the words of Christian Tripodi, *'NEFA inhabitants were fundamentally balanced in their appreciations of the costs and benefits of acquiescing to the government's terms.*'[244]

In the border regions where, local communities were paying their taxes to the Monasteries, they found their alliance to Indian state more beneficial, as the Indian government did not seek tax. Gradually people also began to make active demands from the government for various provisions and benefits, and even expected an expansion into areas where the government officials were yet to reach.

Another important fact to note is that unlike in other states of the region where provisions such as Sixth Schedule and guarantees of Autonomous Councils were institutionalised, despite its dominant tribal population and pre-existing traditional system of governance, the Panchayati Raj Institutions (PRIs) was implemented in Arunachal Pradesh.[245] Panchayati Raj Institution, which conceptually means self-governance of the village community through decentralization of governance processes,

244 Quoted from Guyote, 2017: 118

245 The Panchayati Raj Institutions, or the institutions of local self governance, based on the model of Gram Swaraj or 'little republics' of Gandhi, was introduced in 1969 across the country, except for States where tribal communities were predominant. Tribal communities also already have a functioning age-old system of self-governance, either in the form of Chieftainship or traditional councils, with their distinct customary laws, and many of these places were considered as 6th Schedule areas as per the constitution of India. Many of the states in the Northeast of India were brought under the 6th Schedule area. However, Arunachal Pradesh was an exception, together with Manipur and even Tripura initially and Nagaland for different political reasons.

had somewhat distorted and destabilized the position of the traditional councils in each village. Through appointment of local agents and workers, and the introduction of PRIs, new power centers were created. This divided people's alliances and power roles. Gradually, in most cases, community institutions started losing their traditional authority and prominence, as people started depending on the government recognized authorities without realizing that traditional institutions and government institutions plays different roles and functions for the communities.

A very interesting case was noted by Guyote (2017) that took place in 1950. Supposedly an entire community that recently migrated from Sino-Burmese borderland, shifted to *Lisu* village of *Khomong*.[246] They pre-empted their chances of being expelled by the indigenous community by offering their willingness to pay tax to the government and inviting them to *Khompong* which was not yet explored by the administrator till such time. Guyote notes that in their letter to the government, they made their bid to present themselves as peaceful and useful candidate for being resident in NEFA.

The settling of population from outside the region in its territory has always been part of Indian state policy - first, a loyal population of the government who can play their role in acquiescing loyalty, friendship and even 'civilizing' the local community, and secondly, the settled population would turn the land habitable to prepare a base for new settlements.[247] In many other cases, the government actively attempted to induce and settle outsiders into the region. In the 1970s, it opened a new area at Vijaynagar of Changlang district for the ex-servicemen to settle and exploit the local resources.[248] Later a large population of Tibetian and Chakma refugees was also settled across Arunachal.

Experiencing the State

However, not all these expansion stories are simple and peaceful. In almost each of the first contacts between communities mediated by the state, there was conflict and their use of coercion. The experiences of communities like *Nyishi, Apatani, Adi, Miris*, etc., speak volumes of the annexation of

246 Guyote-Rechard, Berenice (2017). Shadow States: India, China and the Himalayas, 1910-1962. Delhi: Cambridge. ISBN 9781108401319.p. 121.

247 Tadu, Rimi (2015). The Philosophers for NEFA: Revisiting 'The Philosophy for NEFA' through the experiences of the Apatani. In Alex Akhup (Ed.) Identities and their Struggles in North East. Tribal Intellectual Collective of India and Adivaani: Kolkata. p.115.

248 Re-settlement of the Ex-Servicemen, 1974

their homeland by the Indian administration which is still found reverberating in their oral narratives to this day. The official narratives, of course, are silent about such empirical truths.

Some of my own findings on the local history concerns an event called *Kure Chambyo*, where a large group of *Tanii* men had led an attack on the Indian military outpost called *Kure* near the *Tanii* homeland. Interestingly, not only in the official government records, the narrative of this event is almost non-existent even among the locals. The post-Kure Chambyo occupation and the oppression carried out in the Tanii valley still pulsate as a painful memory for most of the elderly members of the community. However, the younger generations are hardly aware of the event as the same was never commemorated or re-narrated. The narratives that I collected from the field are filled with very complex accounts, intersecting with silences and many re-phrasings. Informants were careful with the information they were sharing and positioned themselves carefully, very much restrained to talk about their experience. I have observed a denial and disowning of this collective past by the people, unless there is an insertion to put the event as a moment of 'foolish and barbaric' act of older and traditional *Taniis*. In my own engagement with the field I was particularly interested to understand why there exist such self-derogatory or apologetic narratives? There seems to be a newer interpretation and reframing of their memories? But why? I found that such kind of narrations and remembering has come because of a very particular socialization to state ideology carried out for national integration programs in the region.

In addition to oral narratives and archival texts, I came across a few old photographs collected from the Information and Public Relation Office in Naharlagun (AP). These photographs provided different dimensions to the official narratives of the events they were capturing. These photos captured the authority and their subjects in the same frame, invariably capturing the particular relation they shared; and also, very importantly reflect upon the perspectives from which these photos were taken, revealing realities which official narratives do not reveal. For instance, photos of VIP visits to the Apatani valley also includes 'Political Present' distribution ceremonies.[249] These gifts such as cotton threads, pieces of clothes, lantern, iron axe, umbrella, soaps and mirrors, etc., were given away to few selected (selected by field officers and local agents) loyals or influential local people. These gifts apparently helped in forging good relation, creating impression and commanding influence among the

249 The term 'Political Presents' was later renamed as 'People's Present' because of the former's colonial origin.

locals. The photos of these ceremonies show elaborately ornamented with bamboo designs pandals and platforms where in one side the VIPs and officials are seated along with the piles of gifts arranged for distribution. One could imagine a setting of some princely of darbars. While on the other side, on the ground people are looking up sitting or standing. Then other photos shows of the gift distribution where the VIP is handing over the gifts, (often very callously and condescendingly) while official in-charge are calling out named on mike in one side, few officials assisting the VIP; then the receivers receiving the gifts with joined palms (the gesture alien to communities). Then there are set of photos of VIPs and their family visiting the villages or 'meeting' the locals. The locals are huddled in rows with palms joined in front of them while the visitor is smiling, looking amused and inspecting the locals with their hands on their backs as they walked through the rows. One starts wondering about the psychological impacts of such contacts create, being inspected, made to stand or sit before the officials, opening up their houses to unknown visitors, made to dance and perform before them, and also very importantly watching the cacophony of power laden bureaucratic demonstrations of rituals, behaviors and gestures exchanged between the officials and their seniors, and their seniors. Such experience of power, authority and oppressive hierarchical relations, and their reproduction of subjugation and powerlessness, were fairly alien to tribal communities. All these day to day experiences of new realities produced by the state system leads to socialization of a once stateless community adapting to a state system. Every moment of their interaction with officials or state institutions such as the education system, governance, market system, judiciary, development programs, land relations, and communication infrastructures are, therefore, part of being socialized to new power relations. The state over the decades became a hegemonic reality. Today even when most of these administrative and legislative structures are administered by local representatives, their loyalties and their relationship with the state system remains that of power and an unquestioning subject of power relations. Thus, when they tell their stories of struggle against the government in the past, they reframe it according to their present reality.

Conclusion

State making process continues through every written document produced in each and every bureaucratic office and through every individual who participates in bureaucracy.[250] The daily life of bureaucracy is actualized through various rituals, performances and traditions which reproduce

250 Bierschenk, Thomas and Olivier de Sardan, Jean-Poerre (Ed., 2014) State at Work: Dynamics of African Bureaucracies. Boston: Brill.

socialization, discipline and allegiance to sustain itself. The 'banal' and even sometimes 'vulgar' display of power and hierarchies[251] during state sponsored administrative ceremonies and functions which segregate people into VIPs, VVIPs, servants, peons, other contractual staffs, uniformed officials and those who are recognized non-official agents and those who are outside the entire system (the least powerful), the audiences of the state rituals are part of the process of reproduction. The language of addressing and honoring superiors or officials; the elaborate award ceremonies and 'political present' distribution ceremonies; the so called cultural programs where the local people were made to perform for the official visitors; the exposure trips of villagers to Delhi which conversely involves their display before the affluent and 'civilized' people of cities, etc., are the different processes. What is important to note here however is that all these processes and programs were regularly documented, but in an official language from a nation-state integrationist perspective. Such exposures not only introduce and induce a sense of inferiority and self-negation but at the same time, the cognizance to system of hierarchy, authority and power systems. Not only people's food habit, language skills, dressing, housing and economy began transforming, but people were also being socialized to hierarchical division based on administrative and economic classes.

Arunachal Pradesh, among the North Eastern States, is often considered as the most peaceful state, where the State's national integration policy was perceived as most successful. Today, unlike any other states in the Northeast, Arunachalis take pride in their fluency in speaking Hindi and their sense of cultural assimilation to mainland Hindu societies is conceived positively. This is in contrast to several other states in the regions boycotting the Hindi language. This 'emotional and psychological' integration into the nation-state of India seems complete in Arunachal. Further, with regard to the governance system, unlike other states in the region in which the constitutional provisions of the fifth schedule and sixth schedule applies in the system of governance, providing protection and privileges to tribal dominant states and areas and recognizing customary laws as part of State system, Arunachal Pradesh did not get any such constitutional provision.

At present, the region is progressively being militarized both in the Indian and Chinese sides, and this battleground of two competing and insecure states is reproduced through the people. One feels the

251 Mbembe, Achille (1992) The Banality of Power and the Aesthetics of Vulgarity in the Postcolony. Public Culture, 4(2), Spring 1992, pp. 1–30, Translated by Janet Roitman.

shadow of control always looming over. One is rarely conscious of, till one tries to consciously see the boundaries of limited democracy and freedom. The golden promises of the directive principles seem far-fetched realities in the midst of such military infrastructure and military personnel empowered with draconian act such as AFSPA, etc.

In this chapter I have attempted to problematize the introduction of hierarchy of power and class by the bureaucratic state rituals, the elaborate and unnecessary performances of bureaucracy that leads to cultural and social transformations of the people, together with the intrusive policies that critically alter people's perception about the reality and choices they make. Arunachal Pradesh is a case in point to witness the transformative impact of the problematics of integration and how geopolitics plays a role in state making. The processes are extremely complex, but it is pertinent to unravel those state making processes as statist socialization and assimilative processes by which small ethnic communities are dominated, encapsulated and reproduced as new state subjects.

Discourse on Adivasi Development: Nehru and Elwin's Perspectives

~Venkatesh Vaditya

Introduction

To consolidate political power in a postcolonial context, the Indian state chose to make a sharp break away from the inherited colonial economic policy of laissez-faire by re-orienting itself towards a planned process of economic development. The ideological position that was upheld by the Indian state was economic nationalism. Historically, Adivasis are considered as one of the vulnerable groups in Indian society, and one who is to be integrated into the emerging nation-state, and specifically its economy. To promote and develop such 'historically marginalised' people, a sound developmental philosophy had to be formulated. To this need, the anthropologist Verrier Elwin was called upon to formulate a framework.

Overall Elwin's discursive framework on Adivasi development was based on a gradual integration of Adivasis into an Indian 'mainstream'. This ushered a discourse that is now resisted vehemently by Adivasis. Modern institutions of civil society, state and market that Elwin imagined integrating the Adivasis into have instead visibly impaired them. In the light of this process, there is a felt need to revisit the positions held by Elwin and his political mentor - Nehru on the complex historical issue concerning Adivasi development and the Indian State.

After attaining political independence in 1947, the Indian state attempted a discontinuity with the predominant colonial-metropolitan economy. The aim of the national leaders at that time was not only to attain political but economic independence. After some degree of consolidation of political power, rehabilitation of the economy from the ravages of world war and partition, India chalked out a different path, away from the inherited colonial economic policy of *Laissez-faire*. This path manifested in a planned development, oriented towards economic policy change i.e. autarky and building socialism. In Nayar's opinion, *'planning was an assertion of such economic nationalism, and the ultimate control and direction of the national economy*.'[252]

252 Nayar, Baldevraj (2001). Globalization and Nationalism, Sage Publications, New Delhi, p. 50.

India, it may be stated, is characterised by great diversity both geographically and socially. However, historically, one of the important groupings that had been at the receiving end both in social and economic development are the *Adivasi* groups. A policy to this end, that attempts to engage them was needed, otherwise the notion of independence would mean nothing much to these communities. In this domain, colonial anthropology had played a crucial role in terms of advising the colonial and native princely rulers on various *Adivasi* issues. And Anthropologists have also pioneered various anthropological researches on various communities in the country. In Bhukya's opinion, the construction of textual knowledge about Indian communities was a major genre in the colonial milieu as part of the project of colonial knowledge creation as a means of the extension of colonial power.[253] He further opines that *Adivasi* anthropology during the colonial period can be grouped into four categories: Darwinic anthropology or official anthropology, missionary anthropology, romantic anthropology, and Hindu nationalist anthropology. This starting from the early 20th century onwards. Each school of thought had their own agenda in producing and reproducing *Adivasi* society.[254]Within this context and in need of a framework to engage Adivasis, Jawaharlal Nehru the first Prime Minister of India together with the well-known British philanthropist, missionary turned anthropologist - Verrier Elwin played a historically major role.

Elwin, a citizen of Great Britain, came to India in 1927 as a Christian Missionary. He met Gandhi and became his follower; he was attracted towards Gandhian philosophy of *gramswaraj*, woven around the notion of decentralisation at grassroots level. In the beginning, he developed interest on the plight of untouchable communities and worked among them with the objective of removing the age-old social oppression and prejudices inflicted upon the community. However, gradually he shifted his interest from untouchable communities to *Adivasis*. Once, in an interaction with industrialist Jamnalal Bajaj, Elwin washinted about the unique social and economic life of *Adivasis*. Fascinated with the life world of *Adivasis,* he gradually shifted his focus from the people suffering from hierarchy-based inequalities to the people-facing disadvantages because of isolation. From this point onwards, he dedicated his whole life to the study of *Adivasi*; first in Central India and later in the North Eastern states. He was granted Indian citizenship in 1954 and was later appointed as Anthropological adviser to the Government of India. He was also tasked to implement *Adivasi* welfare programmes in the North

253 Bhukya, Bhangya (2008). The mapping of the Adivasi social: colonial anthropology and Adivasis. Economic and Political Weekly, September 27, p. 103.

254 Ibid., p.105.

Eastern states. Both Nehru and Elwin contributed tremendously to the discourse *on Adivasi* development in India in unique ways. This paper is an attempt to unravel the philosophy behind the formulation of *Adivasi* development strategy in post-independent India by both the individuals.

Understanding Caste and Tribe dichotomy

For Jawaharlal Nehru, every state needs a 'national philosophy' or 'national ideology' to hold it together and provide coherence and a sense of direction and purpose.[255] He thought that industrialization would bind the country together in a network of economic interdependence, and that planning would ensure that no region felt excluded from the fruits of economic growth.[256]Nehru became popular for his pro-*Adivasi* developmental policy after his exposure to the central Indian *Adivasi*s like Bhils, Gonds and Santhals in the first place, and the North Eastern Frontier Areas (NEFA) later. Nehru, while underlining the importance of establishing a reciprocal relationship with *Adivasis* noted:

We should have a receptive attitude to the tribal people. There is a great deal we can learn from them, particularly in the frontier areas; and having learnt, we must try to help and co-operate. They are an extremely disciplined people, often a great deal more democratic than most others in India. Even though they have no constitution, they are able to function democratically and carry out the decisions made by their elders or representatives. Above all, they are a people who sing and dance and try to enjoy life; not people who sit in stock exchanges, shout at one another and think themselves civilized.[257]

On the basis of his contact with NEFA, he made his famous statement of viewing *Adivasi* problems from their own eyes, that the 'tribal problems should be viewed in their own context as the tribal economy cannot be separated from cultural disposition and sovereignty'.[258] On the question of caste-tribe dichotomy raised by sociologists and cultural anthropologists G.S. Ghurye, Nehru argued that *Adivasi* and caste-society in India assumes no such structural difference, it appears that whatever

255 Parekh, Bhikhu (1991). 'Nehru and the National Philosophy of India', Economic and Political Weekly, Vol. 26, No. 1/2 (Jan. 5-12,) p. 35.

256 In Bhikhu Parekh's opinion, for Nehru 'modernization' was India's national philosophy and involved seven 'national goals' namely, national unity, parliamentary democracy, industrialization, socialism, development of the scientific temper, secularism and non-alignment, see for further details Bhikhu Parekh (1991).

257 Nehru, Jawaharlal (1963). Jawaharlal Nehru's Speeches: August 1949-February 1953, Volume Two, Publications Division, Ministry of Information and Broadcasting, Government of India, p.578.

258 Rath, Govinda Chandra (Eds) (2006). Tribal Development in India: The Contemporary Debate. New Delhi: Sage Publications. p.67.

difference exists is only a superficial and not a qualitative one. He projected these two societies as two different forms of the existential reality of India. Whatever difference is visible is the result of the settlement of these people in two different time and space in the history of civilisation. It is therefore, an integration-related difference created in the process of binding them in the common thread of humanity. However, Elwin did not endorse such a unified and coherent history of Indian people as Nehru posited. According to Elwin, Indian history has nothing to offer nor highlight any favourable contribution that caste society has made to the well-being of tribes. He elaborates, that tribal history is rather a story of economic exploitation and cultural destruction by caste society. However, Nehru's argument resonated with that of G.S Ghurye's offensive term of 'backward Hindu' used for the *Adivasis* in India.[259] He believed *Adivasi* history was a constructed, concocted and distorted history and was not written based on true evidences. He argued that, the British officials purposefully segregated the tribes from Indian society and projected them as different from the mainstream civilization. In his opinion, most historical writings have sought to reflect man's disunity, and the creators of this history were foreign historians and anthropologists. The foreign writers failed to understand the social coherence between tribes and non-tribes. Therefore, there is a necessity to re-write *Adivasi* history to bring new perspectives and interpretations in the light of building a unity between tribes and non-tribes in the country.[260] Elwin did not agree with Nehru on a coherent history of the people of India, in his opinion 'tribal history is rather a story of economic exploitation and cultural destruction by the mainstream caste society.'[261] There has always been a gulf between *Adivasis* and the nationalist leadership in terms of conceptual understanding of *Adivasi* situation. While highlighting the conflict between tribes and Indian nationalism, Xaxa states:

Despite constitutional protection from exploitation and land alienation, in the dominant national discourse tribal issues have primarily been couched in terms of social backwardness. Underdevelopment was routinely tied to the isolation of tribal communities, and hence their integration was viewed as a panacea for the problem. Nationalist leadership has thus implied a conflict in the simultaneous presence of tribes and the nation. It understood the nation in a particularly definite form, within which tribes did not fit. To be part of the nation, it was not sufficient for tribes to join

259 See for more details Ghurye, G.S. (1943). The Aborigines-So called and Their Future, Pune, Gokhale Institute of Politics and Economics.

260 Gavit, M.H and Attar Chand (1989). Nehru; Tribal and Women Welfare, New Delhi, H.K Publishers and Distributors, P. 140.

261 Rath (Eds. 2006). Ibid., p.67.

the economic and political system; rather, this new nationalism required them to assimilate into the socio-cultural system of larger India as well.[262]

On *Adivasi* Poverty

Nehru in general had a broader vision on poverty in India, however he was primarily concerned with economic or income poverty. It was emphasised that the planned efforts under the state's leadership is imperative to address and eradicate poverty in the country. In Nehruvian poverty formulation, the concept of castes, tribes and minorities were put on a common platform. However, Elwin's conception of poverty was strictly confined to the unique situation of *Adivasi* poverty. His approach exposed a diverse backwardness, which is multi-layered and all pervasive among the *Adivasis*; he therefore advocated a multi-pronged intervention strategy.

Apart from conceptualizing *Adivasi* poverty, Elwin in his philanthropic career wanted to educate civil society about Adivasis. In public gatherings he spoke of how a group of people still lived an unbelievably vulnerable situation at the fringes of society. On one such occasion, he described *Adivasi* poverty to a large audience in the Rotary Club of Bombay. He stated:

We forget what it is. Remember one day a family coming to us in tears for their and their possessed have been destroyed by fire. When I asked how much they wanted to put them on their feet, again they said, 'four Rupees'-the price of a single copy of *Brave New World.*[263]

In another incident, he described:

"In Bastar state once, a Maria was condemned to death and on the eve of execution, they asked him if there were any luxury he would like. He asked for some chapati and fish curry made after the city style. They give it to him, and he ate half of it with great enjoyment then wrapped the remainder up

262 Xaxa, Virginius (2016). 'Tribes and Indian National Identity: Location of Exclusion and Marginality', Brown Journal of World Affairs, Fall/Winter, Vol.23 (1), p. 231.

263 Karaka, D.F. (1947) I've Shed my Tears: A Candid View of Resurgent India,' New York, pp. 1-100, as mentioned in Ramchandra Guha (2014) 'Saving the Civilised: Verrier Elwin, His Tribals and India, New Delhi, Allen Lane, p.153.

in the left plate and gave it to the jailor telling him that his little son was waiting outside the prison door. The boy had never tasted such a delicacy, but he should have it now."[264]

Elwin formed his strong opinion about *Adivasi* poverty after his extensive field study in *Adivasi* areas. In his view, poverty is not only the epitome of material deprivation; it is also an indicator of a lapse of human compassion. He compared *Adivasi* poverty in two different geographical areas that had different levels of exposure to Hindu culture. In Ganjam and Koraput districts of Orissa state he observed that, the *Adivasi* groups which have been living in inaccessible areas and coming in closer contact with the Hindu caste society were poor, miserable and diseased more, lacking in beauty and dignity than the groups that lived in interior areas and had less contact with Hindus.[265] However, subsequent outside intervention in the form of curtailment of *Adivasi* rights on natural resources by enactment of stringent laws or the forcible settlement of outsiders in *Adivasi* areas led *Adivasi* social institutions to lose their earlier equilibrium and interdependence. In this context, Elwin differentiated between two types of poverty. Firstly, it may be identified as primitive subsistence where level of subsistence is so low that it can hardly be measured by a general poverty measurement scale. The second form of subsistence is above the primitive standard but cannot be compared with poverty among caste Hindus in rural areas. When Elwin talked about *Adivasi* poverty, he emphatically hinted at both the primitive as well as the caste-induced poverty; however, for Nehru poverty meant only the caste-induced poverty.[266]

For Elwin it was the colonial ruler, Hindu moneylenders and landlords who uprooted the *Adivasis* from their indigenous production system and put them into the peasant production network, from which they could neither rise up in the scale of mainstream economic growth nor go back to their subsistence-based primitive production system. The condition was much worse where the *Adivasis* lived in a Hindu majority area. After independence, the new generation of outsiders like refugees and government employees joined with the old agents resulted in causing poverty among the *Adivasis*. Nehru mentioned that, the *Khasi* tribe in Shillong lost their economic dynamism after partition of India because they lost earlier accessible markets, which were in Bangladesh.[267] These developments

264 Ibid, p.154.

265 Elwin, Verrier (1949) Dr Elvin's Report on Tribal of Ganjam and Koraput, as Quoted in Rath (Eds. 2006), Ibid., 67.

266 Rath, Ibid., p.70.

267 Nehru, Jawaharlal (1985). Letters to Chief Ministers, 1947-1964', Vol-3, in G. Partha Sarathi (Eds), New Delhi: Government of India, pp. 157-58.

drove the *Khasi* community to the problems of unemployment and dwindled power of purchase. Nehru thus linked lack of access to resources with low nutritional status and recognised it as the predominant indicator of *Adivasi* poverty. To overcome the general problem of poverty in the country, Nehru emphasised the maximisation of production in the agricultural and industrial sectors. He thought capital formation in India would not be completed if the vulnerable groups did not join in this process. In his opinion, the market was substantial means of bridging the gap between the *Adivasis* subsistence economy with national economy. For Elwin, 'spoon-feeding' would not free the *Adivasis* from the clutches of poverty. He differed with Nehru on market-*Adivasi* nexus by taking the example of the Muria's in Bastar region. According to him, the Murias:

"will walk anything up to forty miles to Jagadalpur or Kondagaon to sell in the Bazaar a few eggs, mushrooms or other products for a total value of one or two rupees. When they have acquired this money representing the whole stock of the profit of their husbandry, they will then spend it on some articles, which formerly they would have made for themselves ... Therefore, commercial penetration of these regions, which is going forward at an ever-increasing rate as roads are developed in threatening to extinguish, on the other hand, folk crafts, on the other hand, draining the region on what little money it may have."[268]

Elwin's concern in resisting market-*Adivasi* nexus was the fear of over exploitation of *Adivasis* in the hands of non-*Adivasis* and losing control over *Adivasi* economy to the non-*Adivasi* intermediaries in the commercialisation process.

Development Approaches for *Adivasis*

According to Bikhu Parekh, socialism to Nehru largely meant a planned mixed economy dominated by the public sector. Nehru welcomed the private sector because it introduced a healthy dose of competition. The justification that was offered for domination of public sector was, in Parekh's opinion:

The dominant role of the public sector was justified on both political and economic grounds. Only the state had the ability to generate the vast resources needed to set up huge industries in 'strategic

268 Rustomji, Nari (Eds 2001). Verrier Elwin: Philonthropologist, New Delhi, Oxford University Press, p. 72.

areas'. The public sector guaranteed the state a powerful economic presence necessary to avoid it being controlled, manipulated or blackmailed by the private sector. It provided a 'counteracting power' to the capitalists and constituted a vital safeguard against their adding political power to their considerable economic power and threatening democracy. It also ensured that production was guided by social need rather than the profits of a few.[269]

Nehru's vision of development was centered on eradication of poverty, ignorance, diseases and inequalities of opportunities. While he was, busy in formulating a broad-based, effective approach for the development of the entire nation, Elwin insisted on a separate development approach for the *Adivasis*, who were the most vulnerable population in India. His development approach was well known as '*leave them alone'*, '*national park'* or '*isolationist'* approach. This approach emphasises on letting the *Adivasis* live their own way, not infringing on their economic space and allowing them to grow in their self-created or self-designed developmental discourse. While, Nehru advocated the principle of avoiding the two extreme courses, he thought that the *Adivasis* should not be kept as 'anthropological specimens' in the intellectual net for mere study, but they should be protected from the exploitative grip of outside society. However, it is important to note here - that he was not in favour of permanent isolation, rather he was suggestive of selective and voluntary accommodation of advanced technology and culture with *Adivasi* culture. Thus, his development policy was based on the value of gradualism and passive interference of the state alongside all the other philanthropic overtones.[270]

The anthropologist Haimendorf cautioned the un-mindful integration of tribesmen with mainstream society, arguing that this contact may lead to the rapid disintegration of tribal society and the absorption of aboriginals within the surrounding population, or it may result in a conscious and self-chosen seclusion. He observed:

There are many regions where within a span of twenty to thirty years, the aboriginals lost their economic independence and most of their land and, in some cases, the ensuing tensions and frustration resulted in spontaneous outbreaks of violence and even in organized rebellions.[271]

269 Bhikhu Parekh (1991), p. 38.

270 Gavit and Chand (1989), P. 154.

271 Furer-Haimendorf, Christoph Von (1977). 'Tribal Problems in India' in RomeshThappar (Eds) Tribe, Caste and Religion in India, New Delhi: The Macmillan Company, p.2.

While quoting Elwin's work - *Loss of Nerve*, Bhukya mentions that, Elwin grouped *Adivasis* into three classes – the elites, the so-called Hindus, and the primitives. The second category of Hinduised *Adivasis* was made corrupt and culturally more undermined with caste Hindus and missionaries contacts. The solution, as Elwin visualised was to protect the *Adivasis* by creating isolationist national parks for them.[272] The isolationist approach he developed was from his study on the Baigas.[273] Two immediate factors could have influenced Elwin to formulate this approach. First, he was well aware about the offensive attitude of the colonial rulers towards *Adivasis*; they were wishfully kept isolated by the British administration for both administrative and geographical reasons. Second, he was also aware about his contemporary Anthropoligist's attitude towards *Adivasis*, who wanted and advocated to keep the *Adivasis* apart, as if in a zoo or museum for their study. Elwin did not recognise either of these approaches as appropriate or rational for the welfare of the *Adivasi* communities. Though he belonged to the native colonial country of Britain, however it was considered that he had decolonised himself in mind and thought. The Baigas who were victims of severe exploitation, dreamt of *Baiga Raj*- i.e. Baiga sovereignty with a Gandhian sense of self-reliance, in which they would have their own king and there would not be any exploitation by the outsiders. Elwin translated the dream of Baigas having their own kingdom into the 'national park' approach. He wanted this approach to have a wider application to cover *Adivasis* living in all regions of India. Keeping this in mind, he approached Gandhi to seek his approval; Gandhi however denied any such separate provisions for the aboriginals, just as he denied separate electorates for the Depressed Classes in 1932. Along with Gandhi, other Congress minded Hindus[274] heavily criticised Elwin's national park approach, labelling it as anti-national. They felt that, the isolationist way of looking at the *Adivas*i problem would keep the aboriginal population away from the mainstream independence movement and would weaken national solidarity even after the independence. They, therefore, felt that safety lies in union and not in isolation. While defending himself for being isolationist, Elwin argued:

272 Bhangya Bhukya (2008), p.107.

273 See for example Verrier Elvin (1939) The Baiga. London; John Murray.

274 For Example, criticizing Elwin's approach as anti-national A.V. Thakkar pointed out that this isolationist way of looking at the tribal problem would keep the aboriginal population away from the mainstream independence movement and would weaken national solidarity even after independence. Therefore, he felt that safety lay in union not in isolation.

There is of course, nothing wrong in being an isolationist, a no-changer or a revivalist. I just do not happen to be either an isolationist or a no-changer. A revivalist? Yes, certainly, along with most intelligent and artistic people who are trying to revive the beauty of the arts and music of India.[275]

Along with the National Congress, Sociologist G.S Ghurye not only criticised the isolationist approach but also countered the argument that the Hindus were responsible for creation of poverty among the *Adivasis*. He instead blamed the British colonial rule as the sole responsible agency for *Adivasi* poverty.[276] In other words, he wanted to prove that Hindu caste had been in a symbiotic relationship with *Adivasis* since ancient times and they both remained an intrinsic part of Indian civilisation, which Elwin intended to break by his isolationist approach.[277] On the other hand, M.N Srinivas attempt to counter Elwin's isolationist approach took recourse to the aspects of cultural dynamism and delineated the view that every social group, howsoever primitive it might be having certain inbuilt potential to adopt a new technology for survival. The Baigas could not be an exception to this principle and they would obviously be capable of taking to plough cultivation from their primitive lifestyle. Thus, adoption of new technology would lead to an advanced production system among them.[278] Elwin deflected all these remarks and described himself as 'protectionist', but not 'isolationist'. He argued that he was protectionist because he was opposed to the idea of *Adivasis* being made subservient to the caste Hindus society in the process of economic development. However, later he modified his approach after his study in the North-Eastern Frontier Area (NEFA). For instance, in the case of Nagas, the community inculcated values like land, territoriality, cultural autonomy and political freedom. Such values were perceived as a threat to the national unity by the Indian state. Such values could not be tolerated, given the proximity of the region with Chinese border. Moreover, the Indian state thought that the integrationist approach was desirable given the proximity of NEFA and because of geo-political reasons, rather than isolation in the region. Subsequently, the Indian state applied law

275 Elwin, Verrier (1977). 'Issues in Tribal Policy Making', in Romesh Thappar (Eds) Tribe, Caste and Religion in India, New Delhi, The Macmillan Company, p.30.

276 In Ghurye's opinion, the individual property rights in land, creation of a land market, laws restricting the use of forest resource and exploitative excise policy were all British creation. The landlords, moneylenders and liquor contractors whom Elwin projected as perpetrators of tribal poverty took the lead from these laws and exploited the tribes.

277 Ghurye, G.S. (1943). The Aborigines-So called and Their Future, Pune, Gokhale Institute of Politics and Economics.

278 See for detail M.N. Srinivas (1944) Review of the Aboriginals, Journal of the University of Bombay (History, Economics and Sociology), New Series, 12(4), January, pp. 91-94.

and order approach to the *Adivasi* autonomy movements in the North Eastern region, whereas Nehru wanted to have an anthropological approach to such an impasse with the help of Elwin.[279]

After an extensive study in NEFA, Elwin changed his isolationist approach into neither isolation nor assimilation but to integration. He thought that, isolation aims at conscious separation of *Adivasi* from the political and economic mainstream. At the same time, assimilation tends to expect the *Adivasi* to be partial and involuntary subservient to the interest of dominant Hindu society. In contrast, integration intends a respectable merger of *Adivasis* with the mainstream society, staking a claim to an equal share of power and resources as any other citizen in the country. Elwin had this moral dilemma as to 'how to bring the blessings and the advantages of modern medicines, agriculture and education to *Adivasi*s, without destroying the rare and precious value of *Adivas*i life.'[280] Nehru thought that, it was not a healthy sign and desirable for a newly emerging nation to allow these vulnerable *Adivasi* groups to remain perpetually confined to a primitive economy. At the same time, the nation should not over-burden the *Adivasi*s with a multiplicity of schemes by the planning department, in anticipation of rapid development. He felt that the development planning should play a catalytic role among the *Adivasis* allowing them for their self-development. Nehru reiterated the same principles when he formulated his five fundamental principles for *Adivasi*s known as *panchsheel*.[281]

Elwin emphasized on rapid development in *Adivasi* areas to bring them in to mainstream society. He advocated an emphasis on economic programmes, health and allocation of very large sums of money to spend on roads, so as to bring these people out of their isolation and integrate them with the rest of India.[282] While defending his position of isolationist in the early days of his intellectual activities Elwin argued:

279 See for details Elvin, Verrier (1957). A Philosophy for NEFA. Shillong: Director of Information, NEFA.

280 Ibid., p.53.

281 The 'Panchasheel' as enunciated by Nehru are as follows: (1) People should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage in every way their traditional art and culture. (2) Tribal rights in land and forests should be respected. (3) We should try to train and build up a team of their own people for the work of administration and development. Some technical personnel from outside will, no doubt be needed especially in the beginning. But we should avoid introducing too many outsiders into tribal territory. (4) We should not over-administer these areas or overwhelm them with a multiplicity of schemes. We should rather work through and not in rivalry to their own social and cultural institutions. (5) We should judge results not by statistics or the amount of money spent but by the quality of human character that is evolved.

282 Verrier, Elwin (1977). p.29.

My suggestion in Baiga was badly put and I should have realized the unfortunate connotation of the expression 'National Park'. But in 1939 what on earth was one to do? It was not a question of preserving Baiga culture-for the Baigas had very little culture: it was a question of keeping them alive, saving them from oppression and exploitation, giving them a simple from of development.[283]

Elwin throughout his life remained an integrationist and believed in selective and slow integration of the *Adivasis* into the mainstream development process.

Economic Planning and Development

Until it was expanded to the *Adivasis* areas, Elwin did not criticize Nehru's mixed economic strategy. He opposed this strategy when it was imposed on *Adivasis* areas on par with non-*Adivasi* areas. In his opinion, such an economy, which was thought out to be towards modernizing Indian economy, would not suit the *Adivasi* conditions. The *Adivasi*s could not produce a capitalist from among themselves to run the private sector, nor could they actively participate in the formation and distribution of a public sector economy. The mixed economy would rather perpetuate the dominance of the non-*Adivasis* in the sphere of Indian political economy. He argued that private capital formation would further push the *Adivasis* into a perennial condition of socio-economic backwardness. He was therefore critical of the importance given by Nehru to large-scale industrialization, as it would cripple the potential of indigenous economy. He argued that, when the mainstream developmental discourse on economic development was unmindfully applied to *Adivasi* areas in order to bring *Adivasis* into the mainstream, the non-Adivasi merchants, moneylenders, property owners and liquor-vendors took control and grabbed the Adivasi economy. This entirely disturbed and marginalized the *Adivasi* economy at the hands of non-*Adivasis*.[284]

Gandhi's influence and his *gramswaraj* ideology to an extent were imbibed by Elwin in his 'national park' approach. Gandhi, Nehru and Elwin agreed on the idea that utilization of *Adivasi* work force in more productive activities was the only decisive way to their development. Nevertheless, they all differed on ways and means to achieve it. For instance, Nehru was in favor of introducing modern technology for maximization of production in both the industrial and agriculture sectors. He did not

283 Ibid., p.3.

284 Verrier, Elwin (1943). The Agaria. Bombay: Oxford University Press.

accept Gandhi's idea of village self-sufficiency with decentralization.[285] Nehru apprehended that, if decentralization leads to old and rather primitive methods of production, the nation would then remain poor.[286] Elwin supported Gandhi's stand on *Adivasi's* right to forestland as well as the use of their primitive technology in production.

Legacy of Elwin and Nehru

Both Elwin and Nehru died in 1964, since then many changes have taken place in developmental discourse in the country. The Nehruvian legacy, however, continues to dominate the planning process to this day, while Elwin's influence on tribal planning ebbed following his demise. Nehru's idea of rapid industrialization as a predisposition for national development survived and seems to dominate current discourse. Hence, many large-scale state-owned industries like steel plants in the country were established in *Adivasi* areas. Another indispensable strategy that was propagated as development was the rapid development of agriculture and construction of large-scale hydro-electric projects like Nagrajunasagar, Hirakud etc. Needless to mention here, this Nehruvian model benefitted landed non-*Adivasis* at the cost of massive displacement of *Adivasis* from their ancestral homes. Thus, one could argue that Nehruvian legacy survived in the form of authoritarianism, large-scale engineering and ultimately resulting in disaster for the *Adivasis*. This model proved contrary to the earlier oft-stated position of Nehru, that development in any form should neither be imposed upon nor uproot the *Adivasis*. Industrialization in fact became a blessing for many who converted their land in newly constructed industrial towns into market complexes and gave houses on rent. However, for the majority, industrialization became a curse. While theorizing models of development, that was pursued by the Indian state in the post-colonial context, which stands in contradiction to the interest of tribes, Xaxa says that:

After independence, India embarked on a path of rapid economic development and national reconstruction. However, this invariably assumed the form of large-scale projects, whether it concerned infrastructure (dams, irrigation, power plants, roads, railways), or industry or mineral

285 Gandhi glorified the village society, in his opinion, the idea of village swaraj was, that it is a complete republic, independent of its neighbour for its vital wants.

286 See for details Nehru, Jawaharlal (1964). Speeches, September 1957-April 1963, Vol. III & IV, Publication Division, Ministry of Information and Broadcasting, GoI.

exploration. Since, tribal-inhabited regions are rich in minerals, forest and water resources, such large-scale projects invariably came to be located in tribal areas.[287]

Xaxa further elaborated about the model of development which has led to the development of non-*Adivasis* at the cost of marginalisation of *Adivasis* by stating:

In short, development of tribals has been pursued by expropriating tribals of their land, forest and other resources in the name of national and regional development. The benefits of development projects, which Jawaharlal Nehru, the country's first Prime Minister, described as the temples of modern Indian, did not accrue to the tribal people. Rather tribal people were deprived of their livelihoods and left without alternative avenues of employment and food security.[288]

Nehruvian model of development proved disastrous for the *Adivasis,* and the neo-liberal development model in operation since the past two decades has accentuated development-induced misery of *Adivasis*. Economic nationalism has given way to economic globalization in the country under the avatar of economic reforms oriented directly towards 'economic growth'. However, the goal of development is not merely economic growth. Development is also understood as a process of expanding the real freedoms that people enjoy. These freedoms are both the primary end and the principal means of development. They include freedom to participate in the economy, which implies access to credit, among other facilities, freedom of political expression and participation; social opportunities, including entitlement to education and health services.[289] This process can be described as expansion of substantive freedom or capabilities of persons to value or have reasons to value. In this sense, the deepening and expansion of human capability can be broadly seen as the central feature of development. It is inclusive, humanistic, and continuous. It is only then that human rights can be identified with one such capability.[290] The neo-liberal model of development has not only changed the developmental paradigm but the way we look at *Adivasis* development also. The process has integrated the national economy with the global economy and now economic growth is assumed as a

287 Xaxa, Virginius (2012) Tribes and Development: Retrospect and Prospect, in Dev Nathan and Virginius Xaxa (Eds) Social Exclusion and Adverse Inclusion: Development and Deprivation of Adivasis in India, New Delhi: Oxford University Press. p. 31.

288 Ibid., p.32.

289 Dreaze, Jean and Sen, Amartya (2002). India Development and Participation. New Delhi: Oxford University Press, p. 35.

290 Life of a person can be seen as sequences of things that person does… these constitutes the collection of functioning, then capability refers to the alternative combinations of functioning from which a person can choose.

new measurement of development. Earlier, planned development process benefitted non- *Adivasis* at the cost of *Adivasis,* but now growth led development is out and out destroying *Adivasi* life everywhere, making the State's coercive apparatuses ever more present in their habitats. The state is brokering on behalf of the Multi-National Mining Companies (MNCs), which are driving away *Adivasis* and depriving them of their vital source of livelihood in their ancestral lands. This is quite contrary to Elwin's proposition of integrating *Adivasis* in the mainstream society in manners that are gradual. Neither, Elwin's model of integration nor Nehruvian model of economic development has been given much attention by the Indian state. The new fashion of economic development has been passed on to the predatory MNC-led economic growth model. Thus, it can be concluded, that for *Adivasis,* modern institutions of civil society, state and market have done unimaginable harm. Caste Hindu society represents a civil society that is caste-ridden, exploitative and exclusionary in practice. Both colonial and post-colonial developmental state and now the police state (which treats *Adivasis* assertions as a law and order problems) are equal culprit in alienating the *Adivasis*. Further, the global market economy which is aggressively penetrating deeper into hinterlands with renewed neo-liberal vigor, is excluding, destroying and subjugating the *Adivasis* in all spheres.

Elwin and Nehru's ideas of strategic and gradual integration of *Adivasis* into mainstream civil society, state and market have become more relevant now than during the Nehruvian era. More than Nehru's emphasis on large scale development model, Elwin's *Adivasi* development approach has the capacity to establish *Adivasis* rights over '*jal-jamin-jangal*'. It is the time to retrieve his legacy.

Concrete Conditions and Dynamics

Sacred Groves: A Cultural Symbol of Tribal Political Self-Assertion

~J.J. Roy Burman

Tribal culture in India is extremely rich and varied componentially. The anthropologists have worked hard to bring it to the notice of the common people and the State. This has been, also, taken up as a measure to oppose the cultural homogenization policy of the latter. In the process, which is quite often in tune with the foreign western scholars, Indian anthropologists have projected tribal cultures in a romanticized manner, as exotic elements of the primitive people which need to be preserved. In the process, the question of human rights associated with tribal existence has gained an upper hand over the issue of ensuring their political rights. Political rights are, essentially, embedded within the womb of cultures and therein cultural rights. Sacred grove is one such cultural trait of the tribal communities which has, unfortunately, been projected as an instrument of ethno-environment management. This chapter makes a modest attempt to deconstruct the popular myths surrounding sacred groves which have been created by and large by western scholars and their counterparts in India.

A sacred grove is not merely tree worship but is, essentially, a patch of forest which is usually kept undisturbed. The chopping down of the latter is, usually, not allowed and is, thus, seen pious. Its connection with any form of deity might vary from place to place. Since, it is considered religious, people are allowed to enter only when they are barefoot and not otherwise. The collection of wood in the form of branches and twigs from such spaces is strictly prohibited. Even lifting of fallen leaves is not allowed. The reason might be that, many times, these groves are associated with cremation or as burial grounds.

Quite like tree worship, the institution of sacred groves is a very ancient tradition. The World Conservation Monitoring Centre states that the tradition dates back to several thousand years or, at least, in the pre-agrarian period of the hunter-gatherer societies.[291] The Centre further mentions that the forest patches were usually dedicated to a deity and were given special protection with only limited use of resources sanctioned during times of calamity such as fires and droughts. Kosambi states that the sacred grove institution in India is very ancient and most likely dates back to the pre-agrarian

291 Patil, S. 1982, Dasa-Sudra, Slavery. New Delhi: Allied Publishers.

stage.[292] Skolmowsky, similarly, observes that the sacred groves in India are as ancient as the civilization itself.[293] In a similar writing, Patil mentions that the sacred groves first appeared when people were still in the stage of living as tribal groups.[294] It continued even in the Vedic period when every village and town had a sacred grove. The groves were basically associated with mother goddess.

The tradition of sacred grove is very widespread throughout the world. Frazer provide illustrations of sacred groves which were earlier prevalent or are so, even now, in Europe, India, Australia, America, Africa, China and Japan.[295] Among the Celts, the Oak-worship of the Druids is quite well known. The old word sanctuary appeared to be identical in origin and associated itself with Nemus in Latin – which meant a grove and it still exists being referred as Nemi. Sacred groves were common among the Germans and are still in existence in Germany. At Uppsala, the old religious capital of Sweden, there was a sacred grove in which every tree was regarded as divine. Among the Finnish-Ugrian tribes, heathen worship used to take place within sacred groves which were fenced and protected.

The African continent, which is predominated by tribal nationalities, is replete with sacred forests and sacred groves. Castro in his writing mentions that sacred groves were abundantly found among Nolia and Gichugu Kikuyu tribes of Kiriniyage district of Kenya.[296] The Kikuya customarily used selective groves scattered throughout the countryside as places of worship and sacrifice. Little and Brokensha states that there were at least 100 sacred groves in the area between a quarter of hectare to three hectares in size. These were such places where cutting of any tree was forbidden and which were used for ritual sacrifice.[297] Wilson states that along the coastal districts of Kulifi and Kwale, there were

292 Kosambi, D.D. 1962, Myth and Reality. Bombay: Popular Prakashan.

293 Skolimowski, H. 1991, Dancing Shiva in the Ecological Age.London: East-West Publishers.

294 Similar as (i)

295 Frazer, J.B. 1915, The Golden Bough. London: MacMillian& Co.

296 Castro, P. 1990, 'Sacred Groves and Social Change in Kirinyaga, Kenya' In Chaikan, M. and Fleverts, A (eds.), Social Change and Applied Anthropology, Boulden: Westview Press.

297 Little, P.D. & Brokensha, W. 1987, 'Local Institutions, Tenure and Resource Management In East Africa' in Anderson, D. & Grove, R. (eds.), Conservation in African People, Policies and Practice, Cambridge: Cambridge University Press.

about 30 sacred groves among the Mijikenda people and were locally known as Kaya. The kayas altogether covered about 2000 hectares.[298]

The present author (1992) observes that the sacred groves were to be found almost all over India. One could witness the existence of sacred groves right from the north-western Himalayas to the mountainous terrain of northeast. The presence can also be felt among tribal and non-tribal communities stretching from the eastern and central India to Thane, Pune and Ratnagiri districts of Maharashtra covering Western Ghats along the West Coast. In Darjeeling, where the sacred groves are called 'Deorali', they are, usually, meeting points of bridle paths from various directions. Sacred groves were, also, found throughout Kerala where they were known as 'Kavu'. Mitra states that in 1827, about 15,000 'Kavus' were located in Travancore area alone. According to P.K. Maity, in Malabar area of Kerala, 'Kavus' are found to be in almost every Hindu household.[299] These groves were often found in south-eastern corner of the house where Kavus were usually dedicated to the snake god – 'Naga'.

In Maharashtra, where sacred groves are concentrated mainly in the tribal areas of Vidarbha and along the mountainous passes, leading from the seacoast (Konkan region) to the Sahyadris, they are locally known as 'Deorai'. While Gadgil and Vartak, in an inventory, has indicated the presence of 250 sacred groves in Maharashtra.[300]Paranjpye, similarly, enlisted about 400 groves in the state.[301] It was however felt that the number was several times more, considering the fact that every village in the Western Ghats and Konkan region had at least 2-3 sacred groves, apart from those in the tribal belts. In terms of their size, the groves varied from a clump of trees to 60 hectares, though the majority were fairly small, the medium being only 1.5 hectares.

Sacred groves are widely prevalent in the tribal areas of South Bihar and Jharkhand. Sahay observes the existence of sacred groves mostly amongst the tribal communities in that region.[302] Sacred groves

298 Wilson, A. 1993, 'Sacred Forests and the Elders' in Kemf, E.(ed.), The Law of the Mother: in Protecting Indigenous Peoples in Protected Areas, San Francisco: Sierra Club Books.

299 Maity, P.K. 1965,'Tree Worship and its Association with the Snake Cult In India' in S. Sengupta (ed.), Tree Symbol Worship in India, Calcutta: Indian Publications.

300 Gadgil, M. & Vartak, V.D. 1991, 'Studies on Sacred Groves along Western Ghats in Maharashtra and Goa' in Jain, S.K. (ed.), Contributions to Ethnobotany in India, Jodhpur: Scientific Pub.

301 Paranjpye, V. 1989, 'Deorai: An Indian Concept of Common Property Resources' in Jayal, N. (ed.), Deforestation and Drought, New Delhi: INTACH.

302 Sahay, K.N. 1965, 'Tree Cult in Tribal Culture' in Sengupta, S.(ed.), Tree Symbol Worship in India, Calcutta: Indian Publications.

among the Dravidian and Mundari speaking tribes usually comprise of a number of 'Sal' (*Shorearobusta*) trees located outside the village. The grove is one of the principal sacred centres of the village where some important tribal deities and spirits are believed to reside which require periodical offerings and some sacrifices for the peace and prosperity of villages. According to Chakravarti, the tribes of south-western districts of West Bengal – Bankura, Purulia and Midnapore are known to have sacred groves. The groves among the Santals are called 'Jaher'. The tutelary deities – Marang Buru and Marang Buri are believed to reside in the 'Jaher'.[303]

Balakrishnan along with Joseph &Kharkongar has mentioned about the existence of sacred groves in many different places of Meghalaya. Among the Khasis, it is referred as Law kyntang.[304][305] Ramakrishnan (1993) writes that in Meghalaya sacred groves are to be found in each and every village. Among the Garos, they are termed as 'Atongkusi'. The groves are not touched by the people out of reverence and fear of the Sylvan deities. But, with changing time, in Sohra (earlier Cherapunjee), the only spot of vegetation now remaining is the sacred grove in itself.

Similarly, Shangpliang states that the sacred groves among the Khasis of Meghalaya have been a site of rituals, taboos and ceremonies, a locale where social and moral values are passed on to the younger generation.[306] The groves house, the most important religious and ritual relics. The Khasis believe that the guardian spirit of U Ryngkew U Basa is present in these groves since time immemorial. As the name suggests, the spirit takes care and protects the people from sickness, pain and invasion by enemies. In the sacred groves at Raliang, Jaintia Hills, a religious ceremony called Ka Nguh Blai or 'bowing in front of God' is performed annually twice during April and November. The Jaintia priest (Baman) goes on a fast for the first two days before the festival after which a dance called 'Pastieh', is exclusively performed by the men folk. Offerings like pumpkin, sugar cane and a black Goat are offered to the goddess Kapati after which the day concludes. On the second day of the ceremony, the

303 Chakravarti, K. 1991, Man Plant and Animal Interaction. Calcutta: Darbari Publications.

304 Balakrishnan, N.D. 1981, 'Flora of Jowai' in 'Meghalaya' (mimeo).

305 Joseph, J. & Kharkongor, P. 1991, 'A Preliminary Ethnobotanical Survey in Khasi and Jaintia Hills, Meghalaya" in Jain, S.K. (ed.) Glimpses of Ethnobotany in India, New Delhi: Oxford & IBH.

306 Shangpliang, R.M.2010, Forest in the Life of the Khasis. New Delhi: Concept.

Baman, accompanied by the Nongkynrih drums, walks down the river 'Umoorem' to seek blessings from the goddess by offering a bunch of flowers and a pigeon to the river.

Lately, the sacred groves have been portrayed as an element of environment preservation and conservation by the western reductionists and their cohorts in India. However, in reality, it is a multi-faceted institution with most tribals stressing on its religiosity. Many of them have also associated it with the component of heritage and aesthetics. For them, a sacred grove doesn't exist as a Common Property Resource that has to be plundered. The groves create a cosmic relation between man and nature, whereby, having an environmental significance is just congenital. There are many groves which consist of rare biotic species, flora and fauna but are, deliberately, not preserved by the locals. Water sources have been frequently noticed to be emanating from the groves, however, extensive field surveys across the country reveal that the sacred groves are social spaces which, primarily, are territorial markers within which the political rights are enshrined. Thus, a sacred grove institution is primarily an embodiment of right to self-determination.

Among the Mahadeo Koli tribes of Pune district in Maharashtra, every village has a border sacred grove dedicated to Mariai – deity of the death. These border groves usually comprise of just a few clumps of trees. Mariai is believed to prevent evil spirits and epidemics like Plague and Smallpox from entering the village. It is because of this reason that no village person even dares to touch the grove. If there is an absence of a Mariai grove and a temple is erected in its place, it usually signifies a breach in the borders between adjoining villages sometime in the past. In Alwar district of Rajasthan, the border groves are called 'Kankarvani' and travellers are required to throw pebbles and coins at it. The cash thrown at the shrines operate as quit money or highway toll tax.

The extent of territorial assertion of sacred groves has been clearly manifested in the Mahadeo Koli villages where the presence of at least one grove is mandatory in every hamlet and is referred as 'Gaothan'. The hamlet level groves are usually, dedicated to particular clan deities with dead bodies getting cremated or buried there. The annual 'Jatra' or puja of the tutelary deity normally occurs within the Gaothan sacred grove. The puja is accompanied by cultural programmes along with a collective feast. Relatives from far flung areas throng such gatherings. In some groves, firewood which is dry and is available within that space, is only permitted to be used for cooking during the feast. Similar incidences at hamlet level, clan level and village level have been observed by A.P Sinha about sacred

groves among the tribes of central India.[307] Such groves provide moral rights over a territory to the marginalized people who dwell in the frontier zones. Since, they have no written history, the control of any centralized authority, thus, becomes rudimentary.

The principle of territorial assertion through the sacred groves has also been observed amongst the Santals of Phulkusma village in Midnapore district of West Bengal. While forming a new village, the Santals declare a patch of the existing forest as a sacred shrine – the Jaher Than – abode of the tutelary deity. It is believed to be a necessary procedure to start any new Santal settlement. Without worshipping the Jaher, no Santal can become a legitimate resident of the village. The presence of Jaher has also been observed in coolie lines of urban industrial centres like Rourkela and Jamshedpur.[308] [309]

The Sikkim state, which was earlier an independent kingdom, was initially placed under the rule of a Chogyal or 'Dharmaraja'. Though the monarch wasn't that powerful, however, he was known to be a religious king. The State was ruled more through a moral order rather than coercive power. The kingdom was established through a blood treaty between a Lepcha and a Bhutia chief. This event was enshrined at a sacred grove called Kabi Lonstalk which was about 20 kms north of Gangtok, the state capital. The treaty was believed to have been signed with the blood of a woman from the Limbu tribe. The site where the first Chogyal got coronated was called Norbugang which comprised of a clump of sacred trees located in the heart of Yuksom in West Sikkim. The most ancient Buddhist monastery in Sikkim was again marked by a sacred grove at Tadong in the heart of Gangtok township.

The sacred groves have, in fact, been used symbolically by the tribal peoples in various parts of the world to reinforce their social solidarity, to give direction to their movements for autonomy and assert their right to self-determination. Gadgil and Guha refers to the legend of the Bishnoi community in Rajasthan, who resisted the king from plundering the Khejarli trees of the 'Oraans' or the sacred groves.[310] In the writings, Sankhala has written that 'In their passion to preserve the Khejri trees, the Bishnois have no parallel in human history. Legend has it that some 250 years ago when the 400-year-old Mehrangarh fort at Jodhpur needed repairs, Maharaja Ajit Singh's men could find no sizeable trees

307 Sinha, A.P. 1989, Religious Life in Tribal India. New Delhi: Classical Publications.

308 Roy Burman, B.K.1991, Burdwan Mass Literacy Campaign Report, New Delhi: GOI.

309 Mitra, A. Et al. 1994, The Spirit of the Sanctuary. Down to Earth, January 31.

310 Gadgil, M. & Guha, R.C. 1992, This Fissured Land. New Delhi: OUP.

to fire the lime kiln except in the Bishnoi village of Khejarli. However, the Bishnois protested against cutting of their trees even at the cost of their lives. The first victim was a woman named Amrita and then their daughters were slayed. Thereafter, the sacrificial ceremony became simple with, one by one, the Bishnois were given a bathe and had their heads chopped off by their own relatives. The story goes that 363 trees were cut off only after 363 men, women and children were beheaded. The Maharaja was shocked and, since then, no tree has been chopped off or animal killed in Bishnoi villages.'[311]

Hembram states that through Sarna Dharam (Sarna religion), which was based upon the traditional religion centred around the sacred groves, discrete ethnic entities in Chotanagpur were brought to a common platform for asserting their right to self-determination or even for retaining their freedom from the British onslaught. This was under the banner of Jharkhand movement, of which Birsa Munda was the prime mover.[312] This was a strategy to unite the tribes with their native religion and those who had been converted to Christianity.

Mitra states that Sarna was one of the basic factors that stalled the Koel-Karo project in Jharkhand about a decade back.[313] The tribes asserted that they would shift only if their ancestral spirits residing in the Sarna were removed along with them. Damodaran, too, mentions in this regard that there was a renewed attempt to preserve the sacred groves of the Adivasis and a growing protest against dam building at Koel Karo.[314] The effort to prevent the flooding of tribal land and groves under the project had generated widespread support. The main outcry seemed to be directed against the destruction of the sacred groves where the gods were said to reside. Over the years, they were successful in stalling the project, indicating the power of collective resistance.

Lately, the Jharkhand Mukti Morcha (JMM) party has given particular emphasis to the cultural revival of Adivasi rituals related to land and forests and thus signalled the revival of the 'Sahrul puja'. Damodaran states that "this festival of the sacred grove, which was traditionally confined to the villages, now became a grand political event in urban centres and was accompanied by large

311 Sankhala, V. 1993, 'Prospering from the Desert' in Kemf, E. (ed.), The Law of the Mother: in Protecting Indigenous Peoples in Protected Areas, San Francisco: Sierra Club Books.

312 Hembram, P.C. 1983, 'Return to the Sacred Groves' in Singh, K.S(ed.), Tribal Movements in India, New Delhi: Manohar.

313 Similar to 19.

314 Damodaran, V. 2007, 'Tribes in Indian History' in Chakrabarti, R. (ed.) Situating Environmental History, New Delhi: Manohar.

processions, drum beating and dancing with large crowds lining the streets. It symbolized a flamboyant assertion of 'tribal' identity and strength and can be compared to the Ramnavami or Moharram processions demonstrating militancy. The puja, thus, became highly visible, elaborate and a ritualized culture of public celebration involving both performers and crowds in a collective act, articulating the special relationship of Chotanagpur people with nature and asserted their rights as the custodians of their land and forest."[315]

Similar territorial and ethnic assertions through afforestation drives have been noted among the Bhils bordering Rajasthan, Gujarat and Madhya Pradesh. The Bhils of these areas are fighting for a separate Bhilistan. As a strategy in some places, they are capturing barren hills and afforesting them. They are protecting the plantations by declaring them sacred and putting large visible 'Ohm' signs and also erecting ashrams where regular puja is done. This, the Bhils call, 'Dhoop Dhuni Andolan'.

C.J. Sonowal, a tribal anthropologist from Assam, has documented the revivalism among the SonowalKacharis, in the wake of their political assertion against the ethnic high caste Assamese who control the reign of state power.[316] He particularly draws attention to the revivalism of 'Bathow' religion where the latter is a sacred grove which used to be located in one corner of every Sonowal Kachari village. Special Bathow puja is conducted at different villages, turn wise, at the instance of the All Assam Sonowal Kachari Student's Union. Thousands of Sonowal Kacharis from different parts of Assam throng the event to enforce their ethnic solidarity. This particularly becomes important considering the fact that the non-territorial Autonomous Council of the Sonowal Kacharis is in a disastrous condition due to non-transparency and corruption and misuse of funds allocated by the Central government. The Council lacks a local revenue generation mechanism. Moreover, the Sonowal Kachari villages are interspersed between tea plantations and settlements of diverse ethnic entities.

The Naga identity which is yet to get crystallized among many adjoining tribes of the Northeast is trying to foist the same through various cultural events. The annual Hornbill festival in Nagaland is one where sundry Naga tribes present traditional songs, music and dance in their colourful best. The Zehols, in a similar vein, state about the presence of sacred forests and groves in Khezhakeno village.

315 Damodaran, V. 2005, 'Indigenous Forests: Rights, Discourses and Resistance In Chotanagpur, 1860-2002' in Cederlof, G. & K. Sivaramakrishnan, K. (eds.), Ecological Nationalisms: Nature, Livelihoods, and Identities in South Asia, New Delhi: Permanent Black.

316 Sonowal, C.J. 2010, 'Cultural Revivalism and Autonomy: A Study among The Sonowal Kacharis of Assam' in Sonowal, C.J. (ed.), Quest for Identity, Autonomy and Development: The Contemporary Trends of Ethnic and Tribal Assertion in Assam Vol II. New Delhi: Akansha Publications.

A very ancient village in the Chakhesang area from where different Naga tribes are believed to have originated and dispersed in various directions.[317] The groves have survived despite conversion to Christianity. The authors agree that reverence towards the groves have indeed been attenuated but an assertion is being made that it is about time that these cultural remnants be included in the tenets of Christianity and reinforce the Naga identity.

Many social activists in India have now started gaining realisation about the dimension of self-assertion attached to the sacred groves. The 'Jangal Bachao, Manav Bachao Andolan' or 'Save Forest, Save Humanity' movement in Dhanora taluka of Ghadchiroli district in Maharashtra congregate regularly at the Danteswari sacred grove for making resolutions. Ravan puja has also been started by the Gond tribes in the region to mark their assertion against hegemonic Hindu civilization.

The sacred groves have been a symbol of self-assertion even among many of the indigenous peoples outside India. In Paraguay, when all the lands of the indigenous peoples (Mbya community) were declared private, they fought hard and succeeded in retrieving 7,600 hectares of the sacred hill of Pai Taveteria, in Jesuka Venda. In the northern territory of Australia, the Aborigines have strived for long to retain statutory power over their sacred groves. In fact, the Jawoyn people succeeded in getting title deeds on some of their traditional lands. The Jawyon Aboriginal Law Trust has now agreed to lease out a portion of their national park to the aborigines to permit them to practise their traditional hunting and food gathering and for ceremonial and religious purposes. Frazer long back hinted about the anarchic control of the Greeks through the priest king who defended his moral right to rule by protecting the golden bough in sacred grove dedicated to the goddess Nemi[318] (1993-94 Yearbook of International Working Group for Indigenous Affairs).

In the case of Nepal too, Lecomte-Tilouine has observed that with the emergence of Maoist movement and an anarchic political situation where the Jana-Jatis or the tribes have started revolting against the higher-caste Hindu domination, the Hindu gods and goddesses are being interpreted according to their own terms.[319] The Jana-Jatis are claiming their own religion to be 'natural religion'

317 Zehol, K.K. & Zehol, L. 2009, The Legendary Naga Village – A Reader. Dimapur: Heritage Publishing House.

318 Similar to V.

319 Lecomte-Tilouine, M. 2010, 'To Be More Natural than Others: Indigenous Self-determination and Hinduism in the Himalayas", in Lecomte-Tilouine, M. (ed.), Nature, Culture and Religion at the Crossroads of Asia New Delhi: Social Science Press.

and that the former being the real protectors of the environment. From the point of view of the Indigenous Peoples of Nepal, they alone partake in nature and represent its oldest creatures. In a movement reciprocal to that of their own creation, they stress that their ancestors, in turn, fashioned nature through their work and fertilized it by their own corporal substances, sweat and blood. The community view themselves, therefore, both as 'sons of the Earth' (*Bhumiputra*) and as 'fathers of the Earth' (*Bhumipitra*). Through these expressions, they associate identity with territory and establish a genealogical link with their environment. This is, then, conceived as an organic being with which they share a common substance. In their need to emphasize their autonomy, the Nepalese Jana-Jatis have named their religious practices which were, earlier, considered up to the point 'nameless', as reminiscences or as the popular part of Hinduism or Buddhism. They, however, chose to call it 'natural religion'. The role imparted to their relationship with nature in this process is twofold. The Nepalese Jana-Jatis have adopted an ecological ideology which defines cultural and political domination as a corollary of a more global attitude of domination towards nature and have developed the idea that they are part of it. The two ideas, therefore, converge: once respect for nature is assimilated with respect for others, the Jana-Jatis' self-determination as being an integral part of this nature to be respected and protected results will be a demand for specific rights. It certain places, the Jana-Jatis are in an advantageous position in terms of legitimacy. This is especially true in a country where nature protection is a considerable source of income via international agencies and where the sovereign was seen as the protector of the Mother Kingdom.

Conclusion

It may, thus, be concluded that hermeneutics in anthropology can do wonders. Plain colonial ethnography just consolidates the hegemonic control of the 'colonialists' over the 'primitive' others. Repeating the colonial traditions, anthropologists in India are still keeping themselves steeped into inane abracadabra which has no place in policy making. These are remaining novices in the realms of social science where disciplines like political economy, political science and history are making deep inroads into the path of human destiny. Vinay Srivastava, a senior Anthropologist, mentions that, at present, no more are the concepts of culture and fieldwork exclusively anthropological. Although, they are the original creation of anthropologists, other disciplines of social science and humanities

have appropriated them. In fact, these concepts have become trans-academic. As a result, they have been sharpened further by being adapted to a series of other contexts.[320]

However, it is tragic that after having commented so brightly, Srivastava along with Sukanta Chaudhury, in a later writing while commenting on the deficiency of present day anthropology, argues that even when holistic studies were carried out, certain areas of tribal living did not receive the attention which they deserved; for example, material culture, music, dance, folklore and other aspects of expressive institutions.[321] Unfortunately, holism in Anthropology has always limited the study of communities in isolation and the political economic concerns, particularly, related to the State and ramifications of regional and international political dynamics have been barely looked into. This has rendered Anthropology into an innocuous body of knowledge which is of little use for decision making. No wonder that the sacred groves have been romanticised as a cultural object by the anthropologists and projected as an aspect of ethno-environment management by the environmentalists. Only now that it's true political contours are coming to the fore through the writings of tribal anthropologists themselves.

320 Srivastava, V.K. 2005, 'Anthropology in India: A Comment' in Sahay V.S. et.al. (eds.), 'Dimensions of Researches in Indian Anthropology', New Delhi: Serials.

321 Srivastava, V.K. & Chaudhury, S.K 2009, "Anthropological Studies of Indian Tribes" in Atal, Y. (ed.), Sociology and Social Anthropology in India, New Delhi: ICSSR.

Conservation Refugees: A Methodology of Tribal Marginalization

~Shyamal Bikash Chakma

Today, conservation involving displacement ignores the historical rights of Indigenous/tribal people. The conservation paradigm defends and perpetuates conservation-led displacement through the discourse of sustainable development as the alternative. This needs to be problematized, studied and reconceptualised. Current agendas and methodology of displacing and peripheralizing Indigenous People is nothing less than a silent, insidious and somewhat violent exclusionary practice against them, perpetuated persistently without question, away from the gaze of the 'mainstream'. This chapter is an attempt to deconstruct the dominant idea of conservation that fails to recognise the rights and concerns of project-affected people. It unravels how and why the marginalization of Indigenous People has been continuously occurring in the name of conserving national parks and sanctuaries, and as a response to the same, puts forth an alternative conceptual framework and methodology that deepens ethical interrogation around socio-cultural, political and economic aspects of the lived experiences of affected Indigenous populations.

Conservation with displacement remains a challenge, though often it had been carried out in the name of preservation of wildlife and natural wonders or to procure resources for 'sustainable' development. However, this new agenda which disposes Indigenous People by pushing them further into newer peripheries is causing untold damage to them and their lifeworld. This could be one of the most diabolic and oppressive methods of destroying their existence and survival. Because of repressive policies, 'the tribal who formerly regarded himself as the lord of the forest, was, through a deliberate process, turned into a subject and placed at the mercy of the neo-liberalists' (Guha, 2007).[322] As per the World Conservation Monitoring Center (WCMC), the number and expanse of protected areas has grown enormously in the postcolonial period with more than 105,000 listed protected areas, covering approximately 20 million km. Of these, terrestrial protected areas cover 15.3 million km, or over 10% of the land surface of the planet (Ravenel and Redford 2005).[323]Chape et al. (2005)[324] estimate that

322 Guha, Ramchandra (2007). Adivasis, Naxalites and Indian Democracy. Economic and Political Weekly, Vol. 42, Issue No. 32, 11 Aug, 2007.

323 Ravenel, R.M and K.H Redford (2005). Understanding IUCN Protected Area Categories. Natural Areas Journal, 25:381-389.

324 S Chape J Harrison, M Spalding, and I Lysenko (2005), 'Measuring the extent and effectiveness of protected areas as an indicator for meeting global biodiversity targets', Philosophical Transactions of the Royal Society B: Biological Sciences, 360(1454): 443–455,

'close to 12% of the land surface of the planet, is covered by more than 100,000 protected areas.' In India there were less than half a dozen wildlife reserves at the time of its independence and by 2005 however, there were 90 national parks and 501 wildlife sanctuaries covering an area of 1, 56,934 sq. km (roughly 22 percent of the forest area and 5 percent of the land area of the country). The Protected Areas policies have been predominantly insensitive to the rights and needs of Indigenous people, and has in many cases, impoverished them further (Kothari 2008).[325] It is estimated that 90% of tribal or Indigenous People in India live in or in close proximity to forests. The tribes have traditionally lived in about 15% of the geographical area of the country, mainly in forests, hills and undulating inaccessible terrain areas (Madegowda C, 2009.)[326] As per the Forest Survey of India report (2003), about 60% of the forest cover of the country and 63% of the dense forests lie in 187 tribal districts. The steady rise in the number and geographical coverage of Protected Areas (PAs) in India has been accompanied by a rise in the number of conservation refugees (Asmita, 2009.)[327] The coverage of land under such areas in India has risen from 0.5 – 5% between 1969 and 2001 (Rangarajan, 2001).[328] The National Wildlife Action Plan (2002 – 2011) envisages the coverage of 10% of the total geographical area of the country which is the target of conservation in the world[329] which means majority of the tribal people in India are likely to be affected and become conservation refugees.

Conservation Refugees are not confined to a specific geography and the parallels that exist the world over, qualify it as a global phenomenon faced by victims who are inevitably indigenous communities and other forest dwellers. Robert H. Nelson (2003)[330] refers to the drama of conservation which results in displacement and impoverishment, in order to create national parks and to serve other conservation objectives, as a new form of 'environment colonialism'. He states - 'the greatest current efforts to save Africa are associated with contemporary environmentalism which is not as devastating

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1569446/

325 Kothari, A (2008), Protected Areas and People: The Future of the Past. Parks Vol. 17, No. 2, Durban +5. https://www.iucn.org/sites/dev/files/import/downloads/kothari_article_parks_17_2.pdf

326 Madegowda, C (2009). Traditional Knowledge and Conservation. Economic & Political Weekly, Vol. XLV. No. 21.

327 Asmita, K. (2009). Conservation – induced Displacement: A Comparative Study of Two Indian Protected Areas. Conservation and Society. Vol.7, No. 4.

328 Rangarajan, M (2001). 'India's Wildlife History: An Introduction', Delhi: Permanent Black and Ranthambhore Foundation.

329 Ministry of Environment and Forests, Govt. of India, (March 2012), 'India's Action Plan for Implementing the Convention on Biological Diversity's Programme of Work on Protected Areas'.

330 Nelson, R.H, (2003). 'Environmental Colonialism "Saving" Africa from Africans', The Independent Review, Volume VIII, no.1, Summer 2003, ISSN 1086-1653, Copyright © 2003, pp. 65– 86.

as the experience of slavery, yet they have often served Western interests and goals much more than the interest of ordinary Africans." However, the need for conservation is due to the over exploitation of natural resources by the state and uncontrolled market forces leading to environmental crises, disasters and natural hazards; and not by the acts of Indigenous People. This is indeed a neo–liberal capitalist agenda in pursuit of limitless economic growth and development. Processes related to the same can be observed in the conflicts between capitalist forces and Indigenous People around the world. For instance, the Yasuni National Park where the Ecuadorean government permitted oil drilling is indeed an alarming fact related to conservation,[331] and the struggles of the Latin America SarstoonTemash Institute for Indigenous Management (SATIIM) and Maya Peoples against illegal activities of the US Oil Company[332] are cases in point. Hence, within such a dynamic and complex context, the two-pronged strategy of conservation led displacement, as suggested by the economists and ecologists, need re-examination and reinterpretation. This chapter is based on a detailed review of literature related to the conservation discourse in India and other parts of the world and constitutes a critical assessment of empirical data related to national parks and sanctuaries. It also discusses conceptual and philosophical ideas around conservation, traces its historical development, unravels perspectives and identifies approaches related to the same. Further it also discusses the impact of wildlife conservation projects on Indigenous People and argues that such conservation led displacement or refugization of tribes has become a means to encapsulate, reconstruct and appropriate varied natural resources of the Indigenous People'.

Perspectives and Approaches to Conservation Practices

Perspectives and approaches to conservation practice are dealt with and articulated mainly by the environmentalists and economists in a binary manner. There have been attempts and movements by Indigenous People *(against these conceptions)* from within the social justice discourse as Indigenous People face the most egregious environmental and social inequities (Juanita Sundberg, 2008).[333] In her critical race theory, Juanita Sundberg argues that environmental racism has been historically added in structures that correlate to inequities in the distribution of environmental good and bad. The

331 Melendez, Angela (24 August 2013). Civil Society Calls for Vote on Drilling in Ecuador's Yasuni Park. Inter Press Service News Agency.

332 International Land Coalition Asia (23 August 2013). US Capital Energy Oil Company and heavily armed Belize security forces confront Indigenous Q'eqchi Maya Leaders as they traverse their traditional territories where US Capital is illegally operating.

333 Sundberg, J (2008). Placing Race in Environmental Justice Research in Latin America. Society & Natural Resources, Volume 21, 2008 - Issue 7.

"revolutionary ecology" of Nicaragua's Sandinista government in the 1980s was a model infused with the principles of equity and social justice in the traditional environmental notions of resource conservation (Daniel Faber, 2002). In contemporary debates and discussions, the understanding and practice of conservation is dominated by biological environmentalists and by economists whose debates are formulated along the lines of sustainable usage of natural resources.

Environmental or wildlife preservationism is the most common approach to conservation, whereby a 'wildlife reserve' is state administered and entails restricting human activity either by partially or completely using coercion. Such pursuit of preservationist or conservationist programmes and policies has escalated conflict between wildlife reserves and the people. Elsa Reimerson (2013)[334]discusses that the focus of traditional nature conservation on preserving and maintaining "wilderness" in its pristine condition has often led to conflicts between national interests of protection/conservation and local or indigenous access to these regions and their utilization of natural resources. The preservationist paradigm relies on experience and the long-standing hegemony of the country's conservation policy and action unlike the sustainable use approach that draws its strength from popular backing (Rangaranjan, 1995; Saberwal et al. 2001.)[335] This approach believes that biological diversity remains only within reserve areas that are maintained inviolate and the species outside the wildlife reserves have been completely wiped out such as the Brow-antlered Deer, the Indian rhinoceros, the Asiatic lions and other large animals. This has been achieved using force deployed through a large and regimented forest service (Rangarajan, 2001).[336]

The sustainable use approaches assume that once communities exercise their catchment, traditional management and dependence on biological diversity will ensure its upkeep and survival (Raman 1996, 1998, 2001.)[337] Since the 1980s, the World Conservation Union formulated strategies for conservation with sustainable development with three primary objectives, such as 1) the maintenance of essential ecological processes and services 2) the sustainable use of biological resources and 3) the conservation

334 Reimerson, E. (2013). Between Nature and Culture: Exploring Space for Indigenous Agency in the Convention on Biological Diversity. Environmental Politics. Volume 22, 2013 - Issue 6.

335 Madhusudan, M.D. and C. Mishra (2003), 'why Big, Fierce Animals are Threatened: Conserving Large Mammals in Densely Populated Landscapes', in V. Saberwal and M. Rangarajan (eds), Battles Over Nature: The Science and Politics of Conservation in India, pp. 31-55. New Delhi: Permanent Black.

336 Rangarajan, M (2001), 'India's Wildlife History: An Introduction', Delhi: Permanent Black and Ranthambhore Foundation.

337 Conservation as if Biological Diversity Matters: Preservation versus Sustainable Use in India Author(s): M.D. Madhusudan and T.R. Shankar Raman Source: Conservation & Society, Vol. 1, No. 1 (January-June 2003), pp. 49-59.

of biological diversity. Sustainable use and sustainable development has been a guideline in the conservation movements and towards a solution that balances conservation and development needs (Terborgh 1999).[338] It also envisions smaller, 'inclusive', democratic, equitable, tradition – mediated resource use by underprivileged village dwellers in wildlife reserves as against the current swell of unscrupulous, city – driven, commercial exploitation. (M.D Madhusudan and T.R Shankar Raman, 2003.)[339] It believes in the possibilities of balancing conservation with the needs of local actors living in proximity to biological resources. It aims to extend conservation to areas outside protected areas; and to allow local actors' participation in the decision-making process concerning biological resources. However, as W. M Adams (2001)[340] says that it has rather become a slogan than a basis for theory and is functioning like a win – win situation for the state and the market. The framework of sustainable development approach to conservation raises more questions than answers. Different environmental governmentality models such as market environmentalism (Anderson and Leal 1991), green neoliberalism (Goldman 2005), green capitalism (Heartfield 2008) and Neoliberal Conservation (Igoeand Brockington 2006; Sullivan 2006) have been the operational mechanism towards environmentality.[341] Thus, concepts such as 'commodification of nature', 'resource owning and resource use', 'commercialisation of environment', 'appropriation of nature' and exploitation of nature and wildlife for the market and capitalistic development have little to do with the questions of conservation and people. In doing so, nature becomes a new avenue of capital that is to be accumulated and leads to a certain form of exchange that not only marginalises and disempowers the indigenous people but the environment itself.

Therefore, to deal with the consequences of conservation projects, there is a need for a conceptual and contextual understanding of the social, economic, political and cultural reality of the Indigenous People, which is based on the man – nature relation and not man-over-nature or on nature-over-man relations.

338 Requiem for Nature, by John Terborgh (1999) Washington, DC: Island Press. XII., p.234.

339 Madhusudan, M.D & Shankar Raman, T.R, (2003), 'Conservation as if Biological Diversity Matters: Preservation versus Sustainable Use in India', Conservation and Society, Vol. 1, No. 1

340 Cited in W. M. Adams (2001), Green Development: Environment and sustainability, p. 24.

341 Cited in Igoe, James & Sullivan, Sian & Brockington, Dan. (2010), Problematising neoliberal biodiversity conservation: displaced and disobedient knowledge, Current Conservation. 3. pp.4-7.

Conceptual Understanding of Conservation and Tribal/Indigenous People in the context of Ecology

There is no doubt that in the execution of conservation projects, Tribal/Indigenous People is forcibly displaced and further marginalized. This happens although neither their culture, traditions, socio–political nor economic establishments are responsible for the growing environmental crisis nor are their conceptions of nature, ecology and environment responsible for it. The Indigenous People have remained the main victims, and this terrain of victimization constitutes a socio–psychological dislocation through destruction of their social, cultural, economic and political existence. This victimisation is coupled with a brutal physical displacement from their lands, properties and livelihoods. Such methodologies are part of the neo–liberal agenda resulting in a silent war against Tribal/Indigenous people across the world, based on the notion that their culture is considered unsuitable to global capitalist accumulation. Therefore, there is a need to reconceptualize and contest the notion of 'nature' or human-nature relationship and conservation projects and practices and to address the systematic marginalization perpetuated by this methodology.

The crisis of nature in contemporary times can be traced back to the 15th and 16th century, when human knowledge, beliefs and relations to nature started defining and conceptualizing the humanization of the earth. According to Arturo Escobar (1999),[342] this crisis is also a crisis of nature's identity. To him, the meaning of 'nature' has shifted throughout history according to cultural, socio-economic, and political factors. However, the voyage of human–nature relations developed and crystallized in a materialistic way, beginning from the hubris of the Enlightenment that is rooted in a Judeo-Christian doctrine of domination that led to the culture of human 'domination', 'mastery' or 'humanization' of nature. The Biblical passages depict that, "after God made the earth and non-human living beings, God made man and woman and told them to be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth."[343] This supposition provides the interpretation of the Judeo-Christian tradition that gives humans a license to dominate the earth where human dominion is understood as a grant of absolute ownership of the earth. Lynn White states, "What people do about

342 Escobar, A. (1996). Constructing Nature: Elements for a Post-Structural Political Ecology. In R. Peet and M. Watts (eds.), Liberation Ecology. New York: Routledge, pp.46-68.

343 Genesis 1. pp.20-31.

their ecology depends on what they think about themselves in relation to things around them. Human ecology is deeply conditioned by beliefs about our nature and destiny-that is, by religion."[344] The Roman Catholic Archbishop of New York, John Cardinal O'Connor cautioned the celebrants of the 20th anniversary of Earth Day that, "The earth exists for the human person and not vice versa." Rather than focus on "snails and whales," Earth Day should focus on "the sacredness of the human person."[345] Indeed, such beliefs justify the contemporary environmental degradation and crisis perpetuated by religious institutions and actors.

However, such attitudes and approaches have been questioned in the modern era when science or scientific discourse challenged the religious dominance over the knowledge about nature. Ironically, it has been mostly depicted as an 'either/or' dichotomy in the form of an "anthropomorphic" thesis which revolves around the notion of 'human emancipation' from the 'dominion of nature.'[346] This gave rise to the tradition characterized by an objective to scientifically investigate the nature in order to understand, and utilize the natural environment as an object of knowledge. Hence, over time, human beings developed an attitude that positions themselves as superior to nature. Furthermore, this particular understanding of humanity as dominating nature can be best understood in the twin enlightenment ideals of '*human emancipation'* and '*self–realization'*. Descartes proposed that the 'general good of all mankind' is best pursued by the attainment of 'knowledge that is useful in life', so as to 'render ourselves the masters and possessors of nature'.[347] In the same light, Spinoza pointed out that humans 'consider all natural things as means for their own advantage' in inferring that they were legitimate rulers over nature.[348] Thus, the anthropomorphic conception 'of a goal directed God' provided the "theological justification" for humanity's domination over nature.[349] As such, nature was

344 White, Lynn (1967), 'The Historical Roots of Our Ecologic Crisis', Science, New Series, Vol. 155, No. 3767, March 10, 1967), pp.1203-1207, American Association for the Advancement of Science. White thinks that "Since the roots of our trouble are so largely religious, the remedy must also be essentially religious, whether we call it that or not. We must rethink and re feel our nature and destiny," p.1207.

345 Goldman, Ari. L. (1990), 'Focus of Earth Day Should Be on Man Cardinal Cautions', 23 April 1990, New York Times, https://www.nytimes.com/1990/04/23/us/earth-day-1990-focus-on-humans-cardinal-cautions.html.

346 Harvey, David (1996) Justice, Nature and the Geography of Difference. Cambridge: Blackwell Publishers.p.121.

347 Descartes, René (1637). Discourse on Method for Reasoning Well and for Seeking Truth in the Sciences.

348 Spinoza, Benedict de (1996). Ethics, ed. and trans. Edwin Curley. London: Penguin., p.26.

349 Mack, Michael (Winter 2008). Toward a Redefinition of Europe's Political Identity: Spinoza's Non-hierarchical Vision. Telos 145 pp. 67-86, p.73.

not seen as an essential principle – an 'independent domain of intrinsic value, truth or authenticity'[350] – but was viewed instead as an aspect to serve humanity, the new gods on earth, exclusively as a means for self–preservation (Jan Judert, 2012.)[351] Human emancipation or the idea of emancipation was based on a variety of issues including the "problems of material wants and needs, physical, biological, and social insecurities" that had to be overcome by turning away from "supposedly irrational beliefs" such as "superstition, false consciousness and organized religion." Self–realization, an "even vaguer proposition," called for the "release of the creative and imaginative powers" with which humans are endowed, thereby opening "vistas for individual human development." Francis Bacon who is the founding father of modern scientific research methodologies, views nature as that which had to be "bound into service and made a slave, put in constraint and modelled by the mechanical arts" (Cited in Carolyn Merchant, *The death of Natur*e). This anthropocentric prejudice granted the "science of nature" a "strong scientific status." making way for an instrumentalized and functionalized conception of a progressive appropriation of the world toward progress that masters the world". Thus, the theological critique of Enlightenment created a teleological outlook to progress, in which humanity chose the attainment of its societal goals in utilizing nature as an object (of knowledge) for its realization (Elsa Reimerson, 2013.)[352] "Nature is a historical entity" in which humans encounter nature as transformed by society, "subjected to a specific rationality which became, to an ever-increasing extent, a technological, instrumentalist rationality, bent to the requirements of capitalism" and "western civilization."[353] Marx and Engels, wrote in 1844 -

Nature is man's organic body – that is, in so far as it is not itself a human body. Man lives on nature- means that nature is his body, with which he must remain in continuous interchange if he is not to die. That man's physical and spiritual life is linked to nature simply means that nature is linked to itself, for man is part of nature.[354]

350 Ibid., Soper, p.22.

351 Ludert, Jan (2010), 'Nature(s) Revisited: Identities and Indigenous Peoples', Fourth World Journal, Vol. 9, Issue 1, p.4.

352 Elsa Reimerson (2013), Between Nature and Culture: Exploring Space for Indigenous Agency in the Convention on Biological Diversity, Environmental Politics.

353 Masulli, Ignazio (1990). Nature and History – The evolutionary Approach for Social Scientists. New York: Gordon and Breach Science Publishers. p. 57.

354 Karl Marx and Friedrich Engels, Collected Works, Vol. 3, p. 276 cited by T. Benton, Marxism and Natural Limits: An Ecological Critique and Reconstruction, New Left Review, 178: 51-86, p.54.

So, the link between humans and nature must be looked at from the perspective of intrinsic connection rather than from a technological and sympathetic perspective of nature or wildlife. Hence, the idea and position that culture and society cannot be studied in isolation from nature, and that 'social and natural science must therefore be combined'.[355] Harvey contends this reformulation of self-realization and emancipation 'could not be held as stable trajectories based on an essentialist reading of human wants, needs, capacities and powers'. Indeed, the whole idea of 'alienation from nature' becomes suspect. In the situation of the human-nature relationship, where nature is in peril, the technological or calculative solutions do not succeed in maintaining the sustainability of nature and environment and longevity of human existence. B. Kunkel (2017)[356] while reviewing the works of J. Davies (2016), 'The Birth of the Anthropocene,' J. Moore (2015), 'Capitalism in the Web of Life: Ecology and the Accumulation of Capital' and A. Malm (2015) 'Fossil Capital: The Rise of Steam-Power and the Roots of Global Warming' argues that placing nature and society in separate compartments is indeed a peculiar mental artifact of capitalism and he goes on about the approaches of 'humanity-in-nature' and 'nature-in-humanity' rather than understanding humanity and nature. He further argues that the human and nature understanding interprets that nature exists outside the society and may therefore 'be coded, quantified and rationalised to serve economic growth'. Hence, the paradigm of conservation without people can be best understood from this human and nature dichotomy. Therefore, this paradigm is not only marginalised and violates the rights of the indigenous people but also disempowers the indigenous people's conservation practices which challenges the dominance of state led institutional based conservation practices.

It could therefore be argued that neither approaches propagated by religion or theories formulated by science, are able to solve the crisis faced by the environment. They propagate instead, the exploitation of nature in an unlimited fashion. The relationship between man and nature among Indigenous People provides us with an understanding and an interpretation of a symbiotic relationship between humans and nature based on ecological sensitivities embedded in culture. As James C. Scott (2009)[357] points out that the hill people's way of living (referring to Indigenous communities living in the hills) "is rather based on certain ecological regularities and structural relationships". The state and market led

355 Franklin, Adrian (2002). Nature and Social Theory. London: Sage Publications. p.42.

356 Benjamin Kunkel (2017). 'The Capitalocene', London Review of Books, Vol. 39 No. 5, pp. 22-28, 2nd March 2017.

357 James C. Scott. (2009). The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia. New Haven: Yale University Press, p.15.

knowledge towards nature and society has resulted in a methodology of marginalization as it merely advocates the materialistic nature of human–nature relations. However, the political, social, economic and cultural contexts of Indigenous/tribal people provide an ecological blueprint that refers to their philosophical and epistemological understanding of the relationship between humans and nature. Though such interpretations have been romanticised to an extent that the same has led to the concept of "stewardship" of nature, it nonetheless needs to be reconceptualised to address the victimization caused due to conservation led refugization of the Indigenous People. The very idea of a "wilderness" without the Indigenous People traditionally associated with that landscape is dehumanizing to that population. A noted Aboriginal or Indigenous writer has argued that the establishment of national parks may well be 'the second wave of dispossession which denies (Indigenous People) their customary inherited right to use land for hunting, gathering, building, rituals and birthing rites.'[358]Such conservation practices engulf the identity of indigenous communities to make way for capitalistic development that caters to the derived demands of the international market system. Elsa Reimerson (2013)[359] points out that 'nature conservation can also be conceived as a threat to indigenous rights, if it restricts indigenous use and management of land and natural resources.' Thus, in the name of conservation projects, there is an appropriation of the spaces and resources of the Indigenous Peoples for capitalistic development. Carried out by a nexus of international, national and local stakeholders, the displacement simultaneously alienates Indigenous People from their historical rights.

History of Conservation

The European migration to the Americas is probably the key world events that kick started the discussion towards the history of wildlife conservation, as different people began migrating; the Spanish came looking for gold and silver and the French and English came to escape from religious and political persecution. Once these immigrants arrived on this land, they witnessed abundant land and wildlife, 'with little or no government or laws to restrict their ambitions' and as a result, 'the attitude of the Americans, from the first settlers onwards till present time, has been the independence of the individual and the right to life, liberty and the pursuit of happiness'. Hence, such a perspective

358 Cited in Robert P, and David O (2002), 'Evicting People from Nature: Indigenous Land Rights and National Parks in Australia, Russia, and the United States', Natural Resources Journal, Vol. 42, No. 2 (Spring 2002), pp. 331-351.

359 Reimerson, Elsa (2013), Between nature and Culture: Exploring Space for Indigenous Agency in the Convention on Biological Diversity, Environmental Politics.

influences their attitudes towards wildlife.[360] Captain John Smith reports that as early as 1607, the French were supplying or shipping 25,000 beaver pelts per year to Europe, and by 1650 much of the Beaver population had been eliminated from the entire east coast. Robert D Brown (2007)[361] further states that the 'bird populations suffered from being taken both for meat and for their plumage, which was used for ladies' hats in Europe. Deer and Turkey populations have also declined due to market hunting. In 1748 alone, South Carolina shipped 160,000 deer pelts to England'. In 1833, the American Fur Company alone shipped 43,000 buffalo hides, which were mostly traded from the Native Americans. The buffalo meat was also used for camp towns and for crews building railroads to the west. However, there were huge wastes as many buffalos were being killed solely for their tongues as it was considered a delicacy (Robert D. Brown 2007, p. 3). The famous "Buffalo Bill" Cody, a hunter for the railroad, killed 69 in a single day and 4,240 in an eighteen-month period. The other hunters were more successful than him with an annual kill of one million in 1865; five million in 1871.[362] Such were the scenarios that this led to the wildlife crisis. It was evidently market hunting that made many wildlife species perished. As per the reports of the 1886 census, there were only 540 bison left in the entire United States.

The concept of conservation came into being in this context, though it did not gain momentum until the early attempts for conservation through some publications such as the essay titled "Nature" by Ralph Waldo Emerson and the book "Walden" by Henry David Thoreau. In 1872, President Ulysses S. Grant established the first National Park, Yellowstone, encompassing 3,348 square miles. The U.S Army was deployed to guard the park from "squatters" and poachers for a period of more than 10 years. The Yellowstone Park was further aided by the affluent politician, Theodore Roosevelt. In 1887, Theodore Roosevelt, George Bird Grinnell and other influential hunter–conservationists gathered in New York to form the Boone and the Crockett Club with a mission to preserve the big game of North America. In 1892, John Muir and others form the Sierra Club, dedicated themselves to the preservation of the Pacific Coast and Sierra Nevada wilderness. In 1891, the congress passed the

360 Brown, R.D. (2007). The History of Wildlife Conservation and Research in the United States – With Implications for the future. pp.1-30. in H. Li (ed.). Proc. Taiwan Wildlife Assn. Taiwan National University, Taipei. p.93.

361 In the works of Robert D. Brown (2007). The History of Wildlife Conservation and Research in the United States – and Implications for the Future, North Carolina State University, p.4.

http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.494.2051&rep=rep1&type=pdf.

362 Ibid., Brown., p.4.

Forest Reserve Act and created the Shoshone National Forest which was the first nation's federally managed forest reserve. In 1898, Gifford Pinchot became the first chief of the Division of Forestry which was renamed as the U.S Forest Service in 1905. The Congress passed the Lacey Game and Wild Birds Preservation and Disposition Act in 1900, making it a federal offense to transport illegally taken wild game across the state borders. When Theodore Roosevelt served as President from 1901 to 1909, he launched a conservation agenda that matched no other U.S. President's contribution towards conservation. President Roosevelt set aside 230 million acres of land during his presidency, which was more than 80,000 acres each day he was in office which included 16 national monuments, 55 wildlife refuges and five national parks.[363] In this journey, the United States continued its efforts for conservation with an increasing number of national parks.

However, conservation efforts in the United States was not only in a binary fashion framed on environment versus people, but it was also about the making of a nation-state and hence displacement of the indigenous people or the Natives Indians from the conservation projects. As early as 1066, William the Conqueror after winning the battle of Hastings evicted almost 2000 local Saxons and established a nearly 100,000-acre hunting reserve (Geisler, 2002.)[364] In Yellowstone National Park, the Nez Perce people were written out of the history of the region: their presence in the area was unwanted and uncomfortable for the management of the world's first national park in 1874 (Jacoby, 2001.)[365]The Yosemite National Park was inhabited originally by the indigenous Ahweneechee Indians. The word Yosemite means, "some among them are killers" referring to killings by militia around the time the Park was established (Rangarajan and Shahabuddin, 2006.)[366]The Grand Canyon, the other famous parks were secured by excluding the deer hunting of Havasupai peoples and in the Glacier Park, it was the Blackfoot Native American nation that was denied entry (Spence 1996: Jacoby 2001.)[367]

The displacement or eviction of local people for conservation was very much prevalent in the policy of the United States, which were further strengthened by John Muir, the forefather of the US

363 For details, see Robert D. Brown (2010), 'A Conservation Timeline: Milestones of the Model's (North American Model) Evolution', Wildlife Society.

364 Geisler, C. (2002), 'Endangered Humans', Foreign Policy, 130, pp.80-81.

365 Cited in Rangarajan, M and Shahabuddin, G. (2006). Displacement and Relocation from Protected Areas: Towards a Biological and Historical Synthesis. Conservation and Society. pp.359–378. Volume 4, No. 3, September.

366 Ibid.

367 Ibid.

conservation movement, who argued that "wilderness" should be cleared of all inhabitants and set aside to satisfy the urbane human's need for recreation and spiritual renewal. This sentiment was later to become a national policy, with the passage of the 1964 Wilderness Act in the U.S. This act defined wilderness as "a place where man himself is a visitor who does not remain" (Dowie, 2009)[368] and Natives (Indians) were seen as an "unfortunate blight and an affront for that idea, seeing Indigenous People as part of the hostile environment that had to be conquered for the American West to develop and realise its manifest density."[369] Subsequently, conservation efforts continued in America to this day and has greatly shaped and influenced the idea of conservation throughout the world. However, the 1972 Stockholm United Nations Conference on the Human Environment set the official platform to facilitate the efforts and state's perceptions towards conservation around the world. In 1972 itself, India started actively working and introducing laws and regulations such as the Wildlife Protection Act that continues to be enforced till this date.

Conclusion

The construct of understanding Tribes/Indigenous People remains subsumed under dominant knowledge systems thereby configuring it to an inferior category, fully legitimised and supported by the State. This can also be observed in the work of Bengt G. Karlsson (2011)[370] who refers to the Supreme Court of India's judgements indicating that in the name of forest conservation, it now entrusts the power over all forests 'irrespective of ownership and classification thereof'. He further states that "the employment of the term 'forest' in the Supreme Court Order fails to take into account the particular situation of the Northeast, where shifting cultivation is still a major form of agriculture."

This could also be construed as a contest over resources and land in a manner considered more 'civilised' thereby replacing the old methods of appropriation by the sword. Such 'civilised' strategies are manifested in the name of national development, economic growth and development, civilizing missions, and adding to this complex list is the method employed by conservation projects or conservation agenda. The latter is the most destructive yet easiest method among all, as it does not

368 Dowie, M. (2009). Conservation Refugees: the 100 Year Conflict Between Global Conservation and Native People. Cambride: MIT Press.

369 Frederick Jackson Turner, the Frontier in American History 1 – 6 (1920).

370 Karlsson, G. Bengt. (2011). Unruly Hills: Nature and Nation in India, Orient Black Swan.

wage direct wars but rather uses discourse and concepts such as 'consent of people', 'informed consent', 'as per the law', so on and so forth to win over land, people and territory. This strategy also mobilises organic support and even manufactures consent of the members of the tribal people themselves. This new trend of displacement in the name of conservation projects has been going on unabated, unnoticed and unquestioned only at the peril of the indigenous/tribal populations.

At the crux of the debate, the issue is not only about the 'victims of conservation' or those victimised by conservation projects, but rather about the process that results in ethnocide of the Indigenous People around the world. The movements and the discourses on 'ecological nationalism' and 'ecological epistemology' of the Indigenous People in different countries certainly provides perspectives and understandings of their 'symbiotic relations', and 'reciprocal' relationship with nature and challenge dominant knowledge and language of the conservation policies and practices. Given that such knowledge is yet to insert itself into dominant frames, there is a need to develop a theoretical and empirical analysis of tribes in relation to nature, culture and the environment. Scholarships for tribal and environmental studies need to be looked at from the historicity of tribal victimization or from the perspective of 'affected people' within global political economy in the name of wildlife protection. Tribes becoming conservation refugees, is an issue that is becoming a methodology of marginalization, and it is needless to argue that it goes beyond local or regional contexts and is in fact part of a larger national and international agenda. Therefore, it may be proposed that the framework of tribal studies in connection to the aspects of nature, land and environment should in ways be able to capture the social, political and economic structures and frameworks that create, shape and reproduce the fragmented life experiences of Indigenous People altered radically by the conservation projects.

Interrogating the Concept of Collective Bargaining in Rongmei Tribe

~Richard Kamei

In Imphal, women, especially those from Rongmei[371] community, are involved in indigenous alcohol industry. The liquor is ingrained in their way of life encompassing custom, tradition, and identity. Production of liquor is perceived to be a means to meet their ends with no other reliable alternate livelihood to take up. Prohibition in Manipur since 1991 has had an adverse impact on this liquor production and its sale. In such a situation, women workers have had to adjust and re-orient their work. In this process, bargaining comes into play to carve a space for themselves within their family and with customary practices and the state.

In this chapter, the indigenous alcohol industry from *Namthanlong*,[372] Manipur will be considered and problematized in detail to understand how the introduction of market economy and the state intervention in the form of prohibition enlivens bargaining. The concept of collective bargaining is alien to the tribal society. However, this study will look into the concept of 'bargaining' used in the indigenous alcohol industry around whether the form/s of bargaining is inherent within their customary practices. The chapter is also an attempt to let bargaining in indigenous alcohol industry of Namthanlong to speak for itself, and thus find its own space in the mainstream discourse on the complex but exciting notion of collective bargaining.

Background on Indigenous Alcohol Industry in Namthanlong

Rongmei women in Namthanlong, Imphal in the absence of other viable livelihood options take up alcohol production work to sustain their lives and derive income to support their families and themselves. Alcohol has been considered a social evil in any society and the same notion exists in Rongmei society, though they separate alcohol consumption from alcohol work.[373] The consensus is that they link alcohol work to their way of life. It is on this basis that they continue to brew alcohol,

371 Rongmei belongs to Zeliangrong group and also comes under the Naga tribes. Zeliangrong comprises of three Naga tribes, namely Zeme, Liangmai and Rongmei. They live in the states of Manipur, Nagaland and Assam.

372 Namthanlong is a Rongmei village, located in the Imphal West, Manipur.

373 Kamei, R. (2015). Marginalisation of Women Workforce in Indigenous Industry: Evidences of Alcohol Industry in Namthanlong, Manipur. Unpublished M.Phil thesis, Tata Institute of Social Sciences, Mumbai.

and the demand for its consumption has made it a form of economic activity. Meanwhile, public pressure and the state's prohibition[374] has made their labour invisible without recognizing their labour rights. Alcohol work itself poses challenges to women workers in alcohol industry in terms of social, economic and political status. The hazardous work they undertake, expose them to deterioration of health, limited rest, less family life, etc. On top of this, the surveillance and vigilantism from civil society and the state bodies is another factor that puts them under subjugation, forcing them to lead a harsh life.[375]The collective effort of women in raising their voices to uphold their work interests and to inculcate dignity however, has brought in a few changes to their industry. They practice bargaining with the existing system within family, village and with the state to get what is rightful of their demands.[376]

Collective Bargaining and Tribal Society

Collective bargaining gains foothold in industrial relations and other establishments for the platform it has for negotiations between employers and workers or its representative over employment terms and its conditions.[377] Prasad (2009)[378] enunciates on collective bargaining to be 'a method by which trade unions protect, safeguard and improve the conditions of their members' working lives'. While doing so, the negotiation seeks to prioritise workers' concerns and interests, but it is not without taking into account both the parties involved in collective bargaining and arriving at agreements benefitting both which is referred to as 'collective agreement.'[379]

Economic and political factors are instrumental in shaping collective bargaining and its eventual outcomes. Perspectives from workers show that their interests need to be considered for maintaining a holistic working environment. International Labour Organisation (ILO) has enshrined freedom of

374 Prohibition has been enforced in Manipur since 1991. See "Looking for a Peg (2014, June 22)": http://indianexpress.com/article/india/india-others/looking-for-a-peg/ Accessed on 24 August 2015.

375 The role of civil society in keeping a check in curbing alcohol brewery and its sell, is operating in parallel manner with the state prohibition. See "Manipur women take up the cudgels against drug, alcohol abuse among youths (2011, June 14)": https://www.thehindu.com/todays-paper/tp-national/manipur-women-take-upthe-cudgels-against-drug-alcohol-abuse-among-youths/article2102592.ece

376 Ibid, 2015

377 Prasad, V. V. D. (2009, October). Collective Bargaining — Its Relationship to Stakeholders. Indian Journal of Industrial Relations. 45(2). pp. 195-202.

378 Ibid., p.195

379 Ibid, 2009: 196

association and collective bargaining as a fundamental right of workers, and it has been duly incorporated into "the ILO Declaration on Fundamental Principles and Rights at Work."[380]

Shift towards an economically driven life has brought changes among tribal people. For instance, 'the process of peasantisation' and embrace of other livelihood activities are tangible changes.[381] The shift in this pattern is accounted to their cultural exposure to the non-tribal world and the state structure of India. Xaxa (1999)[382]argues that despite the changes happening within their society, tribes continue to retain their identity, and this holds true for their customary practices.

Significance of Customary Law

The significance of customary law is inherent among indigenous people. They abide by the established rules drawn from their way of life. Its practice is based on the common knowledge, lived experiences and shared history wherein village chief administers customary law and its practice.[383] Rongmei tribe also follows their customary law. Its customary law consists of village institutions like *Pei,*[384]*Khangchu,*[385]*Luchu*[386]in administering and governing Rongmei villages.[387]

In Namthanlong village, customary law and its practice, plays a major role in regulating indigenous alcohol industry.[388] The village at the behest of customary law set rules for indigenous alcohol industry

380 Ibid, 2009: 195

381 Xaxa, V. (1999, June 12-18). Transformation of Tribes in India: Terms of Discourse. Economic and Political Weekly. 34(24). pp. 1519-1524. P.1523.

382 Ibid.

383 Roy, R. D. (2005, March). Traditional Customary Laws and Indigenous Peoples in Asia. Retrieved March 7, 2015, from Minority Rights: http://www.minorityrights.org/download.php@id=131

384 Peikai or Pei is considered as the highest village body whose decision is binding to everyone in the village. It is presided by the most elderly in the village by a specific clan.

385 A village body which takes up the role of execution and legislation of the village's customary law.

Membership is restricted to men.

386 Luchu is a village body where it is restricted to women for inculcating roles and skills meant for women.

387 Kamei, S. (2011, January- June). Customary Inheritance Practices and Women among the Kabui Naga of Manipur. Indian Anthropologist. 41(1). pp. 55-69. P.58.

388 There is a notion around customary law which states that its existence is a result of collective agreements by community. There is also a contestation on how observance of rule delineates between non legal conduct and legal conduct. Violation of both can amount to legal rule if it encompasses the community agreed notions on rule. Quite often and in most cases, violation of rule accompanies penalty. Likewise, the succession of customary law is identifiable on observance of legal conduct on the basis of the decisions being taken as such in defining legal rule. Decisions, however, reside among people considered to be deemed fit to uphold and preside over village affairs via customary law. The community on their part can voiced their opinion or raise their disagreement but the final decision, and its initiation and implementation lie with few people in the village. See Smith, M. (1903, June). Customary Law. I. Political Science Quarterly. 18(2). pp.

in the form of penalty, vigilantism and other steps like working hours, alcohol prices, screening of women customers and school kids from drinking alcohol etc. 'Women society'[389] in the village represents women workers from alcohol industry in negotiating with the village institutions in matters related to their interests, concerns and security.[390]

In this context, it is important to highlight the representation of women in the village. Conventions within the village tell that women have limitations in customary law and its practices. Their position even if asserted is made through the only women centric women's society in the village. However, women's society is perceived to be subsidiary to male- dominated institutions as decisions are usually taken by village institutions which are headed by men. Decisions taken encompass every affair of the village including the interests of indigenous alcohol industry. Women do not find a place in Khangchu or *Peikai*. The only political work of women's group in the village i.e. women society's role in alcohol work, is concerned with fixing price and in setting up dialogue with village institutions like *Khangchu* and *Peikai* for taking care of alcohol industry and in prevention of untoward incidents and addressing any other issues.[391] They also facilitate in interface between the excise department and women workers from indigenous alcohol industry of Namthanlong.

Situating Bargaining in Namthanlong's Indigenous Alcohol Industry

Bargaining in Namthanlong takes place in the form of how I workers devise it out of circumstances they are dealing with, especially in the post-prohibition period. The village with its institutions do no set guidelines on how bargaining in this industry should take place. The move from subsistence economy to a market economy has led to remarkable changes in their lives over a period of time and now the market economy dictates the form of bargaining they assert within the village and with the state.

Changes in the society created an environment where people have to adopt their existing practices as livelihood to sustain themselves. Alcohol brewery and its sale occupies a prominent place in this

271, 275-276.

389 Women Society is a women based body with its members exclusively for married women to maintain concerns and issues of their interests.

390 Kamei, R. (2015). Marginalisation of Women Workforce in Indigenous Industry: Evidences of Alcohol Industry in Namthanlong, Manipur. Unpublished M.Phil thesis, Tata Institute of Social Sciences, Mumbai.

391 Ibid, 2015.

situation, for the very reason that it exudes good demand from people who consume alcohol, and second, it draws an instant source of earning to support their day-to-day life. Women actively engage in this work. With time, alcohol work gains popularity and continues to remain a source of income for many families. On the other side, the question of morality and social evils are raised. Protest coming in from civil societies and concerns raised in the State Assembly of Manipur led to the adoption of Prohibition Act in Manipur.[392] The Act has had adverse consequences on the indigenous alcohol industry in terms of access to social security, further informalization of labour, and on their socio-economic and political status.

Collective bargaining, as known widely, is a concept which comes under the domain of trade union where they represent workers or both together in negotiating with the employer or with the State to uphold the interests of employment and of the employees. The concept of trade unions is alien to tribal villages and Namthanlong, the question of collective bargaining is in essence non-existent. However, inferences can be drawn from the forms of village bargaining which improve and secure the indigenous alcohol industry under the ambit of the state, civil society and prohibition. The following section is an attempt to capture the forms of bargaining in indigenous alcohol industry and its significance to every stakeholder involved in the process.

Relevance of Bargaining in Indigenous Alcohol Industry

Alcohol work in the village, including the one within indigenous alcohol industry is largely considered a woman's domain and has been acknowledged thus so far. Women are sought to be associated with alcohol work. The involvement of men exists, but it usually comes in the form of lending assistance. However, there are instances where men are involved in indigenous alcohol industry but they have a fixed role, mostly in compliance with the patriarchal notion around division of labour.[393] Division of labour[394] is inherent in every family, men are expected to do outdoor work and women with household chores while mostly confined to their houses. It is in such a set-up that women are impacted in terms

392 The pressure from Meira Paibis as one of the leading civil societies in its anti-alcohol campaign led to the passing of prohibition act in Manipur. See, McDuie-Ra, D. (2014). Ethnicity and place in a 'disturbed city': ways of belonging in Imphal, Manipur. Asian Ethnicity. 15(3). pp. 374-393

393Kamei, R. (2015). Marginalisation of Women Workforce in Indigenous Industry: Evidences of Alcohol Industry in Namthanlong, Manipur. Unpublished M.Phil thesis, Tata Institute of Social Sciences, Mumbai.

394 Division of labour is division of labour on the line of age, clan, social class, etc and division based on sex is considered to be universal in any culture though its degree could differ. See "Division of labour": http://www.britannica.com/topic/division-of-labour Accessed on 26 August 2015.

of their space within social, political, and economic spheres. In search of space, women workers started to bargain more space for themselves by engaging with their family members, the village institutions and with the state. The proceeding sections will deal with how bargaining within the family and with the village and state machinery takes place and shapes the overall condition of the indigenous alcohol industry.

Process of Bargaining within Family and with Village Authorities

The pressure involved in carrying out alcohol work as the sole work to support the family, has come down heavily on women workers which puts them in an exploitative condition. Work conditions compel them to bargain within their family to ease their work. Help and support gathered within family are in "the form of fetching water, looking after fire in brewing, cooking *jounap*[395]etc."[396] The consequence of bargaining within family, which is carried forth with negotiation, ease their work to an extent, reducing the time and intensity of work. Labour in this industry is distributed to an extent within family albeit this is far from equitable distribution. Family members rarely complain about getting them involved in alcohol work because they are either aware or made to be aware about the significance of alcohol work. However, even if most of the help is in the form of lending support to alcohol work, the onus on the work still resides with women workers.

Bargaining within family allows women to look beyond their houses in securing and upholding the interests of alcohol work. They forge interface with village institutions in a bid to come up with a mechanism to safeguard their work interest and security. In effecting this mechanism, women workers of alcohol industry enter negotiation with village authorities from time to time in bargaining over their alcohol work and at the same time upholding village interests. An outcome of bargaining with village authorities are in the areas of "taking up matters related to alcohol in preventing any untoward incidents,[397] and in taking decision in upholding the dignity of their work like negotiating with excise department for easing their activity."[398] There are also other vigilant steps taken up jointly between village bodies like *Khangchu, Peikai,* and women society in safeguarding alcohol work and village and in

395 Jounap is a cooked rice meant for brewing alcohol

396 Ibid., (2015). p. 53.

397 Any untoward incidents: fights ensued among the customers, and with women workers, sexual harassment, discriminatory remarks, etc.

398 Ibid., (2015) p.53.

checking and preventing any untoward incidents. Imposition of stipulated time for sale of alcohol is another step taken up in the village for the same purpose of averting any issue arising out of alcohol work. Decisions and steps as such are in accordance with village customary law where *Peikai* holds the position in taking ultimate decision. *Khangchu* plays an intermediary role and often consults the *Peikai* if they fail to arrive at a decision concerning alcohol work.

An outcome of bargaining with the village bodies made the indigenous alcohol industry function in ways that both prevents and addresses any issue related to alcohol work and its customers. Generally, the village bodies stick to preventive measures and corrective actions in fostering alcohol industry, and in liasoning with civil society from outside the village on similar matters. During the fallout on any issue, the village bodies come up with ways to arrive at solutions and in deciding penalties. Vigilantism is taken up by village bodies including women's society group, and they guard the village's gates to keep a check on inflow and outflow of customers. Whoever are found violating the stipulated selling time are given appropriate penalty. Issues concerning customers of alcohol are handled by village bodies and in complicated matters, they approach police for intervention.[399]

In addition to the bargaining that women workers engage with the village bodies, the form of space they have as women's societies provide them room for bargaining. They get participation from women's societies for keeping membership alive and by conducting meetings on a timely basis. Meanwhile during meetings, the interest and concerns of alcohol work are discussed, along with details of maintaining interface with excise department and regarding bribery for alcohol work. They also consult women workers from the industry in fixing the price of alcohol from time to time which is uniform within the village. The fixing of the price is done in correlation with rise in the price of commodities, especially rice. Meeting for fixing the price of alcohol does not happen frequently; normally it happens once every three to four years. During meeting, other agendas consistent with the current situation are taken into consideration, for instance, a move to bar women customers and customers in school uniforms in the shops of vendors operating in the village, as well as preventing fights and ruckus within the confines of the village. Another discussion coming out of meeting pertains to not allowing liquor procured from outside the village to be sold in the village.[400]

399 Ibid, 2015.

400 Ibid, 2015.

Process of Bargaining with the State Machinery

The prohibition existing in Manipur especially in Imphal[401] has created a situation dependency on state agency to continue bootlegging and keeping the existing indigenous alcohol industry alive. Likewise, women workers in indigenous alcohol industry of Namthanlong get into dialogue with excise department after several raids conducted in their houses. Excise department of Manipur which comes under Manipur Police are known for being firm in executing prohibition in the state. Women violating prohibition are arrested with imposition of fines. People from the indigenous alcohol industry in Namthanlong have varying experiences with the Excise Department. Fines are open for negotiation, but the eventual outcome of negotiations lies with the authority. Harassment, threat and intimidation are common experiences meted out to women workers during their encounter with the excise department. During raid, *jou-rai*[402] are mostly seized and broken into pieces as a measure of clamping against brewing of alcohol for selling purpose.[403]

The modus operandi of excise department leaves very little room for negotiation over fines. Despite fines, people brew alcohol stealthily at odd times, like in the wee hours of the night and hide the alcohol produced in safe places. There are cases where they hide the produce underneath the earth. With situations like this and persistent and continual raids, women from this industry come together and seek help from women's societies in forging a dialogue with the excise department. Bargaining takes place among them, and they are forced to agree to pay bribes[404] in the name of tax. The outcome of this is that the women workers won't be raided and continue brewing alcohol as long as they pay a fixed amount of bribe to the excise department every fifteen days, and one huge sum yearly. Other deals made in this bargaining are to prevent frequent rise in the amount of bribe. There were times when they took up the issue of frequent raiding with local MLA to allow smooth functioning of

401 Prohibition in Manipur after the passing of Manipur Liquor Prohibition (Amendment) Bill, 2002, it has been removed from hill districts of Manipur. See "Dried Up Prohibition : Need for lifting Prohibition arises due to state's inability to enforce 'Dry State Status' (2014, August 30)": http://e-pao.net/epSubPageExtractor.asp?src=news_section.opinions.Politics_and_Governance.Dried_Up_Prohibition_Need_for_lifting_Prohibition_By_Seram_Neken Accessed on 25 August 2015

402 Jou-rai is usually a pot or container where a jounap is stored for fermentation leading to alcohol brewery.

403 Ibid, 2015.

404 Excise department levies bribe in the name of tax and there are two types as such which has been levied on alcohol produced in the village- Khuphaa (alcohol produced solely for the purpose of supplying to sellers) and the other for vendors. Additionally, from people selling IMFLs (Indian Made Foreign Liquors) they charge Rs 600 per month as bribe. Provision of keeping a check on IMFLs comes under the department of state dealing with drugs. Failure to pay bribe for IMFLs can amount to raiding and invite a huge fine ranging from Rs 10000 to Rs 20000.

indigenous alcohol industry.[405]

Amid this outcome from bargaining, the excise department can continue raiding houses that do not pay bribe and make them go through the penalty under the garb of prohibition. The bargaining with the excise department is not a one-time process; the continual bargaining somewhat has become normalized and is thus accommodated within the concerns and interests of indigenous alcohol industry. For instance, women who brew alcohol for selling are now able to pay bribe on a monthly basis, in contrast to previous forms of bribing every ten days and the reduction of yearly bribe from Rs 1500 to 2000 to Rs 1000 for every household.[406]

Conclusion

The indigenous alcohol industry operating in Namthanlong, shows that with prevailing circumstances like prohibition and a socio-economic situation with limited livelihood opportunities and stringent customary laws, women workers adapt with prevailing circumstance and make sense of what is available to them, irrespective of political correctness. The bargaining they use in this industry provides them respite to a certain extent and eases their work with minimal obstruction, even though it is far from an ideal situation. The negotiations as discussed are committed mainly with the assistance of women's society in putting forth their interests concerning alcohol work. The forms of bargaining which they resort to, comes into play owing to the conditions they are living in. They negotiated with their family and the village institutions, including the state and civil society to acknowledge them and the significance of their work and receive in return of what is rightfully due to them. Moreover, all the parties involved in the bargaining y have affirmed and upheld the interests of everyone from securing work interest, to maintaining village's customary law and then negotiating the state's role through prohibition. The engagement is a continual process that somewhat neutralizes the exploitation faced in this work.

405 Cases like harassment, vigilantism, raiding and surveillance from the excise department and sometimes, army personnel, are taken up with their constituency MLA to ease their alcohol brewery and sell. See, Kamei, R. (2015). Marginalisation of Women Workforce in Indigenous Industry: Evidences of Alcohol Industry in Namthanlong, Manipur. Unpublished mphil thesis, Tata Institute of Social Sciences, Mumbai.

406 Excise department directed vendor operating in the village to pay Rs 600 monthly and those who supply brewed alcohol to vendor pay Rs 250 to Rs 300 per month, and to some Rs 200.

Collective bargaining and bargaining taking place in indigenous alcohol industry are separated from each other. The latter is more collective in nature and in consonance with social realities by encompassing culture, tradition and customary law and state. Women workers in the industry put forth their interests and concerns beyond their economic and employment interests. The form of bargaining they devise reflects their conditions, culture and labour. It is in this context, that bargaining practiced in Namthanlong's indigenous alcohol industry is being discussed to contrast from the concept of collective bargaining. The purpose of this is to emphasise bargaining in tribal society by delineating the same from external discourse on collective bargaining and labour rights. Situating bargaining in tribal society is to acknowledge its existence so that such realities do not get assimilated when third parties in the name of protecting labour rights steps into the context. The process of bargaining with their culture and customary practices needs to be preserved and protected, while carrying out their once traditional practice into a commercialized work by ensuring that labour rights are in place.

Tribes, Governance and Political Institutions in North East India

~Joseph Riamei

Introduction

The North East region comprising of the eight states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura, constitutes a land mass of 262,230 square kilometres with a population of 38.9 million. The region is inhabited by different ethnic communities and is home to diverse cultural groups. The place shares international borders with Bhutan, China, Myanmar and Bangladesh. It has witnessed mass upheavals over the past few decades. These include aggressive struggles for self-determination and sovereignty in Nagaland, Assam, Manipur, Tripura and Mizoram. In addition, there are a number of movements' control of land as well as issues concerning language, identity formation, demographic change and minority and majoritarian relations. A supposed sense of 'alienation', mis-governance, increased corruption as well as underdevelopment are common frustrations in the region. Nonetheless, the region is identified as rich in bio-diversities and is endowed with rich natural and mineral resources.

Every state within North East have distinct histories. The Bodos, Karbis etc. in Assam, the Nagas and the Kuki-Chin groups inhabiting Nagaland and Manipur are sub-family of Tibeto-Burmans.[407] There are also several other tribes like the Mizos of Mizoram and the Monpas, Daflas, Apatanis, the Adis, etc., of Arunachal Pradesh. There have been ethnic mixtures between the Tibeto-Burman and Tias (Siamese) whenever they live together in either Bramaputra valley or Manipur Valley. The Indo-Aryans who migrated from the West to the North-East established political supremacy over the Bramaputra valley and hinduised the tribes whenever possible and ultimately forced the tribes to interior region of the Brahmaputra valley and the surrounding hills. The process of migration and settlement were also a part of the struggle for economic, social survival and political domination.[408]

British rule represented a new era in the history of North-East India. It was during the British rule that the process of gradual penetration into the hills started. It was the British who subsumed the

407 A branch of the Sino-Tibetan family of languages spoken from Tibet to the Malay Peninsula

408 Jusho, H (2004): Politics of Ethnicity in North East India, New Delhi: Regency Publication

people of the region within a single politico-legal administration. This political jurisdiction extended to the McMahon[409] line in the north. It was also during their rule that the tribal problem was constructed and solutions for the same were tuned towards the benevolence leadership and response of a province centric British India. These were considered positive achievements for the British. The British laid the framework of governance and political domination, penetrating and intensifying their administration where it was possible. In the process they began integrating each geographical space and each community into their framework. It is this governmental framework that post British India inherited in the year 1947.[410]

The questions pertaining to North East India appears consistently in the Constituent Assembly Debates leading to the formation of a sub-committee under the chairmanship of Gopinath Bordoloi on 27 February 1947. On its recommendation, the Sixth Schedule was formulated and incorporated into the Constitution of India. This Schedule provided mainly political and administrative autonomy to the hill people of the region to preserve their customary practice and unique culture. At this point in time, it was perceived as the best politico-administrative framework adopted by the country within the premise of 'unity in diversity', without destroying the diversity of culture within the Indian state. Within a span of sixty years, after India's independence, the opposite is taking place; different social groups across the region are seeking 'diversity in unity'.[411]

These groups seeking the recognition of diversity within the frame of a united India are demanding that the governance framework should be premised on people's organic knowledge systems and this should be incorporated in the Constitution. They argue that people of a locale know best what specific autonomous spheres activities/powers and resources they should be endowed with. Where ethno-cultural and linguistic boundaries overlap and irredentist movements gain momentum, the finding of political solutions is a must. Such political solutions may take the form of an expansive sharing of

409 The McMahon Line is a line agreed to by Britain and Tibet as part of the Simla Accord, a treaty signed in 1914. It is the effective boundary between China and India, although its legal status is disputed by the Chinese government. The line is named after Sir Henry McMahon, foreign secretary of the British-run Government of India and the chief negotiator of the convention at Simla. It extends for 550 miles (890 km) from Bhutan in the west to 160 miles (260 km) east of the great bend of the Brahmaputra River in the east, largely along the crest of the Himalayas. Simla (along with the McMahon Line) was initially rejected by the Government of India as incompatible with the 1907 Anglo-Russian Convention.

410 Luthra, P.N. (1971): "North-East Frontier Agency Tribes: Impact of Ahom and British Policy", Economic and Political Weekly, Vol. 6, No. 23, 1143-1149

411 Hazarik, Niru (2011): 'Assimilation and Alienation of North East Indian States in Historical Perspective and Contemporary Situation' in Rajput, Madhur (eds): Understanding North East India: Cultural Diversities, Insurgency and Identities. New Delhi: Manak Publication, pp. 3-29.

powers via elite incorporation or by creating special representative structures and incorporating what are called the *home-grown autonomous institutions* envisaged as being able to give voice and power to the people.[412]

The Economic and Social Council for Asia and the Pacific (ESCAP) conceptualised governance as the process of decision-making and the process by which decisions are implemented (or not implemented)'.[413]For UNDP, governance refers to 'the exercise of power or authority – political, economic, administrative or otherwise – to manage a country's resources and affairs. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.'[414] From the human development perspective, good governance means 'the exercise of political, economic and administrative authority to manage a nation's affairs.'[415] The defining characteristic of the human development paradigm is its focus on people. Looking beyond economic growth (unlike World Bank or International Monetary Fund) this perspective encourages questions like economic growth for what (human or economic development?), in what and for whom?

The Human Rights perspective however focuses on 'protection and enjoyment of human rights by all people and communities, particularly poor and vulnerable people.'[416] Legitimacy of the government and human rights guarantees it provides, are at the core of good governance. The basic elements of good governance in the evolutionary order – rule of law, accountability, transparency, participation and people's control. As governance system evolves, they become more and more inclusive and tolerant of diversity and divergent views.[417]

412 Suan, Kham Khan (2007): Can deep differences be accommodated; 4th International Conference on Federalism, Unity in Diversity Young Professionals.

413 What is Good Governance? United Nations Economic and Social Commission for the Asian and the Pacific (UN ESCAP): Human Settlement Web Page, http://unescap.org/huset/gg/governance.html

414 Good Governance (2000): Guiding Principles for implementation, AusAID, Australian Government Overseas Aid Programme, August; also, UNDP, Reconceptualising Governance, Discussion Paper 2, New York, 1997, p.9.

415 UNDP (1997): Reconceptualising Governance, Discussion Paper 2, New York, p.9.

416 Hausermann, Julia (1999): A Human Rights Approach to Development: Some Practical Implications for Water Aid's World, The First Water Lecture, London, 10 September, p.16.

417 Mander Harsh and Mohammed Asif (2004): Good Governance: Resource Book, Books for Change, Bangalore, p.91.

Contextualising the tribal realities in the North Eastern region, the same seems headed in the opposite direction when it comes to effective good governance. To sum up, governance implies the process as well as the result of making authorities decisions for the benefit of society. It is often argued that governance is 'good' when it serves not just any public interest but that of the poorest and marginalised people in society.

Issues and Challenges

India, being a multinational and multicultural federation, has demonstrated remarkable flexibility in constitutional design, amendment, legal interpretation and political versatility. It accommodates complex and subtle social diversity typically expressed as overlapping ethnic, regional, tribal, communal and religious as well as sub-state national identities. Good examples where the federal spirit can also be seen at work are in the cases of Nagaland (Article 371-A) with protection of its own pre-existing laws, protection of its local identity via restrictions on immigration and a preferential financial regime. Article 371-F for Sikkim with the reservation of seats in Legislative Assembly on the basis of community and religion in the state assembly and judicial recognition of its special status. Article 371-G in Mizoram with protection for Mizo customary law, religious and social practices and in Assam (Article 371-B) and Manipur (Article 371-C) with flexibility for special needs provided by committees of the state legislatures. The main objective of these Articles is to protect indigenous traditional rights over land, culture, identity and devised an autonomous governance mechanism for the indigenous people. Under these Articles, the Governor of the state has the power for any legal amendments and protection of the rights of the indigenous people.

The Autonomous District Councils (ADC) under the Sixth Schedule of the Indian Constitution was set up in 1952. This ADC was extended to certain hill districts of the then composite State of Assam and later many other District Councils were added. After India's Independence, the Sixth Schedule of the Constitution provided the legal framework for protection of the interest of the tribal peoples of the hills of northeast India, including their interest in land and forest resources, and allowed them autonomy in social and political development. The Sixth Schedule provisions are regarded as a mini-Constitution within the Constitution. In 1950, the Constituent of India containing provisions for creation of Autonomous District Councils and Autonomous Regional Councils for the tribal of hill areas of Assam adopted the Sixth Schedule. Accordingly, Autonomous District Council was created. However, in the case of the Naga Hill District Council, they rejected the concept of ADC and instead

demanded independent state of Nagaland. Therefore, ADC could not be established in Nagaland. In the present context, it functions according to Articles 244(2) and 275(1) - Sixth Schedule - Provisions for administration of Tribal Areas, set up ten autonomous district councils in North East:

Assam: The North Cachar Hills District Council, KarbiAnglong District Council and Bodo Territorial Council

Meghalaya: Khasi Hills District Council, Jaintia Hills District Council and Garo Hills District Council.

Tripura: Tripura Tribal Areas Autonomous District Council.

Mizoram: The Chakma District Council, Mara District Council and Lai District Council.[418]

Burgess (2006)[419] views that factors of accommodative and secessionist movement depends on specific cultural and historical contents. He also points out that a flat prior assertion cannot be made, but views that it has a potential to accommodate differences which will add to the overall political stability. Contextualising Burgess' theorization for the minority tribal groups in the northeastern states provides some interesting insights. For instance, while the governance framework like ADC works for tribal dominant states like Meghalaya and Mizoram, it does not work for the tribal minority group in the states of Assam and Tripura. Though some of the states enjoyed a greater degree of autonomy framework like the Sixth Schedule, still it cannot be totally base on the degree of autonomy. A good example in this case is the Bodo Territorial Autonomous District Council (BTADC) where they enjoyed greater power compares to other governance framework in the region. The Bodos, an ethnocultural minority group in the state of Assam is still demanding for a separate state claiming that the framework did not really ensure autonomy and self-governance as envisaged and is control and politicize by the dominant ruling government of the State of Assam.

Speaking about the current issues in Assam, the census of India figures from 2001 clearly shows how Assamese-speakers have become a minority in their home state. Between 1991 and 2001, the Assamese

418 Retrieved from http://mdoner.gov.in/node/742 accessed on 25 July 2012.

419 Burgess, Michael. (2006). Comparative Federalism: Theory and Practice, New York: Routledge Publication.

speaking population had declined from 58 per cent to 48 per cent while the Bengali-speaking population had increased from 21 per cent to 28 per cent. Going by this trend, the Assamese speaking population is currently around 40 per cent while the Bengali speaking estimated to be one-third of the population of the state. In terms of religious communities, the Muslim population of Assam had increased from 25 per cent in 1951 to 34 per cent in 2011.[420] Coming to the tribal people in Assam, the moot point here is; has the sixth schedule protect the tribal land, resources, culture and identity as envisage? Going by the socio-politico upheaval of the past and present context in sixth schedule areas, it shows that the realities of the schedule areas are even worse as compared to other areas. In this juncture, it was pointed out that it is a predicament, ripe for ethnic conflict and violence, again.

It is a truism in the case of Manipur as Suan (2007)[421] argues that the greatest threat and challenge to the unity and integrity of the modern state will come from territorially concentrated minorities, also known as "nations without state." It was also point out that given the sweeping effects of globalization on different social groups; we are going to encounter more of the birth and mobilization of ethnic minorities in the foreseeable future. The territorially concentrated ethnocultural minorities groups in the present state of Manipur have threatened and challenged the unity and integrity of the state. These territorially concentrated groups are now mobilized and politically organized demanding for accommodation and protection of their land, culture, identity plus assurance for self-governance. The reason why many ethnocultural minorities have resorted to demand for self-governance is that the present framework of the state, in ensuring autonomy and self-governance has failed to a great extent.

Manipur is a state of multiethnic communities and though accommodating these diverse communities has been conceptualised for the valley and the hills, it shows that the accommodating mechanism for the ethnocultural minorities has not been effective. It was argued that there has been serious mis-governance of these diverse communities in the state. This has created conflict between the dominant community and the minority, where so far there seems to be no mechanism as such to contain the conflict. In a reality defined by myriad ethnicity under historically constituted and politically articulated lived categories such as *Naga, Kuki, Meitei, Zomi, Maring, Kom, Lamkang, Gangte, Hmar, Tarao, Chothe,*

420 Yadav, Yogendra (2018): In Assam, the situation after NRC report is ripe for ethnic violence, The Print, January, 13, see, https://theprint.in/2018/01/13/assam-situation-nrc-report-ripe-ethnic-violence/

421 Suan, Kham Khan (2007). Can Deep Difference be Accommodated; 4th International Conference on Federalism, Unity in Diversity Young Professionals.

etc., frameworks, if any, should resolve to understand and address the enormous challenges at hand. The basic parameters of convergences and divergences between contending narratives must be understood and stated.

Though the provision like Article 371 and District Councils has somehow attenuate tension and secessionist movement, however, in the States where tribal are minority, it is yet to see the framework applied where it is actually needed the most. This can be observed among the tribal minority in Assam, Tripura and Manipur. On the other hand, there is no such movement among the tribal dominant states of Meghalaya, Arunachal Pradesh and Mizoram. This shows that the framework does not actually take-off in practice in the case where the tribal are minority. The minority tribal blamed the dominant community and state for manipulating the framework.

In the same context Srikanth (2010)[422] puts it aptly that the district councils enjoy some amount of autonomy, but in practice they are not immune to external influences. The state government control and influences the working of district councils in different ways. The state governors often use their power of nominations to tilt majorities in Autonomous District Councils (ADCs) to suit the interests of governments in power at the state level. This kind of lacunae in the said framework has created threats of exploitation, assimilation and domination by the elite dominant groups to the tribal minority groups. In antagonism of such an impractical framework the region has seen decades of contestation and secession movements especially in the states of Assam, Manipur and Tripura. There is also a sign of such movement rising in the states of Meghalaya, Arunachal Pradesh and Mizoram by the minority ethnic groups. The realities in this context have evinced the need to relook at the minute details of the framework with great sensibility and acumen.

There are many critics on the Autonomous District Councils (ADC) under the Sixth Schedule of the constitution of India in North East concerning its real autonomy and power enjoyed by the tribals. Suan (2007)[423] has stated that it is a truism that the ideational premise, which underpins the Sixth Schedule of India's constitution, privileges paternal control of the state. Being hedge in by the institutional arrangement of union and state control, it has never been able to take off in the true sense

422 Srikanth, H. (2010). Indigenous Peoples in Liberal Democratic States: A Comprehensive Study of Conflict and Accommodation in Canada and India. Colorado: Bauu Press.

423 Op.cit

of the word. Soon after its operationalisation, it got enmeshed in a paradoxical situation where the state became the 'main culprit' in denying 'full autonomy' to ADCs. A bottom-up autonomy model, which would privilege communities' rights and identities, must be devise. This would look beyond the state-centric 'top-down' autonomy model envisaged by the Sixth Schedule. It is therefore, important to study and draw the experience of different models of governance framework and analyse its existence in different states particularly in the North East.

The district councils guaranteed self-governance for the tribal people in northeast but there have been unending contestations regarding the practicability of self-governance framework. In this context, it is pertinent to re-look this framework whether it has fulfilled the aspirations of tribals and addressed their grievances and thus yielded desired results or there is a need instead to revamp the system in the light of multiple governance and federal arrangements.

Conclusion

There is a need to recognize and contain newer forms of governance processes in order to accommodate the diversity that will also allow the dilution of politico-historical claims under the constitutionally sanctioned frameworks. When it is defined and locked in competing needs and interests by realities constituted on ethnic, cultural or linguistic lines, resolution of differences cannot be based on extreme forms of rationality because it would be unworkable when there is too much thrust on cultural subjectivity. There is a need to draw a fine line that will distort ethno compositions and imbalances relationships while negotiating contested terrains. This will result towards striking a political balance of power structures and skewed fiscal, administrative and political processes.

The northeast region is well known for its secessionist and insurgency movement especially from the tribal communities; this may be due to the failure of the self-governance mechanism for the minority tribal groups. Before it sees the rise of more secessionist movements and the blooming of insurgent groups especially from the territorially concentrated groups, it is imperative that the state revisit the framework design for protection and self-governance. This may also resolve the unending secessionist and insurgency movement currently plaguing the region.

Though the concept of self-governance and autonomy for these minority groups has been well conceptualised in the said framework, the empirical evidence reveals that the non-tribal dominant

state, the framework is enmeshed and engrossed in the politics of the dominant ruling government. This needs to be resolved by revisiting the framework, relook its structure and provision that had impeded the framework sanctioned for the protection and self-governance of the minority people. The contestations and resistances by the ethno-cultural groups are not constituted by mere figments of imaginary existential threats; they are sublime articulations of real existence. While coexistence should remain the mainstay in any proposed frame of political decentralisation, a fine balance must arrive at to negotiate historical tensions that persist.

I would like to conclude with a thought from Dean that, 'On the one hand, we govern others and ourselves according to what we take to be true about who we are, what aspects of our existence should be worked upon, how, with what means, and to what ends. On the other hand, the ways in which we govern and conduct ourselves give rise to different ways of producing truth.'[424]

424 Dean, M. (1999) Governmentality: Power and Rule in Modern Society. London: Sage.

Revisiting the Sixth Schedule and the Jaintia Hills Autonomous District Council

~Kerlihok L. Buam

Laying the Framework

The Sixth Schedule was created under Articles 244(2) and 275(1)) of the Indian Constitution to protect the rights and identity of indigenous tribes. The Jaintias like any other indigenous tribes in Meghalaya have their own Jaintia Hills Autonomous District Council (JHADC) since 1964. The Jaintias had been traditionally governed by the traditional chiefs known locally as the Dolois who act as the custodian of local tribal cultures and traditions are more or less. These Dolois are now the functionaries falling within the purview of the JHADC. Contrary to its mandate, vide its different Acts, Rules and Regulations JHADC has negatively affected the culture, traditions, traditional institutions and the way of life of the Jaiñtias. The JHADC's mismanagement of land diluted the intrinsic connection that the tribes have with the land. The Council has more or less failed to protect and preserve the environment. Through its issuing of *No Objection Certificate* (NOC) to many cement companies prove that it has failed to protect the economic interests of the indigenous tribals. Therefore, it is ironical that the Council which is supposed to act as custodian of land, forests, rivers and water sources has itself become the pirates defrauding the environment thereby depriving the indigenous people of their right to a clean and sustainable eco-system. The misappropriation of fund by those who are in power shows a clear cut case of theft. Political survival within the ADCs, rather than delivery on 6th Schedule provisions, inevitably takes precedence. The members of the Council, who represent the interests of the indigenous populace, should take steps to improve its functioning to ensure that it delivers as per its mandate.

The Context

The hill people of North East India, who belong to the Mongoloid race, are listed in the Constitution of India as Scheduled Tribes, known in common parlance as tribal. Considered as one of the most culturally diverse regions in India, the land is inhabited by more than 160 Scheduled Tribes belonging to five different ethnic groups and over 400 distinct tribal and sub-tribal groupings speaking about

175 languages (Report on North East India).[425] Of the 461 Scheduled Tribes (STs) of India, only 196 live in northeast and most of them are tiny. North East India's tribal population constituted around 12 per cent of the total tribal population of India and 25.81 per cent of the total population of North East India (Singh, 2011).[426] Tribal proportion is as high as 94.5% in Mizoram, 89.1% in Nagaland 85.9% in Meghalaya, 64.2% in Arunachal Pradesh, is medium in Manipur (34.2%), Tripura (31.1%) and low in Assam (12.4%). North-East India is distinct from the rest of India because it has an extremely long international border, surrounded as it is, almost from all directions, by foreign countries and bounded together internally by the state of Assam. The scenic beauty expressed through the presence of mostly of hills and mountains was interspersed by the three large and densely populated valleys of Brahmaputra, Barak and Imphal of which the former two are in Assam. The indigenous people living in these areas have their own traditional institutions and distinct tradition of art, culture, dance, music and lifestyle which scattered over all the states of North East. As such, these tribal societies are independent in terms of social structure and culture with a degree of diversity even within the tribal groups. Today, most of them are engaged in self-preservation and aspired to have a better scope for development in the era of globalisation.

The Sixth Schedule

In the colonial period, tribes of this region have seen isolationist policies of the British who labeled most North East hilly tribal tracts as "excluded" or "partially excluded". With India's independence the philosophy of maintaining status quo and isolation was replaced by the policies of development and integration. The policy makers clearly sought to merge the region along with rest of the country while simultaneously respecting the traditional tribal culture and identity. Thus, a mechanism was sought that would allow the autonomy to the tribal societies and yet continue to develop them like other areas and get assimilated into mainstream society at their own pace. The Bordoloi Sub-Committee constituted by the Advisory Committee under the chairmanship of Assam Premier, Gopinath Bordoloi during its visits of various areas and interaction with representatives of the hill people, observed that (i) The people of the region were sensitive towards their land, forest, lifestyle and traditional systems of justice and, thus, needed safeguards and protections so as to preserve their

425 Report on North East India,(2013) Retrieved from http://www.mcrg.ac.in/Core/Northeast_Report.pdf. on May 27, 2013

426 Singh, R.V. (2011). Tribal Situation In North East India, Jnanada Prakashan (P&D), NewDelhi, p. 2

way of life and (ii)There were traditional self-governing institutions which functioned democratically and settled issues according to their traditional lifestyle.

The Bordoloi Committee sought to build up autonomous administration (through the District and the Regional Councils) in the six hill-areas of Assam (United Khasi-Jaintia Hills District, Garo Hills District, Lushai Hills District, Naga Hills District, North Cachar Hills District, and Mikir Hills District) so that the tribal people could manage their affairs in their own traditional ways. Building on these observations, the Sub-Committee recommended policies that ultimately formed the substance of the Sixth Schedule. The Sixth Schedule is entirely focused at protection of tribal areas and interests, by allowing self-governance through constitutional institutions at the district or regional level. These institutions are entrusted with the twin task of protecting tribal cultures and customs and undertaking development tasks. Thus, the Sixth Schedule was created under Articles 244(2) and 275(1) of the Indian Constitution to ensure that the rights of tribals who are minorities within a state or geographical area populated by a dominant non-tribal population are not subsumed within the rights framework of the latter. The Sixth Schedule provides for administration of certain tribal areas as autonomous entities which basically introduced the concept of Autonomous District Councils (ADCs). The administration of an autonomous district is to be vested in a District Council and of an autonomous region, in a Regional Council. Under the Sixth Schedule, the Assam Autonomous District (Constitution of District Councils) Rules 1951 and the Pawi-Lakher (Constitution of Regional Councils) Rules 1952 for the autonomous region in the Lushai Hills District were framed. At present, Sixth Schedule Areas exist only in four North-Eastern States: 1) Assam, 2) Meghalaya, 3) Mizoram, and 4) Tripura. These Areas are administered through Autonomous Districts / Regional Councils. Except Meghalaya, other three states have only certain selected areas covered under the Sixth Schedule. However, for strengthening the function of the District Councils, the Constitution (One Hundred and Twenty Fifth) Bill No. VIII of 2019 sub-paragraph (3), amendment of the Sixth Schedule provided that all Autonomous District Councils shall be henceforth called as Autonomous Territorial Council.[427]Areas and states not covered by Sixth Schedule provisions like Arunachal Pradesh, Nagaland, and Manipur, also have laws respecting the autonomy of traditional ways of self-governance and protecting from outside interference. Since then, these Councils have been functioning and managing land, forest, market, primary schools, planning activities and so on and impacted traditional institutions like tribal chiefs,

427 The Constitution (One Hundred and Twenty Fifth) Bill No. VIII of 2019, p. 2, http://164.100.47.4/billstexts/rsbilltexts/AsIntroduced/125-RS%20intro-E-%206%202%2019.pdf, Accessed on the 23rd March, 2019 at 9:30 pm.

tribal councils, etc. Presently the North-East India has, fifteen District Councils – two in Assam, three in Meghalaya, three in Mizoram, one in Tripura and six in Manipur.

The Jaiñtia Hills Autonomous District Council

In the present State of Meghalaya, the three major tribal groups of the Khasis, Jaiñtias and Garos have their own Autonomous District Councils. After independence, the Khasis and Jaiñtias were constituted in one common administrative unit when the two areas were administered under one 'united' district and in 1952 the Six Schedules to the Constitution provided for the creation of District Council in the Autonomous Districts of Assam, which came to be known as United Khasi and Jaiñtia Hills District Council. Six members in the 24-member council represented the Jaiñtia Hills. However, the people of Jaiñtia Hills felt that a separate District Council was an urgent need for the Jaiñtia Hills for administrative convenience.[428] On the recommendation of the Commission set up to enquire into the matter, the Govt. of Assam in 1964 issued a notification (Notification No. TAD/R/50/64, dated 23-11-1964) announcing the creation of a separate District Council that took place on the 1st of December 1964 after the bifurcation of the then United Khasi-Jaiñtia Autonomous District Council. This council was called the Jaiñtia Hills Autonomous District Council. Since then, three 'Autonomous District Councils have been in operation, one each for Khasi Hills, Jaiñtia Hills and Garo Hills (Goswami, 2002).[429] The first election following the issue of this notification took place in 1967 and the first constitutionally elected District Council then took over the administration of the District.

The number of members in the JHADC (both elected and nominated) upto the 1978 elections was 18. Presently, the Council has the total numerical strength of 30 Members of District Council (MDC); 29 elected and 1 nominated. As per the amendment of the Sixth Schedule in the Constitution (One Hundred and Twenty Fifth) Bill No. VIII of 2019 paragraph 2, sub-paragraph (1), provided that the Jaintia Hills Autonomous Territorial Council shall consist of not more than thirty-four members, of whom four members including at least two women members shall be nominated by the Governor and the rest of the members shall be elected on the basis of adult suffrage;[430] with the Executive

428 Gassah, L.S. (2005) 'Maintenance of Ethnic Identity and Administrative Framework: The Jaintia Sequence' in S. Kothari, et.al (ed), Indigenous Perspectives India 2005, Intercultural Resource, New Delhi, pp. 89-92.

429 Goswami, A. (2002). Traditional Self – Governing institutions among the Hill Tribes of North-East India, Akansha Publishing House, New Delhi. p. 180

430 The Constitution (One Hundred and Twenty Fifth) Bill No. VIII of 2019, p. 2, http://164.100.47.4/billstexts/rsbilltexts/AsIntroduced/125-RS%20intro-E-%206%202%2019.pdf, Accessed on the 23rd March, 2019 at 9:30 pm.

Committee as the policy making body which comprises of a Chief Executive Member (CEM), Deputy CEM and Executive Members, the Chairman and Deputy Chairman. The role assigned to the District Council by the Constitution is to safeguard the interests of the tribal people in respect of their lands, their social customs and practices and their culture, and to foster primary education within the District. The main aims and objectives of the Autonomous District Council are to preserve the customary rights of the people living therein which are inter-alia with the law of the land. It is also the authority for Regulation of Jhum control, providing of Rural and Cultural Development Programmes, Regulation of Trade for Non-Tribals, *Elaka* (Province) Administration, levies of revenue, tolls etc. to meet the cost of the administration, etc. As such, it is also empowered to pass laws relating to the above objectives.

Jaintia Hills District

The Jaiñtia Hills district of Meghalaya (today there are 2 districts in Jaiñtia Hills, East Jaiñtia Hills District and West Jaiñtia Hills District), forms the eastern landmass of Meghalaya bounded in the North by Nowgong and Karbi Anglong District of Assam (formerly known as the Mikir Hills District) on the east by North Cachar Hills and the Cachar District of Assam on the south by Bangladesh and west by the East Khasi Hills District of Meghalaya. It lies between Latitudes 24°58 and 26°3 N and Longtitudes 91°59 and 92°51 E, and covers an area of 3295.5 sq. kms., approximately with a population of 3,95,124 according to 2011 census. Administered as per the provisions of Para 2 of the Sixth Schedule of the Constitution of India, the District was until 1976 only a Sub-division of the United Khasi and Jaiñtia Hills District (Simon, 1996).[431] The District is very rich in natural resources with coal deposits found abundantly and mining of this natural resource is taking place particularly in Wapung, Sohkymphor, Khliehriat, Moosiang Lamare, Sutnga, Rymbai, Byrwai, Jarain etc. Rich Limestone deposits are found in Lumshnong, Nongkhlieh, Sutnga, Lakadong, Syndai and Nongtalang. Besides these, the District is also known for the fireclay at Larnai, which is of good quality and is suitable for firebricks. Existence of Nodules and outcrops of Phosphorite minerals have also been detected in the District.

431 Simon, I.M. (Ed.) (1996). Gazetteer of India, Meghalaya District Gazetteer, Jaintia Hills District, Government of Meghalaya, Arts and Culture Department, Meghalaya, Shillong. Published by Directorate of Arts & Culture, District Gazetteers, Brook Site Complex, Meghalaya, Shillong; Printed by DVS Publishers, Guwahati, p. 5

The term Jaiñtia is currently used to denote various groups of people inhabiting Jaiñtia Hills viz. the Pnars, the Wars and the Bhois. The Jaiñtias can also be found in the neighbouring hill districts of Khasi Hills, Karbi Anglong, North Cachar Hills in the plains of Cachar of Assam, and in the adjoining district of Sylhet in Bangladesh (Pakyntein, 2013).[432] Oral tradition refers to Jaiñtia Hills as *Ka Ri Ki Khadar Doloi,* meaning land of the twelve chiefs. The original *Dolois* belong to the *Soo Kpoh khaddar Wyrnai clan* meaning the twelve clans who originated from the four sisters *Ka Bon*, *Ka Wet*, *Ka Tein* and *Ka Doh*. The original clans ruled the area through the *Doloi* (Provincial Governor) who is the representative of the clan and elected by the clan-council through consensus. The jurisdiction of a particular *Doloi* is the *Elaka* which covers of a number of villages each under a council and so with the *Elaka*. Each of these councils has de-facto and de-jure power over their jurisdiction. The amalgamation of the various *Elaka*s around the 15th century or so give rise to the Jaiñtiapur kingdom which extended to the plains of Assam and Sylhet. The head of the kingdom was *U Syiem* who was chosen from only a particular clan, the *Sutnga* clan. Till the coming of the British Rule, there were eighteen *Doloi*s in the Jaiñtia Hills who governed over their respective *Elakas* in the hill territory (Pakyntein, 2013).[433]

Majority of the Jaiñtias are predominantly subsistence-based and non-urbanized. However, they have poorer health, absence of proper educational opportunities, life expectancy and employment options. The gross violations of indigenous peoples' rights, the issues of land ownership, the unscientific extraction of mineral resources like coal and the setting up of cement factories have disturbed the biological resources, leaving the local people with nothing, were some of the problems faced by them. Along with these issues, they still have to deal with negative social attitudes. They have often been neglected and have been struggling, in many cases, to live the way they would like. Thus, it became important to explore the role of the Jaiñtia Hills Autonomous District Council (JHADC) in the preservation, protection and promotion of the tradition and culture of the Jaiñtias. In the process, it becomes essential to understand not only the responsibility and effectiveness of the JHADC in

432 Pakyntein, V. (2013) The Pnar Trilogy: Explicating Pnar Society and Culture through the Lahoo Dance. Retrieved from https://www.google.co.in/#q=book+The+Pnar+Trilogy:Explicating+Pnar+Society+and+Culture+through+the+Lahoo+Dance%2C+Valentina+Pakyntein on June 15, 2013

433 Ibid

protecting the land belonging to these indigenous people from being alienated but also how present-day problems of governance on the part of the JHADC can best be addressed.

Role of the JHADC

The purpose of having the Autonomous District Councils was to see that the interests of the indigenous people were safeguard and to provide them maximum autonomy in the management of their tribal affairs. However, the scenario is not the same as seen today. From its inception, the Jaiñtia Hills Autonomous District Council (JHADC) passed a number of Acts, Rules and Regulations, some of which had a direct bearing and effect on the culture, traditions, traditional institutions and the way of life of indigenous Jaiñtia people.

The District Councils through these numbers of Acts, Rules and Regulations vested, no doubt, appointed and approved the election of the tribal chiefs and headmen. However, such rules and regulations, has made the District Council the competent authority to make laws on matters which were dealt with by the chiefs and the power of the chiefs have been modified to the extent as provided in the laws made by the District Council. In a way, if such laws reduced the position of the *Doloi* of the Jaiñtia Hills to that of the position of the employee of the District Council, what is the significance of having a traditional institution that has been perturbed by an instrument that supposed to protect and preserve the traditional customary practice of the Jaiñtias? Similarly, the District Council has also modified a number of customary laws which go against age-old methods of the tribal people in electing their chiefs.[434] The Jaiñtia Hills Autonomous District Council (JHADC) by an amendment Act passed in 1973, retains Section 11 of the Principal Act relating to the appointment of an acting Chief which states that if at any time the post of a Chief is vacant, the Executive Committee may by an order in writing appoint any person to act as an Acting Chief who will exercise all the power and functions of the Chief. An Acting Chief will remain in office until the appointment of a new Chief or until he is removed by the Executive Committee.[435] With this power, the Executive Committee of the District Council appointed a number of acting *Dolois* from time to time, either after the death, removal or suspension of the regular *Doloi* in an *Elaka.* In the Maskut Elaka, there has been no *Doloi* for a period

434 Kerlihok Lyngdoh Buam, The Institution of Doloi in Jaintia Hills: Continuity and Change in L.S. Gassah & C.J. Thomas, (eds.) Democracy and Development in India's North-East Challenges and Opportunities, ICSSR North Eastern Regional Centre, Shillong, Bookwell, Delhi, 2015, p. 338.

435 Acts, Rules, Regulations etc. of the Jaintia Hills Autonomous District Council (1967-2009), Publicity Department, JHADC, Jowai, 2010.

of 27 years and the District Council took the task of appointing one, who did not belong to a particular clan. For administrative convenience, the Administrative Officer of the District Council was appointed as an Acting *Doloi* of the Maskut Elaka with an appointment letter to confirm his role as a *Doloi* of the *Elaka*.[436] This power exercised by the District Council in appointing an Acting Chief, that too an employee of the District Council shows a complete deviation from the traditional practices and against the norms of the society. If the *Dolois* and their *Elakas* have to accept whatever policy decisions taken by the District Council in their relationship with it, (Goswami, 2002)[437] is there any vitality of the position of the *Doloi* in present Jaiñtia community?

The executive committee of the institution of the Doloi includes all the *Waheh Chnong* (Headman), the *Dan* (Collector), the *Dahalia* (musician), the *Sangot* (Publicity Officer), the *Majis* (messenger) within the Elaka. These office bearers were appointed by the *Doloi* and recommendation has to be forwarded by him to the District Council. Another procedure which reduced the power of the *Doloi* was in the suspension of the village headman (wahehchnong). The suspended headman needs to be informed to the Executive Committee of the District Council by the *Doloi*, otherwise such suspension by the *Doloi* remains invalid. The final decision on such a case rested with the Executive Committee of the District Council.

Thus, instead of acting as an institution to protect and preserve the traditions and social customs of the people, the District Council behaves otherwise and contrary to the purpose of its establishment. This shows very clearly that the District Council unnecessarily tries to interfere in matters which should have been left to the people and their traditional institutions so that there is continuity in their traditional customs and practices.[438]

Although the District Councils are empowered to establish, construct and manage primary schools and also prescribe their medium of instructions no such initiative was taken by the JHADC to improve the position of education among the Jaiñtias.

436 Interview with Shri K.S. Langshiang, Administrative Officer, Jaintia Hills Autonomous District Council (JHADC) on July 24, 2013.

437 Goswami, A. (2002). Traditional Self – Governing institutions among the Hill Tribes of North-East India. New Delhi:Akansha Publishing House. p. 180.

438 Karna, M.N. (1998) Power to People in Meghalaya. New Delhi: Regency Publications. p.127.

In the administration of justice, the village court which composed of the recognized *Doloi, Pators, Waheh Chnong* and other officials who carries local administration, tries cases in which both the parties belong to Scheduled Tribes or residents within the jurisdiction. It can try only civil cases, like land dispute, according to tribal laws and customs. Petty offences such as petty thefts and pilfering, mischief and trespass, simple hurt, assault and affray of whatever kind, drunkenness, disorderly brawling and public nuisance and cases of wrongful restrain are also tried by the village courts. However, the *Doloi* and the village court could not try any criminal cases. In absence of police of their own, such cases have to be referred or dealt by the District Court of the District Council. The traditional judicial administration that existed among the tribal chiefs and the indigenous people dispense justice in an inexpensive and simple manner but the introduction of modern legal system, a kind of hierarchy of courts with sophisticated judicial processes and modern laws created difficulties for the tribal people and benefited only the well-to-do. Most of the poor people who sought justice form the new courts system have become paupers because of the cost of litigation the process of which they are not aware of until they lose all that they had before filing a case.[439] However, another important aspect in the administration of justice to look upon is the question of legislation of the customary laws of inheritance by the District Council when the people do not seem to be enthusiastic of codifying them. Perhaps legislation can bring into existence a sort of uniformity in their traditional system rather than codifying the customary laws that vary from place to place.[440] However, whether the question is one of legislation or one of codifications, the result is the same. In doing so, the very existence of the District Council has been defeated.

The land tenure system of the Jaiñtias is based on the traditional and unwritten customary laws and land ownership falls under two standard classifications of communal and private (Das 1990).[441] The traditional Jaiñtia social system is also based on land and as such land is a source of the people's livelihood. It is a centre of common interest and the people are very much sentimentally attached to it. However, the land tenure system is the most problematic question amongst the Jaiñtias because of their historical attachment with land. As such, land belongs to the people and not to the rulers or the

439 Pakem, B. (1985) Administration of Justice in Jaintia Hills in S. K. Chattopadhyay (Ed.) Tribal Institutions of Meghalaya. Guwahati: Spectrum Publication. pp. 183 – 185.

440 Ibid., p. 183

441 Das, J.N. (1990) A Study of the Land System of Meghalaya. Guwahati: Law Research Institute, Eastern Region

Government (Payal, 2002).[442] However, this position was disturbed with the establishment of the District Council in the management and collection of land revenue. A complete reverse development has taken place since the passing of the second amendment (1975) of the Principal Act, 1959, by the JHADC, a new section was inserted, which enables the District Council to forfeit the rights of the traditional Chiefs who had been suspended or removed from office to cultivate and enjoy the service lands. In relation to land allocation in the Jaiñtia Hills, recent developments show that the land within the *raid* was registered with the District Council and the *Doloi* has only the right to recommend such land issued as land holdings by the revenue officer of the District Council.[443]

Nothing concrete is seen as to the protection of the Jaiñtias and the Autonomous District Council has a limited mandate of securing the continued rights of the Jaiñtias to their land and resources and to customs and traditions. For the indigenous tribal, customs, rites and rituals all revolve around land and its resources. The mismanagement of land by the District Council diluted the intrinsic connection that the tribes have with the land. The Sixth scheduled prohibits the transfer of land from a tribal to non-tribal. Although, the basic structure of the customary or traditional system of land tenure remains the same, the District Councils have not been able to protect the common lands or to codify customary system of land tenure. On the contrary, the protections provided by the Sixth Scheduled have been used to concentrate vast land holdings in the hands of a few well-off tribal. Besides, the role of the Council was to protect forests land, instead was encouraging large scale felling of trees. Such a situation continues where many clearances were given to cement companies to carry out unabated mining in the thickly forested areas adjacent the Narpuh reserve forests and also around the limestone caves of Jaiñtia Hills which are ecological sanctuaries. Many of these cement plants have been able to operate in the District due to No Objection Certificate (NOC) given by the Council. Various NGOs and organizations of the district with the majority of villagers protested and numerous complaints were sent to the department concerned to look into the matter. Petitions against such acts even reached the Union Environment Ministry, requesting not to issue environmental clearance to cement factory like the Lafarge.[444] Such initiatives taken by agencies outside the very institution that uphold to protect

442 Payal, Gita (2002) Land System in Jaintia Hills District in Dr. P.M. Passah & Dr. S. Sarma (Eds.), Jaintia Hills – A Meghalaya Tribe, Its Environment, Land and People. p. 27.

443 Interview with Shri K. C. Rymbai, Doloi, Jowai Elaka on August 16, 2013.

444 Anti-Lafarge lobby gather strength (2010, November 18). The Meghalaya Times, pp. 1, 4. Also see Government says no to Clearance for Lafarge (2010, November 26). The Meghalaya Times, p. 1.

the interests of the indigenous people reflect the weak performance of the Council. It is appalling that custodians of land, forests, rivers and water sources have themselves become the pirates defrauding the environment and all living beings of their right to a clean, sustainable eco-system.

The Jaiñtia Hills Autonomous District Council as a new administrative set up meant to be the protector of traditions and customs of the Jaiñtias, has actually been politicised that it only serves the interests of some elected members. People do not look to the council for the protection of the traditions of the society but for some measly grants which ultimately end up in a few pockets. Under Article 275 of the Constitution, the District Council received Grants-in-aid from the state government. The very source that was sanctioned for the welfare of the people was misused by those who are in power. There has been misappropriation of funds by the Chief Executive Member (CEM) of the Jaiñtia Hills Autonomous District Council (JHADC). In the year 2014 an interesting case concerning the CEM of the JHADC who in connivance with the members of the local Dorbar Shnong misappropriated funds amounting to over Rs 1.15 crore[445] released by the West Jaintia Hills District Deputy Commissioner (Revenue) since September 27, 2010 for land acquisition and implementation of the proposed Jowai bypass. The CEM also allegedly forged land documents to claim ownership to 34,270 square metre of land that originally belonged to Lumpohsiej locality in Khliehtyrshi and even claimed compensation for it. Instead of returning the same to the DorbarShnong, the CEM kept the money in his custody since September 29, 2010 thus making it a clear-cut case of misappropriation of funds. However, members of the *Dorbar Shnong* (Village Council) who are party to the problematic, include the headmen, who happen to be the CEM's younger brother, village chairman and former village headman. Abusing the authority of the executive committee of the *Dorbar Shnong,* has kept the villagers in the dark about the funds meant for compensation to be given for land. The people of the area were completely unaware that the land was illegally registered under the name of the MDC. The question now arises, how sincere are the elected representatives of the people in their duties towards their communities. Should the indigenous people suffer at the cost of these so-called elected representatives? The embezzlement of public money by the CEM and his aides takes away the essence of the rights and welfare of the people. This reflects the selfish interest of the political leaders whose

445 RTI revelation indicates the CEM's role in Rs. 1.15 cr. scam, JHADC CEM faces another fund misuse charge. (2014, February 11). The Shillong Times, pp. 1, 7. Also see 'Massive scam unearthed in JHADC' (2014, February 10). The Shillong Times, p.1

aspiration to be a member of the council was for their own economic gains rather than working for the welfare of those who elected him and for the whole community.

The passing of the JHAD (Establishment of Elaka and Village and Election, Appointment, Powers, Function and Jurisdiction of Dolloi/Sirdar and Waheh Shnong) Act 2015 in 2015[446] to empower traditional heads by the JHADC has led to the tussle of power between the JHADC and the traditional chiefs. In 2016, the JHADC suspended seven *Doloi*s and removed three acting *Doloi*s in violation of the Council rules and regulations. It came to light that the action was on the ground that JHAD (Establishment of Elaka and Village and Election, Appointment, Powers, Function and Jurisdiction of Dolloi/Sirdar and Waheh Shnong) Act 2015 stated in the Sanad Section 5 that the traditional chiefs shall collect the toll/tax of the elaka according to the custom, practice and usage approved and empowered by the district council. Although equipped with the new administration act, the JHADC has not formulated any rule yet and thus has not approved or empowered any *Doloi* to collect tax or set up toll gates or tax collection centres. The Supreme Court in its order has clearly stated that the Doloi should continue to function as per instructions framed by JHADC. However, it has not yet framed any instructions, thereby, the Doloi have clearly violated the Supreme Court Order. The case against collection of customary tolls by the *Dolloi*s of Jaintia Hills, which had attracted severe criticism from the Jaintia Hills Autonomous District Council on the powers of *Dolloi*s to collect such tax, came up before the Supreme Court on January 5. In response to this, the *Doloi* (tribal chieftains of Jaintia hills) under the banner of *Dorbar Ki Doloi Ka Ri Jaintia* (DKDRJ) took a decision to challenge the illegality of the Village Administration Act passed by the Jaintia Hills Autonomous District Council (JHADC) before the Supreme Court on the ground that the constitution of India does not give any power to the Council to meddle with the religious affairs of any community or tribe. However, the decision came after the Supreme Court, which heard the case relating to the collection of customary tolls by the *Doloi*s on January 5 asking the *Doloi*s to file their reply to the claims made by the JHADC. The court refused to entertain the plea and pass any interim order in favor of JHADC and did not restrain or stop the Dollois from collecting customary tolls too, but it had asked the counsel of the Dollois to file a reply to the claim of JHADC. During the hearing, the counsel of JHADC said that the collection of customary tolls by dolloi is without any authority as no interim direction was passed

446 Office of the Jaintia Hills Autonomous District Council, Jowai, Notification, The Gazette of Meghalaya, No. 158, Shillong, December 23, 2015, http://jhadc.nic.in/docs/Establishment%20of%20Elaka%20Act%202015.pdf, Accessed on the 24th March 2019, 11:30 pm

and such practices of collection of customary tolls had never existed prior to the order passed by the Supreme Court. However, the counsel of Dollois vehemently opposed the submission and submitted that it is within the power of *Dolois*.[447]

Conclusion

A review on the performance of the Jaiñtia Hills Autonomous District Council (JHADC) under the Sixth Schedule in today's context is an urgent need, since the situation is no longer the same as it was sixty years ago. The Sixth Schedule, without uncertainty is about the ability of the ADCs to make laws on crucial cultural issues pertaining to management of land, forests, jhum cultivation, social customs so on, so forth. To make laws relating to village and town administration. These are soft development concepts aimed at providing the wherewithal for safekeeping of identity; strengthening of cultural security; protecting the integrity of tribal environmental philosophy and tradition. However, this common man's understanding of what the 6th Schedule is all about seems to have slipped the mind of those who are elected as representatives to endorse it.

The District Councils ought to stick to their traditional role, which is to protect tribal culture, land and identity from being overwhelmed by more advanced forces from the plains and not have much role in the developmental activities. No doubt, the Council is marred with overstaffing and lack of adequately trained staff but political instability, toppling games, horse trading, floor crossing and Executive Committee instability became the profile of the JHADC. Political survival within the ADCs, rather than delivery on 6th Schedule provisions, inevitably took precedence. Debates, discussions, laws on custom and tradition were quickly surpassed by the need to make money so as to stay in power or vice versa. Forests were wiped out. Natural resources auctioned to the highest bidder. The marketization of land and all-natural resources by those who are at the helm of governance diluted the intrinsic connection that the tribes have with the land. The high office of the traditional chief or the *Doloi* and the Dorbar, intimidated and suppressed to ensure submission of tradition to political opportunism. It has become elite clubs of a few already well-off people where decision making is concentrated in few hands and as such no developmental role could be expected from it. It breeds

447 JHADC suspends 7 Dollois, Sacks 3 Acting Dollois, The Shillong Times, 22nd October 2016. http://www.theshillongtimes.com/2016/10/22/jhadc-suspends-7-dollois-sacks-3-acting-dollois/, Accessed on the 24th March, 11:45 pm. Also see Dollois To Pursue Toll Collection Issue With SC, The Shillong Times, 16th January 2017. http://www.theshillongtimes.com/2017/01/16/dollois-to-pursue-toll-collection-issue-with-sc/, Accessed on the 24th March, 11:52 pm.

corruption, nepotism, and favoritism and facilitates nexus among the top decision makers, contractors, rich traders, and influential politicians. Such groups nonetheless are more interest in exploiting the resources available for them. Their activities have undermined the basic purpose of the Sixth Schedule and consequently the poor tribes are left out both as beneficiaries and as decision makers in issues that ultimately are affect them. The Council has failed to moderate the customary practices that privilege some clans above others and have therefore presided over a traditional practice that has calculatingly made its own people a landless, rudderless nomadic tribe all flocking to the urban centers for livelihoods.

The effectiveness of the District Councils in protecting the interests of the indigenous population came under scanner during a panel discussion on the topic *"Ka Jaitbynriew kam donkam shuh ia ka District Council"* (The local indigenous people no longer need the District Council) organized in the Shillong city to commemorate the 25th anniversary of a Khasi daily.[448] It was observed that there was more politicking among Members of District Councils (MDCs) in the district councils and little focus on issues mandate to the Council. The District Council seems to have failed to deliver as per the spirit of the Sixth Schedule of the Constitution. It is thus, very important that elective representatives who represent the interests of the indigenous populace, should take steps to improve the functioning of the Council to ensure that it delivers as per its mandate. If therefore the JHADC like other Autonomous District Councils is the constitutional vehicle designed to carry tradition and culture, the MDCs can be termed as the drivers of such vehicle. That the vehicle crashed; took the wrong turning or went off the road is the driver fault. There is nothing wrong with the vehicle, an institution established by the Constitution within the Sixth Schedule and its ability, rather it is the lapse on the part of and the fault lies with the drivers (MDCs) who make used of the vehicle given to them who have failed to drive the vehicle in the right direction. Thus, the vehicles simply need new competent drivers with a better road sense. It is in this juncture, that the JHADC needs to improve, to deliver and to look for elucidation in preserving, protecting and promoting the tradition and culture of the Jaiñtias.

448 District Council's effectiveness questioned (2014, February 9). The Shillong Times, p.1. Also see Ka Jaitbynriew kam donkam shuh ia ka District Council (2014, February 9). Mawphor, pp. 1, 7

Rabha Ethnic Politics and Role of the State: A Critical Appraisal

~Jagmohan Boro

Introduction

Like other tribes of India's North Eastern region, the Rabhas have been aspiring for political autonomy within the state of Assam since the late 1980s. In response to their ethnic politics, the Government of Assam has been pursuing different policies in accordance with the demands of the situation. However, the policies of the state government have hardly brought about any amicable solution to the political autonomy movement of the Rabhas. Rather, the state government seems to have tried to accommodate political interests of only a certain section of Rabha leaders, while creating factional divisions among them. In this context, the chapter analyses the role of the state in dealing with the Rabha ethnic politics.

Ethnic politics has been gaining ground in different parts of the world; different ethnic groups across the world led by their elites have been trying to assert their identity, through demands for economic and political rights, hoping to better their quality of life. Seeing political power as fundamental in realizing the same, they have been struggling for political autonomy, sometimes within and at times outside the existing political system. Besides, they have also been competing with other groups for valued resources and opportunities in societies undergoing social mobilization, industrialization and bureaucratization.[449] Such dimensions and complexities of ethnic politics are also a common feature in North East India.

In North East India, some ethnic groups such as the Nagas and Mizos have struggled for distinct identity with total political freedom as their goal and some other ethnic groups such as Khasis, Jaintias, Garos, Karbis, Dimasas, Bodos, Kukis, Koch Rajbangsis etc. have launched movements for identity aiming to get a separate State within the India Union. Apart from them, a few ethnic groups such as the Tiwas and Misings have asserted their identity with the demand for separate administrative arrangements within a State. Thus, North East India have witnessed a variety of ethnic politics stemming from different communities at different stages since India's independence. This paper,

449 Brass, P. Ethnicity and nationalism: theory and comparison. New Delhi: Sage Publications, 1991.

however, engages with the ethnic politics of the Rabhas of Assam and attempts to draw out their experiences.

Rabha Ethnic Politics

The Rabhas, who are known as one of the earliest inhabitants of the Brahmaputra valley, have been struggling to create and crystallize a separate political entity within the state of Assam since the late 1980s, in a bid to reinstate their historical glory. Their struggles have been to safeguard their cultural heritage, to gain control over their ancestral lands and to fulfill their political and economic interests. These indicate that historical, cultural, socio-economic and political factors are deeply embedded and have deep significance in the emergence and growth of their politics. It is pertinent to note here that the Rabhas were the masters who ruled the south western bank of river Brahmaputra under numerous small kingdoms. They enjoyed political independence until their subjugation in 17th century by Mirza Nathan who was commander in chief of Ibrahim Khan, the ruler of Banga.[450] They also maintained their distinct ways of social and cultural life until the advent of the Aryans in the valley.

Today, however, they perceive their historical and cultural identity as being under threat due to large scale migration from mainland India and even from outside India. They feel that the problem of legal migration from India as well as illegal migration from outside India, particularly from Bangladesh, has squeezed them out of their historical habitat thereby rendering them to a state of landlessness. Moreover, they perceive that their socio-economic interests and political aspirations have been ignored by the ruling regimes at the State and the Centre. Such perceptions and apprehensions have crystallized the idea of political autonomy within the ambit of the Indian Constitution, which they claim is justiciable and their historical birth right. Their demand for an autonomous political entity was to be created within Goalpara district of Assam, a demand raised since 1989 under the banner of the Rabha Hasong Demand Committee (RHDC).[451] However, a rigorous movement for the *four-tier system* of political autonomy gained momentum only from 1993 when the RHDC, All Rabha Students' Union

450 Rabha, D. Rabha janajatir chamu itihas. Guwahati: Assam Institute of Research for Tribals and Scheduled Caste, 1998, p. 181.

451 Rongkho, K. 'Rabha sangramoritihasorchamualukpat' In Malina Devi Rabha (Ed.), Troumanichamancha, pp. 139-154. Dudhnoi: ARSU and ARWC, 2012, p. 144.

(ARSU) and the All Rabha Women Council (ARWC) joined hands and collectively drew out an agitational agenda.[452]

The concept of *four-tier system* of political autonomy comprised (a) to create Rabha Hasong autonomous state under Article 244 (A) and 275 (A) of the Indian Constitution, comprising Seven Hundred and Seventy-Nine revenue and forest villages of Goalpara and Kamrup districts of Assam, (b) to create Rabha Hasong Autonomous District Council within Darrang district of Assam, (c) to create Rabha Hasong Regional Council within Dhubri, Kokrajhar, Nalbari and Sonitpur districts of Assam and (d) to create Rabha Hasong Autonomous Village Council within Bongaigaon, Barpeta, Dhemaji, Nowgaon, Lakhimpur, Dibrugarh, Karbi-Anglong and Kamrup districts of Assam.[453] These demands reveal that their concepts of political autonomy were to cover scattered Rabhas of Assam inhabiting different settings towards a political autonomy as per their population strength. Beginning with the movement in the 1980s, the Rabhas saw the carving out a separate political arrangement as the only alternative to safeguard their cultural identity, land, socio-economic and political interests, and to determine the destiny of the future generations.

Role of the State: A Futile Tryout

In so far as the role of the state government of Assam (GoA) in dealing with political autonomy movement of the Rabhas is concerned, no sooner had the movement of the Rabhas gained momentum, the GoA brought the Rabha leaders to the negotiation table, which concluded with a memorandum of settlement, popularly known as the Rabha Accord, on the 10th March, 1995.[454] This resulted in the formation of the Rabha Hasong Autonomous Council (RHAC) in the same year. Although the memorandum of settlement brought an end to the movement, it bore no fruit whatsoever. This political arrangement seemed vague since the RHAC had no territorial boundary and not a single village was specified as village under the Council. Moreover, the RHAC seems to be an extra constitutional set-up since the Council does not fulfill any criteria of autonomy that have historically been granted to other Scheduled Tribes of Northeast India and even outside the Northeast

452 Ibid., p. 145

453 A Humble Memorandum submitted by the RHDC to the Prime Minister of India P.V. Narasimha Rao, on 15 September 1993 at New Delhi, p. 2.

454 Memorandum of Settlement (Rabha Accord), signed on 10 March, 1995 at Janata Bhaban, Guwahati,p. 3

India which as per the Indian Constitution is generally accommodated under the provisions of the Fifth or Sixth Schedule.

The ambiguous provisions of RHAC stirred dissatisfaction among many Rabha leaders. This was reflected in a joint meeting of the RHDC and ARSU on 9 July 1995, in which the president of the RHDC said, 'We have achieved a baby autonomous council.'[455] Ironically, the interests of the Rabha leaders were appeased by this political arrangement.

Keeping in view the possibility of a fresh political mobilization of the Rabhas, the Congress-led Assam Government tried to engage the Rabha leaders in a political race so that new political mobilization of any kind could be thwarted. It needs to be mentioned here that internal squabbles among the Rabha leaders over the membership issue of interim councils of the RHAC, gave a scope to the state government to manipulate them in politicking among themselves. When the executive committee of the RHDC adopted a resolution selecting Sarat Chandra Rabha, the president of the organization as Chief Executive Councilor of the First Interim Council, the Vice-President of the RHDC, Sabyasachi Rabha and his followers disapproved the resolution. This was due to the fact that Sabyasachi Rabha and his followers were excluded from the proposed list of members in the proposed interim council.

Rejecting the RHDC resolution, Sabyasachi Rabha and his supporters prepared another list with their names to be nominated as Chief Executive Councilor, Executive Councilors and general members of the First Interim Council, and without knowledge of the others, submitted the same to the state government on 15 July, 1995.[456] Without consulting all the Rabha leaders, the Congress-led state government formed the First Interim Council on 20 July, 1995. The Congress Government nominated Sabyasachi Rabha as Chief Executive Councilor of the First Interim Council along with Sulochan Rabha and Benudhar Rabha (the then General Secretary and Finance Secretary of the RHDC) and Gangaraj Rabha (the then President of the ARSU) as Executive Councilors.[457] This deed of the Congress government split the Rabha leaders into two groups, that is, the Sabyasachi Rabha led-group on the one hand and the Sarat Chandra Rabha led-group on the other. These two rival groups became

455 Rongkho, K. 1995 pora 2014 loi Rabha sangramorchamualukpat. In Pradip Daimary (Ed.), Mapakchini, pp. 32-43. Dudhnoi: Goalpara District Rabha Students' Union & Women Council, 2014, p. 36

456 Ibid., p. 33

457 Ibid.

two important co-opting groups for the regional and national political parties to woo the Rabha voters in the Assam Assembly Election of 1996.

Just before the said elections, and under the patronage of the Congress government, Sabyasachi Rabha led group organized the Rabha Peoples' Conference (RPC) dissolving the RHDC in the absence of its president Sarat Chandra Rabha. On 21st July 1995, in a meeting held at Hahim of Kamrup district, the RPC came into being as a first political party of the Rabhas with Girindra Rabha and Sulochan Rabha as President and General Secretary respectively.

The mobilization of Rabhas under the banner of the RPC disappointed many Rabha leaders, provoking them to organize another Rabha National Convention at Dudhnoi, Goalpara on 8th August 1995. A few supporters of the RPC like Benudhar Rabha and Matiram Rabha led a group to stop the convention, but they failed to do so. Instead, a large number of Rabha people along with the ARSU and ARWC members participated in the said convention and severely criticized the alleged role of the Congress government in the formation of the RPC. The RPC was considered as a pro-Congress party and, every activity of the RPC was condemned as *anti to the interest* of the Rabha people. Countering the RPC and promising to fulfill the unfulfilled socio-economic and political interests of the Rabhas, the convention ended with the formation of the Rabha Hasong Suruksha Parishad (RHSP). Thus, the RHSP with an anti-Congress stance came into existence as an alternative political party of the Rabhas under the leadership of Dijen Rabha as President and Dr. Sarat Rabha as General Secretary.[458]

The Asom Gana Parishad, a regional political party of Assam, entered into pre-poll alliance with the RHSP ahead of the Assam Assembly election of 1996 promising the latter to fulfill aspirations of the Rabhas when they come to power. Consequently, the AGP, CPI, CPI (M) and RHSP jointly sponsored Jyotish Das, Sahab Uddin, Akan Chandra Rabha and Nanigopal Nath at East Goalpara, Jaleswar, Dudhnoi and West Goalpara Constituencies respectively. On the other hand, the RPC sponsored Girin Chandra Rabha at Dudhnoi Constituency and Sulochan Rabha at East Goalpara Constituency.[459] However, the RHSP backed candidates Jyotish Das and Akan Chandra Rabha won from East Goalpara and Dudhnoi Constituencies, respectively, defeating the RPC candidates.[460] Thus, the

458 Ibid., p. 34

459 Ibid., p. 35

460 Ibid.

electoral politics as well as the regional and national political parties engaged the Rabha leaders in a political struggle, which in the historical juncture, diverted their attention away from organizing any strong political autonomy movement.

Immediately after coming to power in 1996, the AGP dissolved the First Interim Council of the RHAC led by Sabyasachi Rabha group formed during the earlier Congress government. Thereafter, the AGP government formed the Second Interim Council, nominating members mainly from the RHSP, since the latter had supported the former during the assembly elections.[461] This step of the AGP government pleased only the RHSP leaders and excluded other Rabha leaders from political accommodation. In some sense, this step proved to be rather divisive which instead sustained the already existing internal rifts among the Rabha leaders. However, this divisive strategy pursued by the AGP government failed to contain the emergence of a new phase of the political autonomy movement under the banner of the All Rabha Students' Union (ARSU) from the late 1990s.[462]

In the meantime, the newly formed Congress-led Assam Government in 2001 disrupted the Rabha movement by engaging the ARSU leaders in a political race for the Third Interim Council of the RHAC. The competition for the Third Interim Council that took place among the ARSU leaders sent the political autonomy movement into another tailspin.

Soon after the reinstatement of the Congress party to power in Assam, the Executive Committee of the Central ARSU submitted a list of members to the then Chief Minister of the state - TarunGogoi to form the Third Interim Council. Meanwhile, the then President of the Central ARSU, Tulshi Manash Rabha rejected the first list and submitted another list to the then Welfare of Plain Tribes and Backward Classes minister of the state - Bharat Chandra Narah including his own name as Deputy Chief Executive Councilor. Taking advantage of this internal dispute among the ARSU leaders, the Congress government dissolved Sarat Chandra Rabha led Second Interim Council and formed the Third Interim Council with Dr. Sarat Rabha as Executive Councilor. Besides, the Congress

461 Ibid., p. 35

462 Ibid.

government included the then General Secretary of the ARSU, Bhakat Seran and Janardhan Rabha in the interim council as Executive Councilors.[463]

Tulshi Manash Rabha and his followers were intentionally left out from being nominated as members of the Third Interim Council. This factionalism aggravated by the Congress government created a feeling of alienation among the Rabha leaders, thereby leading them to call a 12-hour Rabha Hasong area strike on 6 July, 2001.[464] However, the strike earned no support from the Goalpara district ARSU unit, since the strike was called without any organizational decision. As a reaction, Tulshi Manash Rabha convened an executive meeting of the ARSU on 18 August, 2001 and dissolved the executive committee of the Goalpara district ARSU.[465] As a result, a new phase of political autonomy movement of the Rabhas, which was initiated by the ARSU in the late 1990s came to a standstill yet again till 2003.

Conclusion

From the above account, we observe the political twists and turns of ethnic politics of the Rabhas aimed at safeguarding and preservation of their distinct ethnic identity and socio-economic interests within a separate political arrangement. As can also be observed, we can see how the Government of Assam tried to accomplish their own aspirations by instituting an ambiguous form of political autonomy without any tangible and constitutional structure. It may be argued that whether it was the Congress or AGP at the helm of affairs neither showed nor exemplified any seriousness in resolving the vexed problems of the Rabhas. Rather, the state government manipulated and applied a *divide-and-rule* policy as a political tactic to contain any kind of political mobilization of the Rabhas. Further, the state government's policy of appeasement of the Rabha leaders, created among them an easily co-opted political class, through whom the state government could control the common Rabha masses. Nonetheless, even in such political conditions, the movement for autonomy remains vibrant and even though a handful, the struggle for a lasting solution of their political autonomy demand remains alive.

463 Ibid., p. 37

464 Ibid., p. 38

465 Ibid.

Unravelling a Historical Contradiction: Problematizing Non-tribal Migration in Meghalaya

~ Batskhem Myrboh

Framing the Context

Migration is a universal phenomenon and no part of the world can be completely immune from it. Meghalaya, one of the states in Northeast India, is not an exception and has been experiencing migration of the outsiders particularly the non-tribals over a fairly long period of time. However, it was in the 1970s that the process of its problematization started with the tribal educated elite undertaking the leadership role under the influence of several factors that worked collectively. Though the process eventually led to the occurrence of a series of violent ethnic conflict in the state, yet it was largely responsible for the prevention of the emergence of existential crisis for the indigenous tribals.

The Contextual Realities

Human migration is a universal phenomenon and it has been taking place throughout human history. It has also been recognized as one of the basic human rights by the Universal Declaration of Human Rights adopted by the UN General Assembly in 1948.[466] The Declaration in clauses 1 and 2 of Article 13 states, "Everyone has the right to freedom of movement and residence within the borders of each state … to leave any country, including his own, and to return to his country." Almost all regions of the world have experienced migration of people of one type or the other caused by one or the other factors and there is hardly a region that is not affected by this phenomenon. Migration of people often takes place from those regions with higher density of population to those with less density, from those having lower level of development to those with higher level of development and from those that are conflict-ridden to those that are more peaceful and ensuring better security system for human life.

Like in other parts of the world and other parts of India, the different states in Northeast India also have experienced migration of people from outside the region at different periods of history. Tripura experienced migration of Bengalis from Bangladesh to the extent that the indigenous tribals have been

466 Universal Declaration of Human Rights. Retrieved from <http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf> on 21.04.2015.

reduced to a minority status. The population of tribals in the State was reduced from 53.16% in 1941 to 28.44% in 1981(Singh, 2006).[467] Besides, there has been migration of the Chakmas from Chittagong Hill Tract (CHT) of Bangladesh to the State (Debbarma and George 1993).[468] Similarly, in Sikkim the indigenous tribals have been over swamped by the Nepali migrants who constituted over 70% of the population of the State.[469] Assam has had a long history of migration of people from outside particularly the Bengalis. Assam has been experiencing migration of Bengalis from erstwhile eastern part of Bengal and later East Pakistan or present-day Bangladesh. Commenting on the extent of migration from East Bengal during the colonial period, C.S. Mullan, the Census Superintendent for Assam, in 1931 stated, "The whole structure of Assamese culture and civilization has been threatened by the invasion of a vast horde of land-hungry Bengali immigrants-mostly Muslim…This invasion began sometime before 1911."[470] Arunachal Pradesh and Mizoram experienced migration mainly of the Chakmas from Chittagong Hill Tract of Bangladesh. Migration of people from other parts of India or across the international borders precipitated strong ethnic reactions and anti-foreigners' movements in the different states in Northeast India that often culminated into violent ethnic conflicts between indigenous communities and migrants.

Carved out of Assam first as an Autonomous State on April 2, 1970 and later as a full-fledged State on January 21, 1972, Meghalaya is largely a tribal inhabited state with the Khasis and Jaintias and the Garos forming the main indigenous tribes. Meghalaya is one of the Indian states that experience higher growth rate of population than the national average. As per 2011 Census Meghalaya's decadal growth rate of population (2001-11) was 27.95% which was higher than the national growth rate which stood at 17.70%.[471] High population growth rate in the State is often perceived by many as being contributed by migration of non-tribals from outside the state.

467 Singh, Prakash. (2006). "Bangladeshi Immigration: Are We Heading for Another Partition" in B.B. Kumar (Ed.), Illegal Migration from Bangladesh, New Delhi: Concept Publishing Company, pp. 163-174.

468 Debbarma, P.K. and Suddhir Jacob George. (1993). The Chakmas Refugees in Tripura, New Delhi: South Asian Publishers. pp.53-82.

469 Demographic Features. Retrieved from <http://sikkim.nic.in/homedept/demog.htm> on 24.06.2014.

470 Mullan, C.S, Census of India, 1931, Volume - III, Assam, Part - 1, Report, pp. 49-51.

471 A - 2 Decadal Variation in Population since 1901. Retrieved from <http://www.censusindia.gov.in/2011census/PCA/A-2_Data_Tables/00%20A%202-India.pdf> on 30.11.2015.

Defining Non-tribal

Legally and technically, the term 'non-tribal' can be used to refer to any person or his/her descendants who have migrated to Meghalaya and belonging to those communities that are not included in the list of Scheduled Tribes in the State as provided by the Acts of Parliament. However, there is also a general but politically significant understanding of the term non-tribal. Taking the latter perspective, Charles Reuben Lyngdoh and L.S. Gassah (2003)[472] use term non-tribal to "designate collectively those communities of the plains who have migrated and settled in Meghalaya from other states as well as from other countries." According to this definition, two categories of non-tribals in Meghalaya can be identified. First, they are those non-tribals who migrated from the plains or other parts of India; and second, they are those who migrated from other countries. Lyngdoh and Gassah, however, identified Bangladesh and Nepal as being the other countries,[473] thereby limiting the scope of their definition. It may be noted that the term non-tribal can be applied as a description to those people who have their origin in countries besides Nepal and Bangladesh but resemble in their physical features, dress, food habits and/or religious practices to the people of Bangladesh, Nepal or other parts of India. In spite of the limitation of the definition, it is taken as the basis of the understanding of the concept 'non-tribal' in this study and on its basis, the persons belonging to European races, the Africans, the Chinese, the Tibetans, the Bhutias and such other mongoloid races migrating from other countries other than Nepal are excluded from the definition of non-tribals. It is to be noted that the population of these communities in the State was insignificant. In 1961[474] their total population was 981 and in 1991[475] Census their number was registered at 765.

There has been a general tendency in the State to divide non-tribal residents into "permanent residents" and "non-permanent residents" or simply 'Meghalayans' and 'non Meghalayans'. Also, it may be noted that the term permanent is used interchangeably or together with the term 'genuine' and it is referred loosely to those non-tribals who became residents of the state before independence of India. This kind of categorization and description of non-tribal residents has been part of the debates and discussions in the Meghalaya Legislative Assembly, amongst the media and by political parties and

472 Lyngdoh, C. Reuben and L.S. Gassah, (2003), "Decades of Inter-Ethnic Tension", Economic and Political Weekly, Vol. 38, No. 48, pp. 5024-5026.

473 Ibid

474 Census of India 1961, Volume III, Assam, Part II – C, Cultural and Migration Tables.

475 Census of India 1991, Series 18- Meghalaya

pressure groups. However, there was no agreement with regard to the meaning and definition of the above terms and the criteria of identification. Moreover, these classifications and descriptions are non-official and non-legal as no policy or legal framework has been framed by any legal authority to determine who is a permanent and a non-permanent non-tribal resident in the state. It may be noted that The Meghalaya Residential Bill, 1973[476] passed by the Meghalaya Legislative Assembly attempted to make a clear definition of who could be considered the permanent resident in the state. According to sub-section (b) of Section 2 of the Bill, a permanent resident is defined as "a person who has taken up his fixed or permanent habitation with his family or made his permanent home in Meghalaya and resided continuously therein for a period of not less than 12 (twelve) years immediately before the commencement of this Act."

Problematizing Non-tribal Migration

Non-tribal migration to Meghalaya[477] has had a long history[478] but it was in the 1970s that it became a major political issue when a section of the indigenous tribals harboured the apprehension of being swamped demographically, culturally as well as economically by the non-tribal migrants (Lyngdoh and Gassah (2003).[479] This problematization of non-tribal migration can be attributed to the role of the tribal educated elite across political spectrums that who "not only became politically conscious, but also could articulate their demands and grievances" (Sen Gupta, 2005).[480] The educated elite in Meghalaya were mainly the urban based section of the society whose members drawn from among lawyers, teachers, students, and even government servants who still remained connected with the rural population (Nair, 1993).[481] It is this section of the society that shoulder the task of speaking on behalf

476 The Meghalaya Residential Bill Permit, 1973 (as passed by the State Assembly).

477 Though Meghalaya became an autonomous state only on April 20, 1970 and a full-fledged state on 21 January 1972, Meghalaya is used in the study to refer to those areas falling under Khasi, Jaintia Hills and Garo Hills which formed the present State of Meghalaya.

478 The beginning of non-tribal migration to Meghalaya is difficult to trace, yet Hamlet Bareh points out that in the 17 Century A.D. there were female Muslim wanderers coming from the plains and who eventually became the progenitors of the Syiems of HimaMawiang (1967, p. 11). Similarly, Bareh attributes the origin of many Khasi clans to the Muslim and the Hindu migrants coming up from the plains that he describes as wanderers (ibid). Syiem is the traditional Chief among the Khasis and Jaintias.

479 Lyngdoh and Gassah. (2003). p.5024.

480 Sen Gupta, Susmita. (2005). Regionalism in Meghalaya, New Delhi: South Asian Publishers.p.35.

481 Nair, Bhaskaran M. (1993). "The Emerging Middle Class, Regional Political Parties and Regionalism in Meghalaya". In B. Pakem (Ed.), Regionalism in India, New Delhi: Har-Anand Publications, 1993, pp. 273-279.

of the community and to whom the general masses turned towards for providing leadership role.[482] Further, while these educated elite from the Khasi and Jaintia and Garo communities were exposed to western ideals, at the same time they were responsible for ethnic identity formation by raising the issue of promoting and safeguarding their respective traditions, customs and promoting their social, political and economic interests.[483]

Even before independence, the educated elite were trying to build the consciousness of the pernicious impact of non-tribal migration though their main focus was to achieve political autonomy through which the interest of the tribals could be well protected. However, there was a divergence of standpoint between those who supported the Federation of Khasi States which sought to strengthen the traditional political institutions (Syiem, 1998),[484] and Rev. J.J.M. Nichols-Roy who demanded for a separate Khasi Federated State (Kyndiah, 2010),[485] under the Constitution of India. Being a member of the Constituent Assembly, Rev J.J.M. Nichols Roy further tried to pursue in the post independent period[486] though he failed to achieve the objective. In view of the failure to accomplish this objective, the Sixth Schedule under the Indian Constitution was constructed as a conciliatory formula.[487] However, E.M.R. Syiem who supported the Federation of Khasi States vehemently criticizes Rev J.J.M. Nichols-Roy and the Sixth Schedule for empowering non-tribals and the Government of Assam to meddle with land, political and cultural rights of the indigenous tribals (Syiem, 1998).[488] Nevertheless, upon achieving separate constitutional arrangement under the Sixth Schedule of the Indian Constitution, notwithstanding a limited one, the tribal educated elite began to bring in legislation to counterbalance the imminent threat posed by migration of non-tribals from the plains to the indigenous tribals' interests on land and employment. Therefore, the United Khasi-Jaintia Hills Autonomous District Council enacted the United Khasi-Jaintia Hills District (Transfer of Land) Act, 1953 (hereinafter Land Transfer Act, 1953) and the United Khasi- Jaintia Hills Autonomous District

482 Ibid.

483 Ibid

484 Syiem, E.M.R. (1998). Ka Ri Khasi: Ka Jingthmu Ban Pynkylla Ia Ka, Shillong: E.M. Reade Syiem. pp.23-27.

485 P.R. Kyndiah. (2010). No Hill State No Rest, Shillong: Vesta Book Agency. p.34.

486 Ibid, p. 35.

487 Ibid, p. 41.

488 Syiem, E.M.R. (1998). Ka Ri Khasi: Ka Jingthmu Ban PynkyllaIa Ka Shillong: E.M. Reade Syiem. pp.28-30.

Council (Trading by Non-tribals Regulation) Act, 1954.[489] But the Land Transfer Act, 1953 was declared ultra vires by the Guwahati High Court whose ruling was subsequently upheld by the Supreme Court on the ground that it was beyond the constitutional mandate of the Autonomous District Councils to enact such legislation.[490] Realizing the inadequacy of the Sixth Schedule to protect the interests of the indigenous tribals and prevent alienation of land to non-tribal migrants and being further augmented by the chauvinistic attempt of the Assamese elite to impose the Assamese culture and language over the tribals and assimilate them into the larger Assamese culture, the educated elite renewed the demand for the creation of a separate hill state.[491] All this eventually led to the formation of Meghalaya as a separate state.

It was after achieving the objective of attaining political autonomy that the educated elite started to forcefully problematize non-tribal migration and at the same time pursued 'sons of the soil policy'. The adoption and propagation of sons of the son policy can be described as the latest phase in the development of ethnicity in any particular ethnic group asserted after it manages to attain political autonomy and gains control wholly or partly of the state's instruments and processes of decision making and decision implementation. It is a policy followed in which the local people are given preferences in educational, employment and political opportunities, acquisition of land and even in matters of trade and business. However, the term local people is not defined by place of birth, rather it is explained by membership of a particular ethnic, religious or linguistic group (Weiner,1978).[492] In addition to those measures already enacted by the Autonomous District Councils in the state, concrete measures were put in place by the leaders of the All Party Leaders Hill Conference (APHLC) - the party under whose leadership the hill state movement was launched, to protect the interests of the indigenous tribals from possible exploitation by non-tribal migrants. The Meghalaya Transfer of Land (Regulation) Act, 1971 (hereinafter Land Transfer Act) was enacted with twin objectives of not only preventing alienation of tribal lands to non-tribals but also to reclaim the lost land.[493] Similarly, the APHLC Government was responsible for the adoption of the State Job Reservation Resolution

489 Landmark Court's Decision. Retrieved from<Khadc.nic.in/law%20deptt/landmark%20court's%20decision.htm> on 21.08.2016.

490 Ibid

491 P.R. Kyndiah. (2010). No Hill State No Rest, Shillong: Vesta Book Agency pp. 23-24, 48-49, 55-56)

492 Weiner, Myron. (1978). Sons of the Soil: Migration and Ethnic Conflict in India, New Jersey: Princeton University Press. pp.272-273.

493 According to Clause (I) of Section 3 of the Act, "No land in Meghalaya shall be transferred by a tribal to a non-tribal or by a non-tribal to another non-tribal except with the previous sanction of the competent authority."

(hereinafter State Job Reservation Policy) in early 1972 reserving 80% of State Government jobs for the Khasis and Jaintias and the Garos, thereby, leaving little scope for non-tribal residents to get employment opportunities under the State Government. The APHLC Government further made a legislative attempt to restrict migration of non-tribals through the stringent provisions of The Meghalaya Residential Permit Bill (hereafter Residential Permit Bill) passed by the Meghalaya Legislative Assembly in December 1973.[494]However, this Bill failed to receive the assent of the President after it was reserved for his consideration by the Governor of the state.

The sons of the soil policy adopted by the APHLC Government in the 1970s assumed significance in view of the tribals' vulnerability to being exploited by the politically and economically more advanced non-tribal population including the state machineries which largely represent the interest of the non-tribals. It may be strongly noted that the Report of the High Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities of India, the tribal communities remain the most vulnerable and marginalized communities in India in spite of the existence of constitutional provisions for safeguarding their interests and that colonialism for them is yet to come to an end in spite of independence due to the nature of development pursued by the Indian State.[495] The importance of sons' of the soil policy is particularly true with regard to the Land Transfer Act in view of the importance of land in the lives of tribal communities. It has been observed that land plays a critical position in the lives of the tribals not only from the economic, social and political perspectives, but their very identity and existence as a distinct ethnic community depends on it (Narzary and Swairgary, 2015;[496] Bambenze, 2012;[497] UN Permanent Forum on Indigenous Issues; Ministry of Tribal Affairs, Government of India, 2014.)[498] It is an undeniable fact that the Land Transfer Act has been able to prevent land alienation in the state though in recent years there have been incidents where tribal lands were alienated in the form of acquisition by the state government for the developmental

494 Section 4 of this Bill provides "No person who is not a permanent resident or member of Schedule Tribes resident in Meghalaya shall reside in a notified area for a period of more than four months without the previous permission of the competent authority;"

495 Ministry of Tribal Affairs, Government of India (2014), Report of the High Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities of India. Retrieved from <www.kractivist.org/wp-content/.../12/Tribal-Committee-Report-May-June-2014.pdf> on 16.12,2017. p.251

496 Narzary, Victor and Bibharani Swairgary, (2015), "Tribal Lands, Identity and the State: An Overview of Conflicting Paradigms", Journal of Tribal Intellectual Collective India, Vol.2, Issue 3, No.3, pp.24-36.

497 Bambenze, Vital. (2012). State of the World's Minorities and Indigenous Peoples 2012, London, Minority Rights Group International. P.7.

498 UN Permanent Forum on Indigenous Issues, Backgrounder: Indigenous Peoples - Lands, Territories and Natural Resources. Retrieved from <http://www.un.org/esa/socdev/unpfii/documents/6_session_factsheet1.pdf>on 15.12.2017. p.251

projects in New Shillong Township which is legally permissible under the Act[499]and long term lease to cement companies in different parts of the state.[500] Similarly, a study has shown that since Meghalaya attained statehood and the subsequent adoption of the Job Reservation Policy, the number of indigenous tribals holding the higher posts in the Government of Meghalaya increased over the years[501] showing a positive correlation between job reservation and the access by the tribals to position of authority in the State.[502]

The adoption of the sons of the soil measures and the increasing concern for the need to protect the interests of indigenous tribals by the tribal educated elite belonging to the different political parties as well as students' organisations created an apprehension in the minds of non-tribal communities particularly the Bengalis which was the largest community among them. While participating in the discussion on the Meghalaya Transfer of Land Regulation Bill, 1971 in the state legislature, Md. Akramozamman, a non-tribal member in the State Provisional Legislative Assembly raised an apprehension that the interest of the permanent non-tribal residents was not protected.[503] The more radical among them were furious and openly condemned and confronted such measures. For example, on the 13 April, 1972 following the enactment of the Land Transfer Act, the local daily "Young India" whose editor was Kapila Chatterjee, in its editorial condemned the Act as 'obnoxious' and 'infamous'.[504] It further described those members of the Meghalaya Legislative Assembly responsible for the enactment of Act as "ignorant mischievous politicians" and blamed the Hill State People's Democratic Party (hereafter HSPDP) and APHLC for "…playing the same dangerous game in India instigating one Indian against another on the preposterous plea that a non-tribal Indian will exterminate a tribal Indian…" and described them as being "evil, narrow-minded, separatist, hatred-

499 Clause (d) of sub-section (1) of Section (4) allows transfer of land if "the proposed transfer is likely to promote the economic interests of the Scheduled Tribes in the area."

500 There is no doubt that leasing of tribal land per se does not amount to alienation of tribal land but when the impact on the land and its future utility as a result of extraction of the mineral is taken into consideration, it amounts to alienation of land.

501 Sen Gupta, Susmita. (2005). Regionalism in Meghalaya, New Delhi: South Asian Publishers.pp.69-74.

502 There has been a study conducted showing that in Shillong, there was a numerical domination of tribals by the non-tribal in the field of law, higher education and higher posts in government service though the reverse order started to take place after Meghalaya became a separate State (Sen Gupta,2005, pp. 69-74).

503 Proceedings of the Meghalaya Legislative Assembly assembled at 10.00 hours on Saturday the 17 November 1971. Retrieved from <http://megassembly.gov.in/proceedings/1971/27-11-1971.htm> on 12.12.2017.

504 Proceedings of the Meghalaya Legislative Assembly assembled after the first General Election, 1972. Retrieved from <http://megassembly.gov.in/proceedings/1973/04-04-1973.htm> on 12.12.2017.

hidden mentality…"[505] Similarly, the non-tribal members of the Meghalaya Legislative Assembly (MLA), P.N. Choudhury, D.N. Joshi, Jaganbandhu Barman and Md. Akramozamman who were the members of the Congress Party along with the other tribal MLAs of the Party opposed the Meghalaya Residential Bill.[506] Section 4 of this Bill provides, "No person who is not a permanent resident or member of Schedule Tribes resident in Meghalaya shall reside in a notified area for a period of more than four months without the previous permission of the competent authority." According to Bhagawati (1986) it was the Congress opposition that played a crucial role in the President's withholding of his assent.[507] The opposition of the non-tribal to the Bill might have contributed to the suspicion in the minds of the indigenous tribals on their intention and attitude towards them and this might have contributed to the growing chasm in the inter-ethnic relationship between the indigenous tribal and non-tribal communities and further complicated the matter. It may be noted that Kapila Chatterjee who according to the then Chief Minister, D.D. Pugh again took a strong posture in the editorial of the *Young India* against the demands of the indigenous tribals for measures to protect their identity and to prevent non-tribal migration was assaulted on March 10, 1978.[508] Eventually stained relations led to a series of ethnic conflagration in the State beginning in 1979. Subir Bhaumik (2009)[509] and Bhattacharjee (2015)[510] described ethnic conflicts in the state as an act of ethnic cleansing against the non-tribal communities on the part of the indigenous tribals. But these authors come to such a conclusion by looking at the problem with bias from the perspective of the non-tribals only and their sources of information come from newspapers owned and controlled by non-tribals or from the subjective experiences of non-tribals.

Problematization of non-tribal migration and anti-foreigners' movement can be described, in the terminology used by Weiner, as a "nativist phenomenon" which represents "the response of the

505 Ibid

506 Meghalaya Legislative Assembly Proceedings (1973) Winter Session, p. 34.

507 Dhiren Bhagawati, "The INC and Political Development of Meghalaya", in P.S. Dutta (Ed.), Electoral Politics in North East India, New Delhi: Omsons Publication, 1986, p. 87.

508 Proceedings of the Meghalaya Legislative Assembly assembled at 9.30 hours on Thursday the 30 March 1978. Retrieved from <http://megassembly.gov.in/proceedings/1978/30-03-1978.htm> on 12.12.2017.

509 Bhaumik, Subir. (2009). Troubled Peripheries: Crisis of India's North East, New Delhi, Sage Publications.p.138.

510 Bhattacharjee, Nabanipa, (2015), "Shillong: A Tale of Blue Love, Mainstream", Vol. LIII No 27. Retrieved from http://www.mainstreamweekly.net/article5757.html on 16.01.2018.

emerging nationalities…to internal minorities with foreign connections."[511] In the context of Meghalaya, the term foreigner is generally used to identify those non-tribals who migrated to the region from other parts of India or foreign countries and their descendants and are often considered as exploiters.[512] This consideration of even fellow Indians but belonging to other cultural and linguistic groups as foreigners is not Meghalaya specific but rather it has been experienced in other parts of India as well. It may be noted that tribal communities in places like Chotanagpur region of present-day state of Jharkhand (Weiner, 1978),[513] Arunachal Pradesh (Sen Gupta, 2015)[514] and other tribal areas had asserted for their native rights against the migrants at different periods. What is interesting was the existence and occurrence of native movements even in non-tribal areas of Mumbai, Hyderabad and Assam.[515] On the basis of these historical facts, it can be argued that it is too idealistic to expect the indigenous tribals in Meghalaya to be liberal to the extent that they would need not to require any measure to protect their land, economic, socio-cultural and political rights.

The question that needs consideration is why there is a native phenomenon? Territoriality which can be defined as a sense of exclusive ownership and control of a defined space and its resources which are not only linked to physical survival but also to a complex issue of identity of a particular community could possibly facilitate an explanation. It has been argued that a number of human behaviour is linked to territorial consideration either openly or discreetly (Gold, 1982).[516] According to Fiona Armitage (2002) it is territoriality that also contributes towards assertion of distinct identity of a particular group of people whether tribal or otherwise.[517] However, there are two schools of thought debating about the nature of territorial behaviour of human beings whether it is intrinsic in human physiology and analogous to animal behaviour or it is a consciously acquired and learned behaviour.[518] However, John

511 Weiner, Myron (1978), op.cit., 1978, p. 269.

512 Singh, Deepak K. (2010). Stateless in South Asia: The Chakmas between Bangladesh and India, New Delhi: Sage Publications. p.73.

513 Weiner, Myron. (1978), op.cit., p. 275.

514 Sen Gupta, Susmita. (2015), "Transformation and Consolidation of Ethnic Identity in Arunachal Pradesh: Exploring the Role of the Educated Elite", Journal of Political Science and Public Affairs, Volume 3, Issue 2, pp.1-5.

515 Weiner, Myron. (1978), op.cit., pp.274-275.

516 Gold, John R. (1982), "Territoriality and Human Spatial Behaviour", Progress in Human Geography, 6: 44, pp. 44-67.

517 Armitage, Fiona. (2002). "Imitating Ethnicity: Land Territoriality and Identity in a Swazi Zionist Christian Church". In MichealSaltman (Ed.), Land and Territoriality, Oxford: Berg, pp. 135-158.

518 Robert Ardrey in his The Territorial Imperative: A Personal Inquiry into the Animal Origins of Property and Nations published in1966 establishes that humans are biologically determined to be territorial. Robert D. Sack on the other hand in his Human Territoriality: Its History and Theory published in 1986 clearly states

R. Gold describes this debate as a "nature-nurture controversy."[519] Irrespective of whether territoriality is instinctive or acquired, but it cannot be denied that it plays an important role in shaping human behaviour. L.S. Gassah observes that the Jaintias has exhibited territoriality even among themselves and this can be dated back to the early state formation where the affairs related to the selection or election to the office of the *Dolois*[520] of different *Elakas*[521] were largely the privilege of the members of the founding clans of the particular area excluding those later settling clans (1998).[522] From territoriality perspective one can make sense that the assertion was not essentially anti non-tribal exclusively but rather it was their genuine fear of the exercise of power over them by the other non-indigenous groups. The assertion of the non-tribal residents against their demand for measures to protect their interests made them to have a genuine fear that there was a possibility of a Tripura like situation taking place in their own land where the indigenous tribals would be dominated by the migrant non-tribals.

Factors for Problematization of Non-tribal Migration

As stated earlier non-tribal migration had already started in the earlier centuries particularly after the British colonisation in the first half of the nineteenth century, yet its problematization started to take place after Meghalaya became a separate state early 1970s. Several factors may help to explain as to why the educated elite began to make non-tribal migration a major political issue in the State in the 1970s. This is partly because of the domination by the non-tribals when the tribals were placed in the then composite State of Assam and increasing alienation of tribal land especially in Shillong in view of the absence of any law prohibiting non-tribals from acquiring interest on land. Tribals led by the educated elite nurtured strong non-tribal feelings in view of the chauvinistic attempt to impose the Assamese culture and language over the tribals. It was because of their chauvinistic tendency that the Assamese were considered as the replacement of British colonial masters. In this context, it may be noted that unlike the Assamese, the British had made their contributions towards the development of tribal language and culture though such promotion of tribal language and culture was meant to serve

that territoriality among humans is a socially and humanly construct.

519 Gold, John R. (1982), "Territoriality and Human Spatial Behaviour", Progress in Human Geography, 6: 44, p. 48.

520 A Doloi is a traditional tribal chief among the Jaintias in the Elaka.

521 Elaka is a traditional political and administrative unit in Jaintia Hills.

522 Gassah, L.S. (1998), Traditional Institutions of Meghalaya: A Study of Doloi and his Administration, Delhi: Regency Publications. pp. 20-23

their own colonial interests. Therefore, the educated elite during the hill state movement attributed the problems faced by the indigenous people to the rule of the outsiders which meant the non-tribals (Syiem, 2015).[523] The word outsider and the consideration of the Assamese as the replacement of British colonialism assumed special political significance because the Assamese tried to enforce their imposition on the tribals from Shillong which is the land of the indigenous tribals. Shillong at that point in time was the State capital of the then composite State of Assam. Therefore, attaining separate statehood for the tribals also implied expelling non-tribals just like the British had to leave when India attained independence.

During the Bangladesh War of 1971, Meghalaya which had a population of only 10.11 lakhs as per 1971 Census[524] received a huge number of Bangladeshi refugees numbering more than 6.6 lakhs.[525] This inflow of refugees was further compounded by the 1971 Census report showing the rising trend of non-tribal population in the State. Moreover, the numerical outnumbering of the tribals by the non-tribals in Shillong being the State capital made the presence of non-tribals more visible and, therefore, appeared more threatening. As per the 1971 Census, non-tribals constituted 58.53% of the population of Shillong.[526] Not only in terms of numerical strength but also in terms of employment in the Government offices and other professions such as law, higher education[527] and possibly in other professions, it was the non-tribals who had superior position compared to tribals. The superior-inferior relationship between non-tribals and indigenous tribals had wider implications in view of the nature of the Indian state where there is discrimination, exploitation and suppression by those who are politically and economically powerful over the ordinary citizens. This superior-inferior relationship between non-tribals and tribals contributed towards the development of anti-non-tribal feelings among the tribals in the State.[528] Moreover, during this period three regional parties - the All Party Hill

523 Syiem, Micheal. (2015, April 02). "Old wounds reopened", The Shillong Times, p. 6.

524 Census 1971, Series 13 Meghalaya, District Census Handbook, U.K. & J Hills, District.

525 United Nations High Commissioner for Refugees. (2000). The State of the World's Refugees 2000: Fifty Years of Humanitarian Action, Oxford: Oxford University Press, p. 65.

526 The population of Shillong is constituted of the population of Shillong Municipality, Cantonment, Nongthymmai and Mawlai. The population of non-tribals in areas falling under Shillong Municipality and Shillong Cantonment was 64.91%. See, Census 1971, Series 13 Meghalaya, District Census Handbook, U.K. & J Hills, District, pp, 434-468.

527 There has been a study conducted showing that in Shillong, there was a numerical domination of tribals by the non-tribal in the field of law, higher education and higher posts in government service though the reverse order started to take place after Meghalaya became a separate State. See Sen Gupta, Susmita, (2005). Regionalism in Meghalaya, New Delhi: South Asian Publishers, pp. 69-74.

528 This superior-subordinate relationship between the outsiders and locals was partly responsible for Assamese-Bengali conflicts in Assam (Weiner, 1978, pp. 115-

Leaders Conference (APHLC), the Hill State People's Democratic Party (HSPDP) and Public Demands Implementation Convention (PDIC) were competing for political space and all of them sought to attract the tribal electorate. Therefore, electoral compulsion might also have contributed towards the process of problematization of non-tribal migration to the State.

Problematization of non-tribal migration became acute with the emergence of the ethnic based student pressure groups that were formed in the 1970s which included the Meghalaya Students' Union (MSU) formed in 1975 and the Khasi Students' Union (KSU) in 1978. These pressure groups immediately after their formation began to demand for detection and deportation of foreigners (Malngiang, 1998).[529] The student organizations launched the movement against migration of the alleged foreigners in view of their perception that such migration did continue even after attaining statehood which they expected to end (Syiem, 2015).[530] However, it can be argued that the different student pressure group were both the product and the cause of the process of problematization of non-tribal migration.

Concluding Remarks

Problematization of non-tribal migration in Meghalaya was a complex process with several factors being responsible. The processes of problematization of non-tribal migration may be considered by the critics of tribal's identity politics as an act of parochialism and ethnic chauvinism, yet it cannot be denied that it had played a critical role in the attempt towards protecting the interests of the tribal communities in the State. It would be quite erroneous to allege that the educated elite initiated and pushed through the agenda to check non-tribal migration more for gaining political space than real intention to protect the interests of the tribal communities as their commitment and intention to the task was evident by the fact that they came up with a landmark Meghalaya Transfer of Land (Regulation) Act[531] along with the State Job Reservation Policy in the early part of the 1970s, that is, soon after the inauguration of the Autonomous State. In the context of the Land Transfer Act, 1971 even the strongest critic against problematization of non-tribal migration among the indigenous tribals

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529 Malngiang, Pascal (1998). "Ka Khasi Students' Union ha kine ki 20 snem", in Paul Lyngdoh (ed.), Souvenir: Khasi Students' Union (KSU) 20 Anniversary Celebration 1978-1998, Shillong: pp. 122-127.

530 Micheal Syiem, "Old wounds reopened", The Shillong Times, 02.04.2015.

531 The Meghalaya Transfer of Land (Regulation) Act, 1971. Retrieved from <http://megrevenuedm.gov.in/acts/land-transfer-act-1971.pdf> on 16.01.2018.

would agree of its importance to protect the interests of the tribals in the State and would agree to appreciate of the farsightedness of those responsible for its legislation. Moreover, other attempts to check non-tribal migration were made in the form of attempted legislation of Meghalaya Residential Permit Bill, 1973 and the Meghalaya Regulation of Employment Bill, 1980. The attempts made by the educated elite no doubt on the negative side of it led to the occurrence of ethnic conflicts from time to time, yet undoubtedly they had contributed to the avoiding of a situation of existential crisis where the indigenous tribals would be reduced to a minority status in their own land thereby threatening not only their identity but their very existence as happened in other parts of India such as in Tripura, Jharkhand and Assam.

Colonial Construction of 'Agency' in Andhra: Towards Understanding Tribal Resistance

~Vulli Dhanaraju

History is never only history *of*; it is always history *for*"

-Levi-Strauss

Introduction

While the focus of most of the scholarly works on tribes has been on kinship, their social structure, ethnographical studies, culture and religious traditions, modernisation, socio-economic transformation; studies on tribal native systems of administration have been rather rare. The present chapter attempts to sketch a history of Agency[532] administration in Andhra. Agency administration refers to the administration of tribal regions in Andhra during the colonial period. When colonial rulers occupied the plains and mainlands of India, they formulated policies first to generate revenues and appropriate resources and later designed the administration to execute such policies. British adopted a policy-driven administration in the plains and the mainland. Contrary to this, in the Agency areas, the system of British governance was to formulate an administrative apparatus first, and later to augment it by forest policies.

Debating Tribal Areas and their Administration: Colonial Perspective

One of the most important debates in the colonial administration was the demarcation of tribal areas into protected zones. The enactment of the provisions showed that the tribals had now become completely dependent on the welfare measures of the state, to meet their basic needs. The debate on the measures proposed under the Government Acts also revealed the way in which different people

532 The official meaning given to the term Agency is as follows – "A country inhabited mainly by a simple and ignorant people who by reason of their ignorance and excitable temperament need handling with tact and sympathy by reason of the backward conditions and required to be sheltered from the subtleties of the law and the wiles of the more civilized traders and lawyers of the plains". There were three important agency districts in the coastal region of Andhra during colonial period; they are Vizagapatnam Agency, Ganjam Agency & Godavari Agency. (C. Von Haimendorf, The Reddies of the Bisons Hills, Macmillan and Company, London, 1948, p.35.)

viewed the tribal people. The colonial administrators and nationalist leaders were part of the debate on the issues of administration of tribal areas in India. Two divergent views were expressed by the colonialists and the nationalists. One of the most important figures in the debate was W.V. Grigson,[533] an official who was commissioned to enquire into the conditions of tribes in the Central Provinces, who viewed them with the lens of benevolent patriarchal authority. In the *Maria Gonds of Bastar,* he wrote that the Marias, a primitive tribe of Bastar, were people who had lived in harmony with forests and thus he noted[534] -

"In most of this area (penda area) the forests have been too remote and inaccessible to be exploited, and that, even though some fine timber has been sacrificed, much that has gone is over mature. Vast areas of forest have been reserved by the State, and it is not possible to work half these reserves. The Maria does not rage through the forest clearing patches for cultivation at random; he has more or less definite rotations, and a field of two to three years, they may have a twelve- or fourteen-years rest, and a dense forest at the end of it. The axe and fire have let the light of civilization penetrate slowly but surely into the Bison-horn country as nothing would have done for centuries; they alone have prevented the Abujhmarh tract from remaining a trackless wilderness."

The above view marked a significant departure from the views of officials in the 19th century. It also showed that the officials were forced to recognize the rights of tribal people in a manner that they were being articulated at that time. Further, people like Grigson also reflected upon the role of the British Empire in tribal development when he wrote that.[535]

Above all there must be an approach to some elements of 'economic democracy' if the aboriginal is to play his due part in the India of the future. There is no political democracy without economic democracy. For Grigson, 'Economic Democracy' denoted ownership of land, freedom from indebtedness and from exploitation of labour at unusually low wages. To achieve 'economic democracy', outside intervention in tribal areas had to be restricted and government protection

533 W.V. Grigson, The Aboriginal Problem in the Central Provinces & Berar, Government Publication, Nagpur, 1944.

534 W.V. Grigson, The Maria Gonds of Bastar, Oxford University Press (Reprint),1991, p.178.

535 Ibid, p.179.

ensured.[536] However what is significant about Grigson's perception is the fact that he considered the people in Bastar as similar to that of people in Africa when he wrote that[537]-

"The primitives have more in common with African tribes than they have with people in other parts of India such as the plains of Bengal, the Punjab or Maharashtra ... I don't think that 'self-governance' outside the village or tribe has ever entered their heads. It is obvious that what is needed is a form of protectorate and this can only be achieved through benevolent autocracy."

The belief that tribals were not able to look after their own interests was largely based on the assumption that they had always lived in a hostile society that had exploited them. The creation of a protectorate would in fact enable forces that had their benefit at heart to protect their interests and also bring about their economic development. This perception was integral to many official anthropologists of the period whose vision was also informed by the European anthropological writings of their times.

The most prominent of these anthropologists was Verrier Elwin who worked first in Central India, then Eastern India and finally the North-East.[538] The romanticism and the functionalism of his anthropology have had an important impact on the way in which people have viewed tribal people. In the 1940s, Elwin wrote in his famous pamphlet *Aboriginal* that *'a tribe that dances does not die'*. By making such a statement, he exemplified the fact that tribal people were distinguished from others by their distinctive cultural identity.[539] For Elwin, the 'primitive' was a romantic category which he described in the following way when he wrote that[540] -

"The life of a true aboriginal is simple and happy, enriched by natural pleasures. For all their poverty, their days are spent in the beauty of the hills. A woman carrying a load to the hilltop pauses for a

536 Ibid.

537 W.V Grigson, "The aboriginal in future India" in Journal of the Royal Anthropological Society, Vol. 74, 1944, pp.33-41.

538 Verrier Elwin, The Tribal World of Verrier Elwin, Bombay, 1964.

539 Verrier Elwin, The Aboriginals, H. Milford, Oxford University Press, 1943, p.76.

540 Ibid, p.29.

moment to see the scene below her. It is the 'sweet forest', the 'forest of joy and sandal' in which they live."

The 'forest of joy' was Elwin's dreamland -- a place where people tended the dead, were devoted to the soil, staged magnificent and colourful tribal festivals, and were infused with the spirit of sharing. For Elwin, these were 'things of value in tribal life'. For him the 'primitive' constituted a 'pure' and a 'pristine' state of existence that was morally superior to the civilized world.[541] Elwin's image of the forest dwellers voiced his despair at the tendency towards the destruction of an idyllic society. This sentiment, however, was not expressed in a vacuum. Embedded in it was a critique of modern industrial society. He wrote[542] -

"Until modern life is itself reformed, until civilization is itself civilized, until war is vanished from Europe and untouchability from India, there is no point in trying to change the aboriginals". "Far better let them be for the time being not forever of course; that would be absurd. Perhaps in twenty, fifty or hundred years, a race of men may arise who are qualified to assimilate these fine people into their society without doing them harm. Such men do not exist today."

Elwin further suggested the establishment of a national park in which the tribes might take refuge. Ramachandra Guha,[543] in a recent biography of Verrier Elwin celebrated the cultural primitivism for which the latter was well known[544] -

"Most of all Verrier Elwin must be distinguished from other primitivists in that he actually lived with the persons whose culture he so vigorously celebrated. The narrator of primitivist revelries has the choice, which he generally exercises, 'to return, at the end of his sojourn, to the highly civilized countries he came from'…. Not many who wrote so eloquently of the return to nature,' he [Elwin] remarked, 'were prepared however, to take the journey themselves, at least not without a return ticket."

541 Ibid, p.18.

542 Ibid, 28-29.

543 Ramachandra Guha, Savaging the Civilized: Verrier Elwin, His Tribals, and India, University of Chicago Press, 1999

544 Ibid.

Elwin was living with the tribals and his understanding of their problems was therefore based on their experiences and life rather than the participant observation of an academic anthropologist. But even if this distinguishes him from others, his long-term ideas and the policies that he recommended succeeded in supporting the benevolent imperialism of people like Grigson. But it is not only Guha who was influenced by colonial anthropology. Several other activists and anthropologists also used the arguments of Elwin and Grigson to justify their stand for the restoration of traditional tribal rights and identities in the current polity.

In the mid-forties, when the negotiations for the transfer of power were in progress, the administrations became active to ensure the protection of tribal interests. Sir John Hubback, who had a long experience of working in tribal areas in Bihar and Odisha, prepared a note on backward tribes at the instance of the Viceroy in 1944.[545] He was of the opinion that the British government had a moral responsibility to protect tribals even after the transfer of power. He recommended that the Indian government should allow the employment of officers for the upliftment of backward tribals who would work under a British High Commissioner. Hubbock also suggested the formation of a three-member committee consisting of an administrator, an anthropologist and a missionary to oversee the administration of the tribal areas. The Secretary of State for India was critical of the recommendations of Elwin that the tribals should be kept in reservations. He was doubtful about the political morality of maintaining the tribals as museum pieces. T.S. Rutherford,[546] who was the Governor of Bihar in mid-forties, was against any form of intervention in tribal affairs by the Government of India. He indicated the policy towards tribals in the following words-

"We have not done much for them beyond a certain amount of protective legislation which functions effectively where the officers responsible are really sympathetic."

Ultimately, the proposal regarding the removal of the tribes from the jurisdiction of the provincial governments and their transfer to the control of an outside authority fell down as it was impracticable. It was conceded that if India was fit to govern itself, she must also be able to look after her aboriginals.

545 K.S Singh (1985). Tribal Society in India. New Delhi: Manohar Publication, p.112.

546 Ibid, p.116.

It may be mentioned that in all the discussions about the management of tribal affairs, the tribals were nowhere in the picture.

Nationalist Perspective

In contrast to the views of the anthropologists and the colonialists, the nationalists of the 1930s and 40s were critical of colonial policies and hostile towards anthropological writings that celebrated any form of cultural primitivism. The supporters of tribal cultural values considered the relationship between tribes and peasants to be exploitative in nature. They contended that the segregation of these people was the most effective way of modernizing them. Nationalist anthropologists and Congressmen contested these assertions, thereby arguing that the basis of exclusion was completely unfounded. The Congress debated the pro-exclusion British officials on two counts. The first argument was political. It concentrated on being anti-imperialist in its stance and laid emphasis on the development of an overwhelming Indian identity that was intended to mobilize people against the colonial rule. The second argument contested the social and anthropological basis of the contentions made by those supporting the government policies of exclusion and partial exclusion.

The Congress asserted that the future of tribals was integrally linked with the economic progress of the rest of the Indian population. They did not want to deny these communities an opportunity to associate and learn from other advanced communities. They disagreed with the official view that the tribal people had special needs and rejected anything that celebrated their distinctiveness of cultures. Two leaders of the Central Provinces - M.S. Aney[547] and N.M. Joshi[548] - charged all anthropologists of a desire to keep all the *'primitive races of India uncivilized and in a state of barbarism'* as raw material for their science in order to add to their stock of scientific knowledge. But the most articulate position in this respect was taken by G.S. Ghurye in his monograph *The aborigines - 'so-called' - and their future,* in

547 He was one of the disciples of Balagangadar Tilak. He was nominated to the Central Legislative Assembly in 1923 as the representative of Berar Province. During 1941-1943, he was a member of the Viceroy's Executive Council. After Independence, he became a Governor of Bihar form 1948-1952. (Rajeswar Rao, The Great Indian Patriots, Mittal Publications, New Delhi, pp.88-92).

548 N.M Joshi was the founder of the All India Trade Union Congress in 1921 along with Lala Lajapati Roy and follower of Gopala Krishna Gokhale. He was the General Secretary of AITUC from 1925 to 1929 and from 1940 to 1948. In 1931 he left AITUC and had started the All India Trade Union Federation. (https://en.wikipedia.org/wiki/Narayan_Malhar_Joshi)

which the crux of his thesis was that 'aborigines' were an integral part of the Hindu society since a very long time.[549] Explaining why these communities must be called 'so-called aborigines', he said:

"It is clear from this discussion that the proper description of these peoples must refer itself to their place near the Hindu society and not to their supposed autochthonism. While sections of these tribes are properly integrated with Hindu society; very large sections, in fact the bulk of them, are rather loosely assimilated. Only very small sections, living in the recesses of the hills and the depths of the forests, have not been touched by Hinduism. Under the circumstances, the only proper definition of these people is that they are imperfectly integrated classes of Hindu society. Though for the sake of convenience, they may be designated as the tribal classes of the Hindu society, suggesting thereby the social fact that they have retained much more of the tribal creeds and organization than many of the castes of Hindu society, yet they are in reality Backward Hindus."[550]

In support of his views, he quoted at one stage of the discussion on what the Sixth Schedule of the Constitution observed: 'the tribal people in areas other than Assam are more or less Hinduised, more or less assimilated with the civilization and culture of the majority of the people in whose midst they live.'[551]

Ghurye stated that the exclusion of the tribals was a political statement that was to be opposed. According to him, the sociological and historical assumptions were inaccurate. He saw the peasant and tribal communities as open and dynamic structures, each influencing the other. But despite this conceptual framework, the merits of the assimilation of the tribes into Hindu society continued to be over emphasized in Ghurye's work. Ghurye was not the only nationalist sociologist to criticize the pro-exclusionist policies.

549 G.S. Ghurye, Aborigines So -Called and Their Future, 1963(Third Edition), pp.19-20; Scheduled Tribes, Popular Prakashan, 1963, Bombay.

550 G.S. Ghurye, 1963, op.cit, Pp.19-20.

551 Ibid. p.385.

Nirmal Kumar Bose's *'Hindu method of Tribal Absorption'* laid down his interpretation of the relationship of the dominant Hindu communities with the tribes, he noted[552]-

"From what has been observed among the Juangs and from the reading of law books, it is to be noted that the Hindu society while absorbing a new tribe or while creating a new jati by differentiation of occupation, always guaranteed or tried to guarantee monopoly in a particular occupation to each caste within a given region. The last point is very important; for the same jati may be found practicing many different trades if it finds the prescribed hereditary occupations no longer economically satisfactory."

The stances of both Ghurye and Bose resulted in a defense of Hindu culture and society. They saw the tribal identity as a sub-set of the larger identity of the caste Hindu society and therefore did not consider the assimilation into Hindu society as a major problem. But this was not true of all nationalists.

The nationalist social workers such as A.V Thakkar Bapa[553] vehemently opposed the anthropological theory of separation and isolation. The Indian National Congress also held the view that the Excluded Areas were a trick of the anthropologists to preserve the aboriginals as museum specimens for the exercise of their 'blessed science'.[554] A.V. Thakkar[555] reflected upon the need to develop a strong nationalist identity.[556] In 1941, Thakkar wrote:

"These people were the original sons of the soil and were in possession of our country before the Aryans poured in from the North West and North East passes, conquered them with their superior powers and talents and drove them from the plains to the hills and forests. They are older and more ancient children of the soils than the Hindus and more so than the Muslims and Anglo-Indians. But

552 Nirmal Kumar Bose, Hindu Method of Tribal Absorption; Nirmal Kumar Bose's 'India's Eastern Tribes', in Romesh Thapar, Tribe, Caste and Religion in India, The Macmillan Company, Meerat, 1977, pp.54-55.

553 Baidyanath Saraswathi, (ed), Tribal Thought and Culture, Concept Publishing Company, New Delhi, 1991, pp.14-15.

554 Ibid, pp.14-15.

555 Ibid, pp.14-15.

556 K.S. Singh, 'G.S Ghurye, Verrier Elwin, and Indian Tribes', in A.R Momin, The Legacy of G.S. Ghurye A Centennial Festschrif, Popular Prakashan, 1996, p.43.

they are steeped in ignorance and poverty and do not know their rights and privileges, much less their collective and national responsibilities."

In his interpretation of the tribal past, Thakkar tried to reinstate the position of these communities as the 'original inhabitants of India'. However, in doing so, he also asserted that the present conditions of poverty and ignorance in which tribal people lived had to change. This transformation could not be brought about through a policy of isolationism or exclusion. Thakkar argued that the spirit of provincial government of national responsibility could only be inculcated into these communities through a policy of 'assimilation'. But his path of assimilation was slightly different from that of Ghurye and Bose. He said:

"It is difficult for me to understand why these persons [persons in favour of exclusion and partial exclusion] fear the contact with the Hindus and Muslims of the plains. In few cases, the social evils of the plains are likely to be copied by unsophisticated aboriginals. But it is not right to consider that contact will only bring bad customs into tribal life and that the aborigines will suffer more than they benefit. Safeguards may be instituted to protect the aborigines from more advanced people of the plains, as has been done with regard to non-alienable land. But to keep these people confined and isolated in their inaccessible hills and jungles is like keeping them in glass cases of a museum for the curiosity of purely academic persons."

Thakkar considered the strategy of assimilation as an essential part of their development process. He believed that if these communities learnt some good things from the Hindu society, they would also be exploited by it. Hence, he proposed a different type of a policy of protection for these communities. Rather than the confinement of these communities in a segregated space, he proposed protection of the forest communities through the legislation of special laws. In this sense, even if Thakkar was opposed to the exclusion, he was in favour of some kind of protection for tribals.

The Indian National Congress, at its Faizpur session in 1936 expressed its views as:

"This Congress is of the opinion that the separation of these excluded and partially excluded areas is intended to leave out of popular control, the disposition and exploitation of the mineral and forest wealth in these areas and to keep the inhabitants of these areas apart from India for their easier

exploitation and suppression. The Congress holds that the same level of democratic and self-governing institutions should be applicable to all parts of India without any distinction."[557]

Nehru's[558] perception of tribes was shaped by his early participation in different Congress sessions. In December 1937, Nehru met for the first time a mixed group of tribals from the North East. He did not like the idea of segregating the tribals from the rest of the country. He emphasized the unity of India and considered the concept of excluded areas as undesirable in the course of a talk with the representatives of Chittagong Hill tracts in July 1945 at Shimla. However, Nehru's enthusiasm about unity of the country in relation to the tribals began to wane during his visit to Assam in December 1945. He came to realize that the tribals needed a general assistance from the government to shed their backwardness and needed protection from exploitation. He began to feel that such groups needed autonomy and freedom to shape their lives as they wanted. Thus, Nehru's philosophy moved from uniformity to protection and then autonomy.

Emergence of Colonial Hegemony in Andhra

This part of the paper is connected with British control of the tribal populace since the commencement of the 19th century. The Anglo-French colonial struggle known as the 'Carnatic Wars' began for the control of the seas and more particularly, for possession of the Coromandel coast, where important trading factories were established in places such as Machilipatnam, Madras and Pondicherry. It is not surprising that power slipped from native rulers, since they could not match the enterprising and occupying foreign forces. With the decline of Mughal hold over the country after Aurangzeb, the ambitions of the company officers found ample scope for exercise. With the Mughal emperor left as a helpless spectator with no strongman to restore the political equilibrium, the field was open to the boldest and strongest hand.[559] It took an altogether different turn with colonial military involvement in the contest between the Nizam of Hyderabad, the Marathas and the Nawabs of Carnatic. The rivalry was, therefore, first commercial and then both military and political. By 1763,

557 J.S Bandari and Subhadra Mitra Channa, (ed), Tribes and Government Policies, Cosmo Publication, New Delhi, 1997, p.57.

558 Sachidananda, "The Legacy of Nehru and Tribal Policy in India" in The Legacy of Nehru, G.B. Pant Institute, Allahabad. Also see in J.S Bandari and Subhadra Mitra Channa, (ed), op.cit,.1997, pp. 101-102.

559 Frykenburg, Guntur District: A History of Local Influence and Central Authority in South India, Oxford University Press, 1965, p.24.

French power declined. However, this did not automatically result in the establishment of British hegemony over Andhra, for most of the Andhra regions had been under the rule of the Nizam since 1724.[560]

In 1765 Robert Clive, the then Governor of Bengal succeeded in securing a *firman* from the Mughal Emperor Shah Alam who gave the Circar districts, except Guntur, to the British for their support in his misfortunes. The Nizam of Hyderabad unwillingly confirmed the secession of the Circars to the British in a treaty in 1766. Since then, the British became masters of Coastal Andhra region stretching from Ganjam in present-day Odisha to Guntur. In 1800, a year after the end of the Fourth Mysore war in which the Nizam fought in alliance with the British, the Nizam entered into a treaty with his ally under the system of Lord Wellesley's subsidiary alliance and ceded all the territories he acquired from Mysore in 1782 and 1799 to the East India Company. These included the districts of Bellary, Kurnool, Cuddapah and Anantapur, which since then, came to be known as the 'Ceded Districts'. In 1801, Wellesley annexed the Carnatic region to the British Dominion, as a result of which the districts of Nellore and Chittoor were brought under British Raj. With this, the British conquest of Andhra was complete. The Permanent Settlement was extended in 1802 and 1804 to some of these areas. During the early years, colonial intervention was rather superficial and left the forests relatively untouched. All this was to change by the end of the 19th century.

Andhra became a part of various kingdoms, but no record was available to show the status of the tribal areas in their respective periods. However, the Gajapathi kings of Odisha were perhaps the first rulers who held sway over the tribal areas of Vizagapatnam and Ganjam districts. The rulers appointed their own men as smaller kings in tribal areas to collect rents and also to check the tribals from plundering villages in the plains. The smaller kings in turn appointed *muttadars* for groups of villages.[561] These kings were called as *zamindars* (owners of land) by the Muslim rulers. Similar system existed in tribal areas of Godavari ruled by kings of Badrachalam, Polavaram and Gutala. These kings also called themselves as '*Dev*', or god. These kings received ceremonial payments during festivals and reciprocated. The tribal tradition was incorporated by the kings. Therefore, some of the important aspects of the tradition of kings found its origin in the tribal tradition. An important tribal group of

560 M.Venkata Rangaiah, The Freedom Struggle in Andhra.Pradesh (Andhra), Vol: I, Hyderabad, p.11.

561 V.N.V.K Sastry, op.cit,.1991. p.75.

the area, the Khonds, even called themselves as s*amantha* (meaning subordinate king) during the process of *Sanskritization*. This close relationship between the tribals and Hindu rulers was exploited by the latter, especially after the advent of the British.

Colonial Construction of 'Agency'

The following part will examine the colonial revenue policies which were applied to the tribal areas of Andhra in Madras Presidency. It seeks to demonstrate the operation of colonial policies on the surveying and settlement of tribals and attempts to analyze the impact of such policies on the tribal society during the British colonial rule. By providing insights into colonial land revenue policies, an attempt is made to understand their negative consequences on the local tribal economy between 1776 and 1947.

It has been argued that the colonial land revenue policies implemented through *zamindars* did not consider the living standards of the tribals and the poor infrastructure facilities in the hill regions while imposing land revenues that became exploitative. K.S Singh[562] argues that colonialism entered the tribal regions of India through various philanthropic strategies into the communal tribal mode of production. He also attributed entry of colonialism to the judicial structure of the state which imposed land survey and eventually imposed private right on land. The very entrance of the colonial state into these areas was violently resisted by the tribals.

However, when the tribal areas came under the British control, there was no regular survey for a long time. Uncultivated and wastelands were given to the *zamindars* without any extra rent. The land survey was arranged in the agency in 1792, the court of directors particularly ordered[563] that 'this should be more of a land survey, expressing the kind of land, without any reference to the value, which might give rise to jealousy and discontent.'[564] The burden on the hill *zamindars* was more, as their income was limited to the resources of the poor farmers of the areas, who themselves struggled for their existence. Not only the poor peasants, but even the *zamindars* had to borrow from traditional

562 K.S. Singh, Tribal Society in India: An Anthropo- Historical Perspective, Monohar, 1985, p.12.

563 Letters from Court of Directors to Madras, Dated: 16-05-1792, Also seen in L. Manhamma,, Alluri Sitarama Raju, A.P State Archives, Hyderabad,1983, p.5.

564 Letter from the Court of Directors to Madras, Dated, 16-05-1792.

moneylenders to pay their own rent on time to the government. The survey could not be completed several times due to the nature of the land and people.

It took nearly a hundred years for the British to enter the areas with the help of the *muttadars*. Though the surveyor made a preliminary visit in 1815, the actual survey of this difficult terrain began in 1820 and continued for 15 years. An assessment was made on the basis of old records and revised periodically. At the close of the Rajahmundry survey in 1824, one of the surveyors wrote that 'the features of the country are very minutely and well delineated. It is to be regretted that there is a blank space in the map which should have been occupied by the Rampa Jagir, but the tract being considered very unhealthy, the survey of it was never undertaken […]'[565]

In 1822 Sir Thomas Munro, the Governor of Madras, while examining the causes for agitations in the hill areas attributed much of it to the attempts of government to enforce the rights of traders and other speculators who had lent money to the *zamindars* and the proprietors on the security of their estates. His warnings were not heeded by the Company.

Further in the name of containing the raids of tribals on villages in the plains, it started tightening its control over the hill areas. Even if one assumes that they were raiders, it was not difficult for the plain people to repel such attacks with their superior arms. And strictly speaking, there was no need for the British to extend their authority over the hills through the *mansabdar*, to check these incursions.[566] Even in this case, it was an act of handing over the keys to the thief, as it was the *mansabdar* himself who raided and annexed few villages in the plains. The extension of authority in the name of 'checking incursions' can be seen as a deliberate and determined attempt of the British government to plunder the forest wealth. This enabled the plains trader to exploit the tribals under the cover of the judiciary and official machinery. The British, who came as merchants and settled as rulers in the great Indian plains, gradually expelled the local authority in the hill region. The alien administration surrounded the hill people, shook their economy and shattered their social fabric. The tribals, who were caught

565 Henry Morris, A Descriptive and Historical Account of the Godavari District of the Madras Presidency, Madras, 1878.

566 F.R. Hemingway, Madras District Gazetteers, Godavari, Government Press, Madras, 1907, p.260.

between different exploiters, had now two alternatives - rebellion or migration. Migration from the forest was unthinkable and hence an armed uprising was almost inevitable.[567]

The Permanent Settlement in 1802

The Madras Permanent Settlement, 1802, (Regulation No: XX1802) was promulgated to declare that the proprietary rights of the lands should be vested in individual persons and to define the rights of such persons under a permanent assessment of revenue.[568] In the same year, the new act was enacted Regulation number XXIV of 1802. According to this Act, *Karanams*[569] were appointed but this was not applicable to the tribal areas. Therefore, the traditional chiefs continued to have a hold over the population and paid tribute to the *zamindars,* who then paid the revenues to the British government. However, the hilly and thinly populated Agency areas were not brought under the permanent settlement for the following reasons – one, the revenues were scant; two, the lands were only cleared for temporary cultivation and abandoned after a couple of years for fresh ones.

There are two important aspects to be noted here- First, whenever they faced a problem, plains *zamindars* took refuge in the hill tracts. Second, they also took the help of hill chiefs to attack the government whenever the State became a threat to their estates. The attacks on the government were made with the vested interest of protecting their own *zamindaris* (landlordship). When the rights over their *zamindaris* were finally established in Permanent Settlement in 1802, the disturbances subsided.

Report of George Russels on Insurgencies-1832

It was during this period that special commissioner Russell was appointed to ascertain the causes of disturbances of 1832 in Vizagapatnam district and Parlakimidy *zamindari* of Ganjam district.[570] In this report, he observed that the imperfect manner in which the authority of the company had been

567 Guy Standing, Migration and Modes of Exploitation, Social Origins of Immobility and Mobility, Journal of Peasant Studies, Vol-8, No: 2, January-1981, p.193.

568 F.R. Hemingway,1907, op, cit, pp.164-165.

569 Karanam was one of the communities in Andhra region. They were migrated from Orissa to the present telugu areas to after the royal affairs during the Vijayanagara empire (1336-1672). Subsequently, they were appointed by the as local revenue officials for the duty of collection of taxes, accounts, solving the internal problems in village etc.

570 S.N. Dubey and Ratna Murdia, Land Alienation and Restoration in Tribal Communities in India, Himalya Publishing House, Bombay, pp.9-10

established in these hilly tracts, with no place, power or knowledge about nature and geography, made it difficult for the government given the country. He, therefore, said that a policy be adopted to suit the colonial interest both to add to the weight and influence of the local country and to remove, as far as possible, the existing causes of insurgencies on the part of the hills *zamindars* arising from the unbending form of regulation procedure. He further suggested that these areas now be exempted from the jurisdiction of the ordinary country and be placed exclusively under the district collector, who should be vented the entire administration of civil and criminal justice that rules for his guidance be prescribed by order in council. In the following year, Sir Frederick Adam, Governor of Madras visited Circars and some hints were thrown out in his minute on the expediency of exempting the hill *zamindaris* from general regulations.[571]

Colonial Legislations on Agency Administration

Vizagapatam and Ganjam Agencies Act of 1839

Meanwhile disturbances again commenced in 1839. This necessitated state intervention more cautiously. Under these circumstances, the government accepted Russell's proposals which formed the basis of the Act XXIV of 1839, leading to the formation of Vizagapatam and Ganjam Agencies Act in 1839.[572] It was an important Act for the administration of justice and collection of revenue in certain parts of Ganjam and Vizagapatnam districts.

The settlement was an occasional gesture, a part of British strategy which was considered necessary in securing submission, placating emotions at moments of crisis and restoring certain confidence in the legitimacy of the rule.[573] In fact, the colonialists were not new to forest administration. They had vast experience of tapping rich resources from jungle produce, from as early as the last decade of the 18th century A.D. and had faced and tackled a number of tribal uprisings in the process.[574]

571 V.N.V.K. Sastry, op.cit,.1991.

572 Vizagapatam and Ganjam Agencies Act ,1839 (XXIV of 1839), Government of Madras, Madras.

573 A.R.Desai, (ed), Peasant Struggles in India, Oxford University Press, Delhi, 1979, p.23.

574 D.F. Carmichael, Madras District Gazetteer, Vizianagaram, Vol:I, 1907 p.197

In 1839 a separate system of administration was established in the agencies. It was an important Act for the administration of justice and collection of revenue in certain parts of the districts of Ganjam and Vizagapatnam. The administration of civil and criminal justice and collection of revenue shall, be vested in the district collector and shall be exercised by him as 'Agent' for the state government concerned. The areas administered by the Agents came to be known as 'Agency' areas since enactment of this act. The state government is competent to prescribe such rules as they deem proper for the guidance of such agents and also determine the extent of jurisdiction of agents in civil suits. The act also empowered the government of Madras to prescribe such rules as they might deem proper for the guidance of the agent and his subordinates in judicial and other matters. They are the civil cases to be tried by *panchayats*, but they were frequently revised. They empowered the District Munsifs (who are the Deputy Tahsildars) to try cases up to Rs 500 in value. The divisional officers (who have the civil powers of sub-judges) those between Rs 500 and Rs 500 and the agent those above the latter sum in value.[575]

The Scheduled District Act of 1874

When the British took over the agency tracts along with the Northern Circars, they were in the hands of *zamindars* and so Permanent Settlement was introduced. It was settled with these *zamindars* for an annual amount. The tracts were, however, so vast and inaccessible and the tribes so rude and excitable that it was found impossible to govern them by the ordinary laws and by the ordinary system of administration adopted for the plains. The rules for implementation of Ganjam and Vizagapatnam Agency Act of 1839 were framed only in 1860. Accordingly, in 1839 a separate system of administration was established in the Agency areas. But the procedures for separate treatment were not laid down. Therefore, Ganjam and Vizagapatnam Agency Act of 1839 became ineffective. This led to a detailed review by the British government and the Scheduled District Act, 1874 was enacted.[576]

The Scheduled District Act of 1874 was a landmark Act in the administration of tribal areas as this Act laid down procedures for separate treatment for the areas notified under the provisions of the Act. Most of the areas notified were inhabited predominantly by aboriginal tribes as the other areas

575 Ibid.

576 The Scheduled District Act ,1874, Government of Madras, Madras.

were deleted in 1864. Second important aspect was that this Act owes its origin from Ganjam and Vizagapatnam Act of 1839. The third important aspect to be noted was that the Act itself came into existence as a Government of India Act as a result of growing unrest in tribal areas of the country and the need for separately administering these areas. As such, even though exclusion of the area started as a measure for maintenance of law and order, it assumed protective aspects also.

Agency Tracts Interest and Land Transfer Act 1917

By the time this Act was promulgated, a change in the attitude of British government towards Agency tracts can be clearly observed. While the mood of British government at the time of promulgation of Ganjam and Vigagapatnam Act of 1839 was only to exclude the areas for purposes of law and order, the Scheduled District Act, 1874 has an element of protection to the Scheduled Areas. In the Act-I of 1917, the anxiety of the Government to protect the economic interests of tribals and also on land was more pronounced because of increasing exploitation.[577]

The Government of India Act, 1919 (Wholly excluded areas and areas of modified exclusion)

By enacting Government of India Act, 1919, the areas were removed from purview of Legislatures, but limits of exclusion deferred in their extent and degree. Thus, arose two categories namely 'wholly excluded areas' and 'Areas of modified exclusion'.[578] The Godavari and Visakhapatnam Agency areas were declared as backward tracts and were included in the constituencies returning members to the provincial Legislature and also nominated members to represent the tribals.

The Government of India Act, 1935

On the recommendations of the Simon Commission, the British government decided to declare the 'Backward Tracts' as excluded and partially-excluded areas. These recommendations of the government were embodied in Sections 91 and 92 Government of India Act, 1935. These two sections provide for declarations, by an order in Council, of 'Excluded Areas' and 'Partially-excluded Areas'.

577 Agency Tracts Interest and Land Transfer Act, Act No:1 of 1917 14th August 1917.

578 Dhebar Commission, Government of India, 1962, op.cit, p.37.

Under Section 91, His Majesty, by an order of council, may declare certain areas to be excluded areas and partially-excluded areas. For this purpose, His Majesty at any time, by an order of council: (1) Direct that whole or any specified part of an excluded area shall become or become part of partially-excluded areas. (2) Direct that the whole or any specified part of a partially-excluded area shall cease to be partially-excluded area or a part of such an area. (3) Alter but only by way of rectification of boundaries any excluded or partially-excluded area. (4) On any alteration of the boundaries of a province or the creation of a new province, declare any territory not previously included in any province to be, or to form of an excluded area or a partially-excluded area.

Moreover, no act of the federal and the provincial legislatures was applicable to the excluded and partially-excluded areas unless the Governor, by public notification, so directs. This has a very before extending to the Scheduled areas.

Towards Understanding Tribal Resistance

The impact of the British rule over the tribal lands and forestry can be viewed as a conflict between two opposing forces. For the British, it was a struggle for power and maintaining the status quo and for the tribes it was a struggle for their very survival. The impact is studied from two perspectives: the British and the tribal. For the British, it is viewed as development in terms of conservation of forest resources and exploitation of forest wealth for infrastructural development such as railways, shipyards, roads and buildings. In the process, they encouraged outsiders from the plains to inhabit in the tribal villages for promoting settled agriculture. The tribals were discouraged from carrying out shifting cultivation. For them, the British rule is displacement and loss of livelihood. Getting displaced from their native environs, the tribals resorted to revolts and insurgencies. However, these revolts were all led by the non-tribals.

The primary cause of the tribal revolts lies deeper at the structural level. The superimposition of pyramidal power structure of the British organized on the principles of centralized bureaucratic system over the inverse pyramidal power structure of the tribal social formation has resulted in tribal revolts. The social formation of the tribes in Madras Presidency was semi-nomadic and consequently represents 'inverse pyramidal structure' wherein the tribal clans enjoyed freedom from the imposition of clan elders and chieftains. The clan elders and chieftains quite often exhibited ceremonial power

and exerted power at times of dispute to solve the issues pertaining to rites of passage, customs and traditions. The colonial regime of the British organized in a manner of *'pyramidal power structure of centralized bureaucratic system'* in which, at the apex the rulers of the British Empire wielded power through the native intermediaries known as the *zamindars/mansabdars* and *muttadars* to govern the populace.

Conclusion

The British superimposition of their 'pyramidal power structure' over the 'inverse pyramidal power structure' of the tribals created structural aberration resulting in tribal revolts and insurgencies. The superimposition at the structural level was done by the British through the policies and forest laws based on two significant schools of thought known as 'Orientalism'[579] and 'English utilitarianism.'[580]These schools of thought affected the lives of people in both tribal and non-tribal ecosystems. A section of Orientalists viewed tribals as 'pure' and 'innocent'. Another section of Orientalists perceived the tribes as 'barbaric' and 'uncivilized'. The British anthropologists are the foremost who collected the data on the tribes and represented them in these two Orientalists perspectives. The English utilitarianism championed the cause of 'Positivism' which aims at transforming the data from men and material to numbers so as to manipulate them to suit to their statecraft. They upheld that formulation of laws would benefit the majority and hence resorted to making policies and agency laws.

579 The post-colonial scholars argue that the Orient signifies a system of representations framed by political forces that brought the Orient into Western learning, Western consciousness, and Western empire. Orientalism is 'a manner of regularized writing, vision, and study, dominated by imperatives, perspectives, and ideological biases ostensibly suited to the Orient.' It is the image of the 'Orient' expressed as an entire system of thought and scholarship. The discourse and visual imagery of Orientalism is laced with notions of power and superiority, formulated initially to facilitate a colonizing mission on the part of the West and perpetuated through a wide variety of discourses and policies. (https://scholarblogs.emory.edu/postcolonialstudies/2014/06/21/orientalism/_

580 English utilitarianism was an offshoot of the western liberal ideas. In the history of English Philosophy, Bishop Richard Cumberland, a 17th century moral philosopher, was the first to have a Utilitarian philosophy. A generation later, however, Francis Hutchson, A British theorist, more clearly held a Utilitarian view. He not only analyzed that action as best that "procures the greatest happiness for the greatest numbers" but proposed a form of "moral arithmetic" for calculating the best consequences. Bentham believed that an individual in governing his own actions would always seek to maximize his own pleasure and minimize his own pain. For Bentham, the greatest happiness of the greatest number would play a role primarily in the art of legislation, in which legislators would seek to maximize the happiness of the entire community. By laying down penalties for mischievous acts, the legislator would make it unprofitable for a man to harm his neighbors. (cited in https://selfstudyhistory.com/2015/04/01/the-english-utilitarian-and-india/) (Also refer-Jeremy Bentham-An Introduction to the Principles of Morals and Legislation, 1789)

Movements and Organizations among Adivasis in Maharashtra: Politics and Process

~Pandurang Bhoye

The Adivasis in Western India are one of the most marginalized communities in India, neglected by the state for decades, living in poverty, deprivation and impoverishment. Though the Constitution of India has provided reservations in jobs and education to empower them and bring them at par with other communities, their conditions remain miserable.

The adivasis are currently facing the brunt of a State led development process. They experience tremendous challenges when the state pushes its development agendas in areas inhabited by them. These development processes have created many social spaces of inequality and have alienated the adivasis not only from the development process but also from their own habitats.

This chapter highlights various social and political movements amongst the Adivasis of Maharashtra while critically engaging with the numerous organizations who have been working among them for a very long time. The activities of the organizations like the Bhoomi Sena, Adivasi Ekta Parishad, Kashtakari Sanghatana, Shramik Sanghatana, Shramajeevi Sanghatana and Shoshit Jan Andolan are organisations which can be broadly categorized as Communist, Gandhian or Hindutva in political movements. Using a historio-analytical model and employing both theoretical and empirical data, this paper attempts to understand Adivasi geography, the social and political movements in the region, and the nature and character of the organization, their workings, leadership patterns and programs.

In Maharashtra, Adivasi districts are divided into three regions, namely; Sahyadri, Satpura and Gondwana. The Sahyadri region includes Pune, Nashik, Thane, Raigad, Mumbai, Palghar and Ahmednagar districts. The Varli, Katkari, Mahadev Koli, Konkona, Thakar and Malhar Koli are the major Adivasi communities in this region. Dhule, Jalgaon, Aurangabad, Amravati and Nandurbar districts are part of the Satpura region. This region is inhabited by the Bhils, Konkanas, Dhankas, Gavits, Dubalas, Korkus, Tadavis, Pavaras etc. The Gondwana region includes Chandrapur,

Gadchiroli, Bhandara, Nagpur and Yavatmal districts. The major Adivasi communities inhabiting this region are Madias, Gonds, Korkus, Kolams, Andhs and Pardhans.[581]

The Adivasis in the region are plagued with poverty, diseases, chronic malnutrition, illiteracy, destruction of forests, the exploitation of labourers by the rich farmers and exploitative land acquisitions by the state and corporations. There are various organisations which have been working and trying to solve the problems of the Adivasis. These movements and organisations have been broadly classified into two types; firstly, the Movements and Organisations lead by non-Adivasi activists and secondly those lead by Adivasi activists and leaders.

Movements among the Adivasis lead by Non-Adivasi Activists and Leaders

Below I dwell on some of the movements concerning themselves with the realities and issues of Adivasis, but whose leadership is in the hands of non-Adivasis. These are the Communist Movement and Gandhian Movement.

Communist Movement and the Adivasi Question

The communists started working in Thane district before Independence. Godavari and Shamrao Parulekar, and Dalvi started work among the Adivasis in Talasari and Dahanu area.[582] Their work focused on exploitation of the Adivasis. According to Godavari Parulekar, their support helped them analyse their conditions better. They became aware about their rights, got courage to stand up against exploitation, slavery, deprived land rights, land alienation, cruelty and inhumanity of outsiders, landlords, moneylenders, government officers, police and others.[583] Godavari Parulekar and other activists led systematic movements for acquiring lands, increasing wages, organized themselves against forced labour and Lagingadi (Marriage slavery) tradition.[584] Godavari Parulekar refers to all the activities in her autobiography, *'Jenvha Manus Jaga Hoto'* (When Man Was Awakened). She gives an in-depth narration of mobilisations and resistances for fortifying humanity, human rights, resistances

581 Mugade V.S., March 2014, 'Maharashtratil Adivasinchi Olakh', (Marathi) Y.P.S. Tomar (ed.) Tribal Research Bulletin Vol. XXXII No. 1, pp 51-52

582 Bhoye Pandurang, 2016, 'Maharashtratil Adivansintil Chalvali Ani Sanghatana' (Marathi), Nagorao Kumbhar (Ed.) Vicarshlaka Bio yearly Journal, Latur, P383.

583 Parulekar Godavari, 1970, 'Jenvha Manus Jaga hoto' (Marathi), Mumbai Mouj Prakashan, P.9.

584 Ibid., pp.71-72.

against exploitation, poverty, unlawful activities by landlords, moneylenders, government functionaries or officials and police, including political leaders at Talasari and Dahanu in Thane district.[585]

The struggles of the Kisan Sabha, part of the communist movement in Thane district, began with Warli revolts of 1945-47, against exploitation and oppression that sought to change production relations and issues affecting Adivasis.[586] The activists and leaders in Talasari and DahanumobilisedWarli Adivasis and peasants around the issues of land, forest, irrigation, wages, and other issues related to livelihoods. In the beginning, the activists initiated the movement against landlord and moneylenders who were exploiting the Adivasis through land, forest, wages, and forced slavery. Adivasis experienced economic and social exploitation and marginalisation. The landlords, moneylenders, forest contractors and state officials played a key role in perpetuating these problematic conditions.[587] 'Vethbigar' and 'Lagingadi' were brutal traditional exploitative systems related to forced labour, previously used by the landlords practiced for not less than five months in a year for cultivation and subsistence. 'Lagingadi' were permanent hereditary servants of landlords, bonded in consideration for loans taken to cover the marriage expenses. The servant had to serve his master until the debt was repaid, which often passed from one generation to the next.[588] The Warli revolts resulted in ending the system of Vethbigar and bonded labour. It fixed the wages for grass cutting and other forest-based work at four & two aanas (50p and 25p) respectively.[589]

Gandhian Movement

Gandhian activists and leaders were inspired by the ideas of M.K. Gandhi, which laid emphasis on constructive programs. Its origin can be traced back to 1918-19, when Thakkar Bappa had been selected to visit and survey the condition of Panchmahal district of Gujarat, which was then pulverized by drought. After receiving instructions from Bharat Seva Sangh', Thakkar Bappa visited Dahod-

585 Ibid., Core ideas of autobiography.

586 Khan Sakib 2015, 'The Kisan Sabha and Adivasi struggle in Thane District after 1947,' review of Agrarian Studies, Vol. 5, No. 1 p. 13.

587 Parulekar, 1970, pp. 119.

588 Khan Sakib, p.115.

589 Parulekar Godawari, 1970, p. 119.

Zalod which is inhabited by Bhils.[590] Their condition was lamentable because of the drought for which he decided to work there. (Bhoye: 385) The developments started with the establishment of Panchmahal Bhil Seva Mandal Institution which concluded into a failed attempt. Later in 1947-48, the contemporary Bombay Presidency's Chief Minister established Forest Workers' Service Organisation (Jangal Kamgar Seva Sangh), which attained more success including the establishment of Cooperative Society related to forest and educational development, which was founded by Thakkar Bappa. He structured Co-operative Institutions and mobilized Tribals.[591] During the same period, Tarabai Modak was working for Adivasis' educational development and later Anutai Wagh made successful experiments in the field of education for the Adivasis in Boardi, Dabhon and Kosbad villages. Her *'Dabhonchya Jangalatun'* (Through the Forests of Dabhon) and *'Kosbadchya Tekdivarun'* (Over the Hills of Kosbad) entails detailed information about the issues and sufferings of Adivasis related to health, superstitious beliefs, agriculture, problems pertaining to children and others.[592]Tarabai Modak and AnutaiWagh were basically concerned with Adivasi children's education, education of forest and its organic changes and socio-economic changes and developments. Anutai Wagh started 'Anganwadis', 'Balwadis', Primary schools, 'Vikaswadi' and other such experimental educational projects.[593] The movements also contributed to the Narmada valley project which became problematic for the Adivasis of Gujarat and some parts of Maharashtra and Madhya Pradesh which are closer to river Narmada. These activists, under Medha Patkar, had worked hard to analyze the impacts of the project and staunchly criticised the impact of the developmental projects. They addressed issues related to the problems of land, exploitation of the Adivasis and the exploitation of forest lands. Along with these issues, they also worked for improving irrigation facilities, settlements and development of Adivasis.[594]

Organisations among Adivasis Lead by Non-Adivasi Activists and Leaders

There are many organisations that are homegrown and deeply rooted among Adivasis themselves with ideological underpinnings stemming from their own reality. However, the leadership although

590 Bhoye Pandurang, 2016, p. 385.

591 Gare Govind, 1987, 'Thakkar Bappa', (Marathi) Pune Shrividya Prakashan, pp. 13-23.

592 Wagh Anutai, 1980, 'Kosbadchy Tekdivarun' and 'Dabhonchya Jangalatun' (Marathi) 1990, Central theme of both autobiographies.

593 Ibid., pp. 33-51.

594 Sangavi Sanjay, 2000, 'The River and Life: People's Struggle in Narmada Valley' (Autobiography) and (2004) 'Samkalin Satyagrahi Sangharshache Nave Roop: Narmada Khoriyatil Jan Andolan', (Marathi) Central Themes of Autobiographies.

dispersed does center around Non-Adivasi individuals. These are the Kashtakari Sanghatana, ShramajeeviSanghatana, Shoshit Jan Andolan and the Hindutva Organisations and Vanvasi Kalyan Ashram.

Kashtakari Sanghatana

Adivasis of Thane district were facing different kinds of problems related to land, farming, exploitation of forest resources and other issues including forced labour under appalling conditions.[595] Adivasis of Dahanu and Talasari region were facing a number of problems in acquiring forest land, with acute violation of human rights, forced labour, exploitation and torture by the merchants and landlords. In Talasari, some Tribal youths agitated against *'Dapchari Doodh Prakalp'* (Dapchari Milk Project). After which, Pradeep Prabhu, a lawyer and activist, mobilised Tribal youths in the area. He campaigned among Tribals and organised training camps to make the youths aware about their social realities and ways to engage with them.[596]

In 1978, Pradeep Prabhu organised a three-month study camp on politics for Tribal youths. All activists and participants had decided to have an organisation in a meeting held on 2 October 1978. Finally, on 23 December 1978 Pradeep Prabhu and other activists founded Kashtakari Sanghatana.[597] Kashtakari Sanghatana led programs and agitations against moneylenders. They confronted corrupt administration, mobilised women' agitations, strived for the protection of natural resources, worked towards food protection, promoted dignity of life and fought vigorously for a secure and sufficient wages.[598] They had organised a major agitation against money lenders and shopkeepers at Ambali in 1979, with regards to fake cases, arrests and tortures by police officials and money lenders in 1982. Exploitation of land resources and distribution of food was another issue that was raised by the organisation. They agitated for forest development and re-harvestation in 1989 and also for acquiring

595 Kashtakari Sanghatana, April 2005, 'Kashtakari Sanghatana, Manav Muktichya Dishene', (Marathi) Thane, Kashtakari Sanghatana, pp. 1-2.

596 Ibid., pp. 2-3.

597 Ibid., pp. 4-5.

598 Ibid., pp. 6-12.

work at Rojgar Hami Yojana in 1996, Sukanu Health Project of 1999-2000 and other such projects[599] were the different endeavors of the organisation.

Shramajeevi Sanghatana

Vivek Pandit and Vidyulata Pandit founded Shramajeevi Sanghatana in 1982 by organising Adivasis of Vasai, Wada, Bhiwandi and Shahapur regions for the purpose of Tribal development and their rights.[600] They organised agitations in Virar with only 24 activists initially but in the second Morcha (protest rally) at the Vidhan Sabha (Assembly), they managed to mobilize 123 activists to participate in the protest. They were arrested and then released with the help of Sadanand Varde and Vasant Bapat. They organised Adivasis against Veth Bigari (Forced labour) and against the labouring system imposed by the powerful class. They enabled the establishment of *'Samarthan Bigar Shasakiya Sanstha'* (Samarthan Non-Governmental Institution) which worked on planning and development of the Adivasis.[601]

Shoshit Jan Andolan

Shoshit Jan Andolan is a committee of Dalit-Adivasi-Kashtakaris. It works and engages on issues of land-rights and regularization of forest land cultivation.[602] From 1975-76, different organisations have come together to fight for the rights of the Adivasi of Thane district to regularise forest land cultivation. In order to fight for the Adivasis rights, different organisation from Dhule, Pune, Chandrapur, Yavatmal and Nashik formed *'Jabran Jyot Andolan Kranti Samiti'* who were instrumental in organising a Morcha (protest rally) against land exploitation in March 1978.[603] This Samiti awakened and organised the Adivasis through meetings held at Manor (Thane), Dhule, and Sironcha (of Gadchiroli) concerning forest land cultivation and protection of land and forests in the 1980s. This organisation also helped to confront the transgressions of their land from 1960 to 1978 which was used as Government's unused land or forest land by authorities. They organised an Andolan

599 Ibid., pp. 8-18.

600 Pandit Vivek, 15 August 2014, 'Dusrya Swatantryacha Ladha', (Marathi) a Speech delivered on, Thane, Shramajivi Sanghatana.p.24.

601 Ibid., pp.24-25.

602 Shoshit Jan Andolan, February 1, 2004, 'Jamin Hakk Parishad', Mumbai, Shoshit Jan Andolan, Maharashtra. pp.1-2.

603 Ibid., p.1.

(movement) against it which resulted in revised laws on 12 September 1979.[604] In June 1986, *'Jabran Jyot'* and '*Bhumihin Shetmajur Shetkari Andolan'* (Landless Labour farmers' Agitation) had a meeting in Mumbai and decided to rename the organisation as *'Maharashtra Kashtakari Andolan Samiti',* (Shoshit Jan Andolan; 3) who fought for the cultivation and redistribution of surplus land, forest land, Government land and transfer of ownership to the Adivasi people. On April 18 and 19 in the year 1987, the committee summoned a meeting at 'Hamal Bhavan' and decided to rename it as 'Shoshit Jan Andolan', which fundamentally worked on issues related to land rights.[605]

Hindutva Organisations and Vanvasi Kalyan Ashram

Hindutva organisations claim Adivasis to be a part of Hindu religion. They consider Adivasis as *'Vanvasis'*. According to this belief, *'Vanvasi'* are the ones who live in the *Van* (forest).[606] These organisations are completely based on Hindu culture, tradition and thinking. They established their culture, neglecting Adivasis' own culture, by providing educational facilities, hostel facilities, teaching them Hindu culture and gradually imbibing in them Hindu belief systems. The organisations like Vishwa Hindu Parishad, Rashtriya Swayamsevak Sangh, Swadhyay Parivar and Vanvasi Kalyan Ashram had organised Adivasis and worked on the most elementary issues that affected them. Balasaheb Deshpande described the basic role of the organisation as:

' ... The basic objectives of the organisation is to end the difference between Vanvasi and Hindu society, for that we should have to behave with love and establish a sense of belonging about Hindu religion and Hindu society.'[607]

These organisations also worked for the education of Adivasis by building schools and hostels for them. Simultaneously health projects, agricultural projects, village development projects, projects on women' development aimed at strengthening them. Campaigns to consider the Vanvasis as urban inhabitants and an integral part of the nation by labeling them as 'Bharatvasi', is aimed at assimilating them. According to them, 'Adivasis are Backward Hindus'. Under the Swadhyay Parivar they started

604 Ibid., p.2.

605 Ibid, pp.1-2.

606 Vaid Snehalata, 2011, 'Vanvasi Kalyan Ashram: Karya Parichay', (Marathi) Chhattisgarh, Akhil BhartiyaVanvasi Kalyan Ashram. pp.13-16.

607 Vanvasi Kalyan Ashram, (January 2004), 'OlakhVanvasi Kalyan Ashramachi', (Marathi) Mumbai, Vanvasi Kalyan Ashram. p.3.

introducing Hindu culture and festivals among the Adivasis and introduced Hindu Gods which exposed them to Hindu rites and rituals, thus creating a collective Hindu identity of the Adivasis. Hindutva organisations arranged programs and projects among the Adivasis and implemented and projected them as, 'equal' and 'one'.[608] After 1977-78, they started similar works in all the Adivasi areas across India. Till 2004 works in more than 10,000 projects in 38,000 villages (out of 1,43,000) were in progress. They had 54 full time activists (half of them were Adivasis) with much support from other (socialist, political leaders and wealthy) people. They were successfully running more than 500 projects.[609]

Movements among Adivasis lead by Adivasi Activists and Leaders

Among Adivasi movements led by Adivasi themselves with little or no Non-Adivasi leadership are the Bhil Resistance in Dhule, Bhoomi Sena and the Adivasi Ekta Parishad.

Bhil Resistance in Dhule

In Dhule district, concentrated mainly in Shahada, Taloda, Navapur and Nandurbar area, which was part of Dang region, these areas are inhabited by Bhils, Thakkars, Varlis and Katkari Adivasi communities. A number of stakeholders in the region participate in the exploitation of Adivasis and their resources. We have the government officers, forest officers and police from the side of government. Then there are the moneylenders, landlords and rich people from Gujarat who, in the name of 'development', are active in destroying and exploiting lands, forest, irrigation and Adivasi peoples' life.[610] Against such exploitation of natural resources and physical and mental abuse of the Adivasis, many social activists like Gulab Maharaj, Babubhai Mehta (after 1956), Damodardas Mundada, etc. were actively involved in resistance. They started organising, collaborating, educating and awakening the people about their condition. In 1956-57, Ambarsing Suratvanti, a Bhil Adivasi, came in contact with Mundada and became very active, standing for the Adivasi' cause and struggle.[611]

608 Bhoye Pandurang, 2016, pp. 388-89.

609 Vanvasi Kalyan Ashram, (January 2004), Olakh Vanvasi Kalyan Ashramachi, (Marathi) Mumbai, Vanvasi Kalyan Ashram. pp. 2-3.

610 Bhoye Pandurang, 2016, pp. 387-88.

611 Gare Govind, 1998, 'Adivasi Vikasatil Dipastambh', (Marathi) Pune Shreee Vidya Prakshan, p. 48.

An incident which unfolded played a pivotal role which inspired Ambarsing to become active in the movement.

In May 1971, Dr. Vishram Patil, a rich landlord first rejected, and then distributed grains/food-ingredients (4 Payli/20 kilos each) to Adivasi people. However, immediately he contacted the police and registered the same as robbery. The Adivasis' were suddenly surrounded at Mhasavad village by police from one side and landlords of nearby villages from the other. The landlords ordered the police to fire, but they rejected. Suddenly the landlords started firing on Adivasis and one Bhil Adivasi got killed. The post-mortem reports produced by the doctors declared that the death was caused by an arrow. The Bhils rejected the report and demanded for re-investigation. After the complaint, the dead body was re-investigated by a different doctor, who found two bullets and declared the real cause of death. This report sent 7 landlords to prison and led to the suspension of the investigating officer. They were released on bail and after their released, they retaliate and assaulted the Bhils including Ambarsing in prison. Their hamlets were burnt, people were tortured, false complaints were lodged against Ambarsing, a rising leader among the Adivasis.[612]

After his release, Ambarsing, son of a yearly bonded labour who was exploited personally, started organising Adivasis on the issues of Adivasi exploitation, questions of landless labours, bonded labours, unused forest lands under cultivation, women education, resistance to unlawful powers, and to seek for an independent identity of Adivasis. He gathered Adivasi people and made them aware of their exploitation and gave them courage to resist. He organised many meetings and guided them.[613] He used to sing *Bhajans* (hymns) and came to be known as 'Ambarsing Maharaj'. He was titled Maharaj as persons who sing *Bhajans* (hymns) are called Maharaj among the Bhils. Some educated youths from different places joined him and helped him organise youth *Mandals* at different places.[614] These activities were known to the Bhil movement of Shahada, who later went on to establish Shramik Sanghatana.

612 Bhoye Pandurang, 2016, p. 388.

613 Gare Govind, 1998, pp. 49-50.

614 Kulkarni S.D.,1982, 'The Bhil Movement in the Dhulia District' (1792-74) Tribal Movements in India (Edt.) Vol.2. K. S. Singh New Delhi Manohar Publication., p. 267.

The Shramik Sanghatana in 1971, decided to conduct a survey of different villages to study the problems of land alienation. By January 1972, about 72 villages were surveyed, and on 30 of January a massive rally of 6000 Adivasis was organized for stopping Adivasi land transfer to non-Adivasis, restoration of lands illegally transferred, implementation of EGS of state government and fixation of minimum wages for agricultural labourers. This resulted in restoration of about 1872 acres of land in thirty-one villages.[615] The Sanghatana had launched complaints for the recovery of the possessions of Adivasi lands, which Adivasi had lost possession of, and from January 1972 the Adivasis had forcibly harvested crops on these lands. As a result, within three months about 4000 acres were recovered in Shahada and Taloda.[616] Later, till the death of Ambarsing on 25th of February 1974,[617] he and his supporters had organised many *Morchas, Satyagrahas* and demonstrations, including the Ukai project movement on 17 July 1974 at Shahada. They successfully organized *Satyagraha* of 20 and 21 July 1974 and held a demonstration before the Collectorate on August 21, 1974.[618]

Bhoomi Sena

The Bhoomi Sena owes its emergence and rise to the efforts of a single person, born around 1943, named Kaluram Dhondade, popularly known as Kalu Kaka in Palghar region. He is originally from Kondhan village and belongs to the Malhar Koli Tribe.[619] In this period, landlords, moneylenders, mediators and forest contractors were controlling the Tribal area of Thane district. De Symington's report highlighted these feudal systems and discussed them as, 'terrible system, which entails conditions of life hardly distinguishable from slavery on the bulk of the aboriginal population ...'[620] The reason behind the birth of Bhoomi Sena (in 1970) was the dominance of the feudal system, feudal lords, landlords and moneylenders. The group of young youths led by Kaluram were awakened, who led a protest organised by Adivasi people and gave them courage to stand collectively against exploitation, injustice and all types of oppressions. With the support of Aba Karamkar of

615 Ibid., p.68.

616 Organizing the Adivasis, February 1974 Reviewed, Economy and Political Weekly, Vol. 9 No. 6/8., p 176.

617 Kulkarni S.D., 1982, p. 268.

618 Bhoye Pandurang, pp. 5.

619 Deshpande Vasant, 1984, 'Adivasis of Thane, 2nd Publication of the series- the Struggle of the Deprived for Development', Pune Dastance Ramchandra and Co. p.22.

620 de Silva, 1978, 'Bhoomi Sena: A Struggle for People's Power', National Institute of Bank Management, pp. 9-16.

Bhoomiputra Pratishthan they later collaborated with the youth group on the 15 of May 1972. They visited different places and spread awareness amongst the tribes about land grabbing, securing minimum wages, bureaucracy, social customs and established Bhoomiputra Pratishtan with Aba Karamkar who concentrated on social and political aspects, economic programmes and issues concerning forest land cultivation and ownership of land.[621] The Bhoomi Sena had concentrated its attention on five major issues, such as:

(i) Organising the tenants and indebted farmers, (ii) Organising strikes to secure minimum wages under the Minimum Wages Act, (iii) Pressurising government authorities to provide works under the Employment Guarantee Schemes (EGS), (iv) Introducing social reforms with Tribals and (v) Liberating the bonded labourers from the moneylenders.

At first Kaluram guided, organised and liberated the villagers against the land capturing, cultivating and forceful labouring of Bhaiyya's (in Deokop village) and raised a struggle against them and the police. They managed to release the land from them and returned it to their rightful owners. One such example is Banibai's land in Deokop village, which was returned to her in 1978.[622] For securing minimum wages, Bhoomi Senaorganised strikes for landless labourers and pressurised the concerned government officials to take due course of action. It started at Chahada (in four Padas/hamlets and around 100 villages) in July 1971 and lasted for a year till July 1978. The strikes were successful in ensuring an increase in wages, a strengthening of the labourer's fighting capacity, maintaining the role of the bureaucracy. There were some losses, like limitation of works, reduction in 'Seasonal Contract Employment' and unbounded laboring.[623] Bhoomi Sena mobilized the Adivasis, pressuring the government to provide work to labourers under EGS. They went on a strike demanding employment during the off-season for agricultural labourers. During this period, a large number of people migrated to distant places in search for job opportunities. Bhoomi Sena mobilised such labourers and organised three protest marches. The first protest march was held on 13 February 1979 constituting of 1000 laborers who were suspended on 9February 1979. The second march was on 23 February 1979 at the Tahasildar's office at Palghar, with 1200 workers from about 25 villages coming together. The third was organised on 5 of April 1979 for those who lost employment because of sudden suspension of a

621 Pandurang Bhoye, 2016, p. 4.

622 Deshpande, 1984, pp. 35-44.

623 Ibid., pp.44-53.

road construction work. This suspension affected about 500 workers.[624] In order to introduce social reforms among the Tribals, Bhoomi Sena organised strikes against the extreme forms of slavery such as *Lagingadi* (slave through marriage loans) and *Gowari* (one who looks after the cattle). Bhoomi Sena attacked it in two ways: first by compelling the government to start work, and second by persuading Adivasis to change their expensive and harmful customs and rituals. Bhoomi Sena and labourers took up the implementation of, "Bonded Labour System (Abolition) Act, 1976, which was brought into force by an Ordinance on 25 October 1975. As a result of this, till May 1979, more than 400 bonded labourers from about 50 villages were indentified and liberated. They also conducted surveys and made a list of the bonded labourers in every village.[625]

Adivasi Ekta Parishad

Ambersingh Suratvanti, who was working for Adivasis' development and related issues, had organised a meeting (Ekta parishad) at Shahada on 1 May 1972.[626] The issues addressed the exploitation of labour, low wage rates, long working hours, the sufferings of the labourers, their entitlement to benefits, and over the cruelty of landlords and moneylenders. The basic aim of the meeting was to inform the Adivasis about their problems, sufferings and help organize them against the exploitative systems. Ambarsingh and other Adivasi activists from Maharashtra, Gujarat and Madhya Pradesh, had distributed pamphlets and informed Adivasi people, workers, farmers and labourers regarding the need to gather and organise movements against the oppressor and resist against the landlords and moneylenders. In response to the resistance, moneylenders and landlords stopped giving work, food and money to the labourers. The Ekta Parishad emphasised on the value system of the Adivasis, their life, history, culture, forest, and nature-based equality. They had consistently struggled for Adivasi issues in Adivasi areas of Maharashtra, Madhya Pradesh, Gujarat and Rajasthan.[627] Later, after deliberation and prolonged debates, discussion and visits to Adivasi areas across Maharashtra, the activists decided to establish 'Adivasi Ekta Parishad', formally in 1992. The Parishad concerns itself with the issues of Adivasis' cultural identity, gender equality, nature as a supreme power and its protection, protection of land and forest, emphasis on unknown Adivasi heroes, value of Adivasi

624 Ibid., pp. 53-61.

625 Ibid., pp. 61-64.

626 Rege Mangesh, June 1972, 'Shahada: Tis January Te Eak May', (Marathi) Magova, p. 34.

627 Adivasi Ekta Parishad, 2014, 3rd Edition, 'Ghoshanapatra' (Marathi) Adivasi Ekta Parishad., pp. 4-5.

livelihood, identity, a society based on religion and equality, protection of their culture, and traditional knowledge system. Presently, the work of the parishad continues to be under the guidance of Vaharu Sonawane, Kaluram Dhondade (Maharashtra), Gajanan Brahmne, Shankar Tadavala, Fatesingh Solanki (Madhya Pradesh), Sadhanaben Meena, Mogijbhai Bhagora, Jivram Damor (Rajashthan), Sanglyabhai Valvi, Ashokbhai Chaudhari (Gujarat).[628] The Parishad works towards establishing a culture of protection of nature' freedom and Adivasi freedom and their neglected history and humanity. The first Sammelan (conference) was organized on 14-15 January 1994, at Ankushvihar, Akkalkua (Dhulia district) and is still organized on the same date every year. The 14 and 15 of January have been decided because the Earth has changed its direction on this date.[629]

Conclusion

The movements lead by non-Adivasi leaders and activists are based on a specific ideology. These movements are trying to expand their ideology and programs in Adivasi areas, like Marxist and Hindutva through their organizations. In most of the Adivasi areas, the movements are led by non-Adivasi leaders, except probably the Bhil resistance in Dhule, Bhoomi Sena and Adivasi Ekta Parishad which were led by Ambarsing Suratvanti, Kaluram Dhondade and Vaharu Sonwane, respectively. These movements focus on exploitation of Adivasis by non-Adivasis, right of Adivasi' lands, issues pertaining to irrigation, forest and Adivasi rights. These organisations and movements attempt to counter landlords, middlemen, moneylenders and administrators. Marxist movement and organisations have specifically underlined Adivasis' exploitations, with regard to the land acquired by non-Adivasis, women' exploitation, forest department policies and wages.

Those ctivists and leaders influenced by the Gandhian ideology focuses on issues related to health and education among the adivasis. They have also formed co-operative societies. Gandhian activists focus on Adivasis' self-consciousness and development in Maharashtra. For instance, Thakkar Bappa dealt with issues of health and poverty among Adivasis. Others like Anutai Wagh, introduced new educational experiments among Adivasis at Kosbad. Other organisations like Shramik Sanghatana,

628 Ibid., p.50

629 Ibid., p.52.

Kashtakari Sanghatana and Shramajivi Sanghatana drew attention to exploitation of Adivasis in Maharashtra.

One of the important movements among Adivasis is Bhoomi Sena, led by Adivasi activist, Kaluram Dhodade who underlined Adivasi' land related issues in Thane district. The movement's impact was observed when the Government agreed to give Adivasis land in Palghar district. He is still leading the movement concerning these issues. Adivasi Ekta Parishad is working for Adivasi identity-based issues. Hindutva organisations are working and mobilizing Adivasis and identifying them as Hindus. Hindu traditions, symbols and beliefs systems were introduced among them. At present, different Adivasi communities are raising the questions of identity through different organisations, like Adivasi Sangharsha Kruti Samiti, Adivasi Seva Sangh, Adivasi Gond Samaj, National Adivasi Youth Association, Bhilisthan Tiger Sena and Adivasi Eklavya Yuva Samajik Sanghatana. In comparison, the Adivasi movements in Maharashtra are not as vibrant as those in other parts of the country among Adivasis. But Maharashtra, with all its complexities, both in the realm of history and social composition is an interesting place to observe and understand Adivasi struggles for emancipation.

Adivasi Rights and International Investments: Implications of Mining in Fifth Scheduled Areas

~Abhay Xaxa

Framing the Context

International Investment Agreements (IIA's) are critical legal instruments, which drives Foreign Direct Investments (FDI's) in several economic sectors and especially impacting communities dependent on natural resources.[630] Until the end of 2012, India had signed 86 IIA's of which 73 are operational, but still its implications on Adivasi rights have not been probed sufficiently. The few obvious reasons behind shortage of relationship analysis between IIA's and Adivasi rights is that these agreements still remain a gray area by revealing very less and operates like an invisible force on the ground.[631] Secondly, Adivasi Rights itself remains a contested domain as it has been evident from oppositional interpretations from the Supreme Court and the Indian Government in various cases and legislations. For example, how do we analyse the historical SAMATA judgment in 1997, where the apex court decisively outlined the contours of Adivasi rights over land but later on overturned it in the BALCO case of 2001. In the complex ecosystem of rights, it appears difficult to ascertain when and why Adivasi rights are over-ridden and when it over-rides. Similarly, ambiguities also remain at policy-making level, which weakens the claims of Adivasis further marginalizing and disempowering them in globalized India. While focusing on mining sector, this exploratory study intends to outline a framework of analyzing implications of IIA's on the rights of Adivasi communities granted to them in Indian Constitution.[632]

630 Bhushan Prashant, (2004). "Supreme Court and PIL: Changing Perspectives under Liberalisation", Economic and Political Weekly, 39(18), May 1, pp. 1770-74.

631 Stuart Kirsch, (2014). Mining Capitalism: The Relationship between Corporations and Their Critics University of California Press.

632 Kalshian, Rakesh. (2007). "Preface," in Rakesh Kalshian (ed). Caterpillar and the Mahua Flower: Tremors in India's Mining Fields. New Delhi: Panos South Asia, pp. 4-10.

Who are the Adivasis?

In Indian context, groups and communities with distinctive culture and language, subsistence economy, geographical isolation from mainstream society, and general features of backwardness were termed as tribes and after independence were ascribed with the official category of "Scheduled tribes" for the purpose of formulating specific policies. According to 2011 Census, the total population of Scheduled tribes is over 100 million amounting to 8.6 percent of the Indian population. In absolute terms, India has the second largest tribal population after Africa with a total of 533 communities listed as "Scheduled Tribes" in the constitution.[633]

Majority of these communities share common experiences of historical struggles with the external and internal colonisers over autonomy and protecting their unique social, political and cultural identity, while self-identifying themselves as Adivasis *(literally meaning original inhabitants)* or Indigenous people. Although India has ratified ILO Convention 107 0f 1957 related to indigenous peoples but didn't ratify Convention 169, which deals with issues of sovereignty and self-determination. Apart from this, India was a party to the Lusaka Declaration in 1979 that made a commitment to pay special attention to 'indigenous minorities.' The official stand of Indian government at various international forums is that since all communities are indigenous, so there is no need of according indigenous status to few communities. This ambiguous stand pertaining the Adivasis of denying them the 'indigenous people's' status has weakened their claims over land, forest and other natural resources and undermined their socio-cultural rights.[634]

Legal Provisions to Safeguard Adivasi Rights

In theory, India has one of the most comprehensive legal protection systems in the world for Adivasis and their land rights, but practically one of the worst records of enforcing, implementing or monitoring these laws mostly because the ruling class lacks political will in doing so. There are as many as twenty articles and two schedules in the Constitution of India directly or indirectly concerned with the welfare of the Adivasis of India. Inter alia, Art. 14 provides for the right to equality, Art. 15 prohibit

633 Government of India, 2006, National Tribal Policy (Draft), New Delhi: Ministry of Tribal Affairs.

634 IWGIA. 2004. The Indigenous World 2004. Copenhagen: International Work Group for Indigenous Affairs.

discrimination on grounds of religion, race, caste, sex or place of birth, Arts. 23-24 concern the prohibition of traffic in human beings, of forced labour and of employment of children, Arts. 25-28 contains the right to freedom of religion and Arts. 29-30 comprises the rights of minorities to culture and education.

Provisions of Fifth Schedule

During the framing of Indian Constitution, most of the Constituent assembly members realised that the Adivasis and their areas should be administered differently by the law and therefore Article 244(1) dealing with Fifth Schedule was incorporated. It provides for the establishment of "Scheduled Areas" in any State except for North-East India. Scheduled Areas are regions outside the influence of the normal legislative and political procedures and their main objective is to *"to impose total prohibition of transfer of immovable property to any person other than to a tribal and to protect the possession, rights, titles, and interests*" of Scheduled Tribes. The process of scheduling involves the recommendation of eligible regions by the State government and the governor to the central government, which has to endorse the proposal. So far Scheduled Areas are to be found in ten States: Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa and Rajasthan.[635]

Panchayat Extension in Scheduled Areas (PESA)

In 1992, the 73rd Amendment Act was passed and Part IX (Arts. 243A-O) along with the Eleventh Schedule (Art. 243G) was included in the Constitution in order to endow the Panchayati Raj system with a firmer standing and specific powers. These new provisions envisaged the formation of *Gram Sabhas* (village councils), which would represent the village level, and Panchayats - based on a three-tier system - on the village, intermediate and district level. Similarly, in 1996, based on the recommendations of the Bhuria Committee, the Provisions of the Panchayat (Extension to the Scheduled Areas) Act (PESA Act) was passed, which, as its title suggests, extends the provisions of the 73rd Amendment Act of 1992 to the SAs. The Gram Sabhas in Adivasi areas now have the same powers as in other regions, which are, inter alia, to preserve the cultural identity, traditions and customs of Adivasis, to manage the community resources and to resolve disputes through the customary mode of dispute resolution, to decide on development matters in the village and the ownership of minor

635 Mukul, (1997). "Tribal Areas: Transition to Self-Governance", Economic and Political Weekly, 32(18), May 3, pp. 928-29.

forest produce, to control the money lending to Adivasis and to supervise all other social institutions. Most importantly, in the case of State acquisitions of land under the 1894 Land Acquisition Act, the act (under para 4. [i]) requires the government to consult the Adivasi Gram Sabha or Panchayat before any acquisitions are made, for instance for development projects and the resettling of Adivasis.[636]

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act 2006)

In a historical moment for Adivasis across the country, FRA 2006 was passed in parliament which granted thirteen different types of rights on fulfilment of certain conditions.[637] These rights are:

Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers. Community rights such as *Nistar*, by whatever name called, including those used in erstwhile Princely States, *Zamindari* or such intermediary regimes. Right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries. Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities. Rights, including community tenures of habitat and habitation for primitive tribal groups and pre- agricultural communities.

Rights in or over disputed lands under any nomenclature in any State where claims are disputed; Rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles. Rights of settlement and conversion of all forest villages, old habitation unsurveyed villages and other villages in forest, whether recorded, notified, or not, into revenue villages. Right to protect, regenerate, or conserve or manage any community forest resource, which they have been traditionally protecting and conserving for sustainable use. Rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of concerned tribes

636 Bijoy C.R., (1999). "Adivasis Betrayed: Adivasi Land Rights in Kerala", Economic and Political Weekly, 34(22), May 29, pp. 1329-35.

637 Government of India, 2006a, The Scheduled Tribes (Recognition of Forest Rights) Bill, 2006, New Delhi: Ministry of Tribal Affairs.

of any State. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity. Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal. Right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement or rehabilitation prior to the 13th of December 2005.[638]

Land Acquisition, Rehabilitation and Resettlement Act 2013 (LAR&R)

LAR&R was a response to two decades of demands and struggles by people who were impoverished by land loss to development projects. It stipulates that the consent of 80 percent of the affected families is necessary before acquiring land for a private company and 70 percent for a joint venture. It wants social impact assessment (SIA) in order to study the impact of land takeover on people. If compensation has not been decided or paid for land acquired five or more years prior to this law, it will come under LAR&R which gives more benefits than the LAA did. Among land losers it includes all its dependants, the legal owner as well as agricultural labourers and people tilling community land because all of them sustain themselves on it.

International Investments, Adivasis and Mining

In the era of globalisation, the multi-national companies have become an important source of investment for mining sector.[639] Despite the global slowdown, there has been a steady increase in the FDI in Indian mining sector which can be related to the following reasons:

(i) India has permitted 100 percent foreign direct investment in the mining sector making it a favorable destination for multi-national corporations, (ii) Mining is undoubtedly one of the priority sectors of

638 Menon Ajit, 2000, State, Communities and the Forest Question in the Kolli Hills: A Study of the Political Economy of Decentralisation. Ph D Thesis, Madras Institute of Development Studies, University of Madras.

639 Dungdung, Gladson, (2008). Tricks of Trade ('CSR, as implemented by Arcelor-Mittal in Jharkhand, is more Conspiracy for Snatching Resources than Corporate Social Responsibility'), Tehelka.

India in which more than one million workers are employed which amounts to 4 percent of the total work force, (iii) According to the World Bank report, the mining sector in India is a sunshine sector which will continue to grow for the next 30 years, (iv) India has reserves for around 86 different kinds of major minerals which provides a great opportunity for exploration and extraction, (v) The environmental regulations in India are comparatively flexible than those of US and European country, (vi) The implementation of labor laws are very loose making it conducive for foreign investors and (vii) The tax concessions and reduced royalty for the multi-national corporations make India an attractive destination for International investments.

According to the Centre for Science and Environment (CSE) estimates, around 94 percent of India's mines are located in Adivasi populated areas. Not only this, the forest and tribal areas also have a close overlap with mineral resources. Nearly 90 percent of tribals live in rural areas, often covered by forestlands and with rich mineral reserve. About 90 per cent of India's coal and nearly 80 percent of its other major minerals are found in tribal areas. In what has been popularly called as the "resource curse", these Adivasi communities also experience extreme deprivation and poverty. They have been historically denied legal rights of ownership over natural resources. Under the contemporary deregulated neo-liberal policy framework, the exploitation of natural resources, including minerals, by domestic corporates and multinational mining companies has intensified. But the resistance by affected communities across the world has also grown and is reflected, over the years, in the establishment of an international framework through ILO and U.N. Conventions, which recognize in varying degrees the rights of indigenous and tribal communities to ownership, control and management of land and resources traditionally held by them either individually or as a community; the right to a decisive role in decision making for development needs in their areas; and the right to prior, free and informed consent to any projects in their areas. While these are encouraging advances won by the struggles and immense sacrifices of Adivasi communities, what is important is their translation into legal instruments in member countries.[640]

In Indian context, the Union Government has the absolute ownership over major mineral resources like iron ore, bauxite, copper, coal and State governments which have control over minor minerals

640 Pandey, Balaji. 1995. "Impoverishing Effects of Coal Mining Projects: A Case Study of five Villages in Orissa," in Hari Mohan Mathur and David Marsden (eds). Development Projects & Impoverishment Risks: Resettling Project-Affected People in India. Delhi: Oxford University Press, pp. 174-192.

like sand, stone, granite, etc., have promoted privatization through leasing mines to private companies apart from handing over captive mines of iron ore and bauxite to steel and aluminum corporates like the Tatas and Birlas. According to a recent report compiled for the industry by Ernst and Young, of the 4.9 lakh hectares of land given out in mining leases in 23 States by the end of 2009, 95 per cent of the leases comprising 70 per cent of the land were given to private companies.[641] At present, laws and regulations have been bent to such an extent that mining is taking place unabated inside and outside reserved forests, protected forests, national parks and wildlife sanctuaries. The Foreign Direct investment (FDI) story for India has resulted in complete destruction of Adivasi livelihoods.

Implications of Mining on Adivasis

Alienation from land and other natural resources

The tribal communities in India have a very strong relationship with forest, land, water (Jal, Jangal, Jameen) and other natural resources.[642] But because of increased mining activities by multi-national corporations, the rights of the Adivasis over forest resources have gradually been extinguished. Insecurity of ownership and eviction from these lands has led to alienation of Adivasi communities from their habitat leading to destitution and deprivation. Also, the small land holdings of tribal families are being appropriated by corporates due to poor land record systems, illiteracy, poverty, ignorance and land grabbing by non-Adivasis have resulted in dispossession, exclusion and economic impoverishment often reducing them to the status of migrant labour, bonded labourer, or domestic help in urban areas.

Displacement

One of the major problems faced by the Adivasi population in India is forced displacement from their natural habitats due to mining, large hydroelectric projects, rails, roads, infrastructure building, industrialization and evictions from unregularised land. According to a rough estimate, around twenty-five million tribal people have been affected by displacement due to development activities in the past

641 Pathak Akhileshwar, 2002, Law, Strategies, Ideologies: Legislating Forests in Colonial India, Oxford University Press.

642 Bhatia Bela; Sundar, Nandini and Virginius Xaxa, 2005, 'Scheduled Tribes Bill 2005', Economic and Political Weekly, 40(43), October 22, p. 4566.

sixty years. Moreover, research studies show that more than 40 percent of the total displaced people in India belong to tribal community, whereas they constitute only around eight percent of the total population. It means that tribal communities are four times more vulnerable from rest of the population to displacement from various development projects. Because of displacement, the tribal communities lose their land, livelihoods and community way of living, while others reap the benefits of the development often financed from the public funds. In addition to this, inadequate rehabilitation of the displaced tribal communities compounds their problems making them asset-less, poor, and vulnerable to adverse conditions in life.[643]

Erosion of Adivasi Self Rule

In the context of Adivasi self-governance in scheduled areas, after long and persistent struggles by the tribes, the government had passed the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (also known as the PESA Act). The Act was meant to empower the Adivasi community to manage their own affairs in terms of ownership to local resources, participatory development and nurturing their cultural and social life according to their own vision. Most importantly, PESA requires the government to change their existing laws, wherever these are inconsistency with the central legislation.[644] In reality, however, in the decade since its passage, very little has happened. Many State Governments have passed laws or amended existing ones, but not fully in conformity with the PESA Act. The implementation of the law has been severely hampered by the reluctance of most State Governments to make laws and rules that conform to the spirit of the law. The non- empowerment of tribal communities remains one of the most critical factors responsible for the less than desired outcomes in all the interventions, monetary or otherwise meant for their development.

643 Fernandes, Walter and Gita Bharali. 2006. Development-Induced Displacement in Assam 1947-2000: A Quantitative and Qualitative Study of Its Extent and Nature. Guwahati: North Eastern Social Research Centre (mimeo).

644 Upadhyay Sanjay, 2004, "Tribal Self-Rule Law and Common Property Resources in Scheduled Areas of India: A New Paradigm Shift or Another Ineffective Sop?", paper presented at the Tenth Biennial Conference of the International Association for the Study of Common Property (IASCP) The Commons in an Age of Global Transition: Challenges, Risks and Opportunities, hosted by the Instituto de Investigaciones Sociales, Universidad Nacional Autonoma de Mexico, Oaxaca, Mexico, 9-13 August 2004.

Non-implementation of Forest Rights Act

Last year, the Prime Minister himself made an ambitious announcement that all kinds of individual and collective claims under FRA will be settled in two months. But in reality, only 20-25 percent of claims have been actually settled till now. Adivasi communities are being systematically denied their traditional rights by using the legal loopholes and in many cases of Odisha, Chhattisgarh and Jharkhand, the government is watering down the provisions to divert the forest land for mining purposes. For example, in Latehar district of Jharkhand, doubtful and even fake Gram Sabha consent was submitted for getting permission for a coal mine. In another instance from Chhattisgarh, the officials denied recognising FRA claims for 12 villages because an iron ore mine is proposed in that area. In Sarguja district, the government actually cancelled a CFR because Adani group had plans to set up a mining project. In this way, thousands of CFR's have been denied in favour of promoting mining activity in the forested region.

Mines and Minerals (Development and Regulation) Amendment Act (MMDR)

Despite clear evidences about adverse impact of mining on Adivasi communities in form of massive displacement, land alienation, destruction of natural habitats, the NDA-II government managed to pass the MMDR Amendment Act, without any sincere engagement with stakeholders. This amendment Act is crucial because it has undone the efforts of civil society engagement in formulating the original Act which in principle had made way for benefit sharing and participation of communities in mining process. For instance, as per the 2011 bill, notification of public lands for all types of mining concessions had to be done in consultation with the gram sabha or district council in fifth and sixth schedule areas. In non-schedule areas, district panchayats were required to be consulted, but this clause has been removed in the 2015 amendments. Similarly, MMDR 2015 Act has denied and removed the provision of compensation, rehabilitation and resettlement of persons having usufruct and traditional rights over land and resources which was there in the in the 2011 Bill. Now all compensation, rehabilitation and resettlement is limited to occupational rights. MMDR 2015 Act does not safeguard the rights of communities and discourages consultation and excludes affected people from decision-making from the mining sector.

Most importantly, the MMDR Amendment Act has deregularised and liberalised the mining sector and encourage privatization based on the recommendations of the Hoda Committee. It introduces

the concept of high technology reconnaissance, prospecting and exploration licenses, and easy terms of conversion to mining leases to encourage the entry of FDI and foreign companies. It also gives weightage, in the allocation of leases, to a set of criteria which favor such companies and also allows them activity on much larger tracts of land than previously. This has adverse implications for equity, the environment and growth.

Adivasi Marginality

Although there are several legislations to protect Adivasi rights, but Adivasis are still placed at the bottom of most socio-economic indicators. The reasons behind their marginalization are undoubtedly the "resource curse" which has contributed towards their marginal status.[645] Starting with the colonial rule, various repressive legislations such as the land Acquisition Act, 1894 and the Indian Forest Act, 1927 adversely affected the lives and livelihoods of Adivasi communities, and denied them their economic, social and cultural rights. The twin concepts of "*res nullis"* (that which has not been assigned by the sovereign belongs to the sovereign) and "*eminent domain"* (power to take private property for public use by a state) introduced by the colonial administration in Adivasi areas in order to extract valuable mineral, forest and other natural resources caused massive displacement of tribal communities from their natural habitats. After independence, the policies adopted by the Indian government was in continuity with the draconian colonial laws such as the Indian forests Act 1980 and the Mines and Minerals (Development and Regulation) Act, 1957 which further marginalized the tribal communities to the extent that some of the groups had to take the extreme step of siding with the left wing extremist groups in radically resisting the state interventions in tribal areas.[646]

The issue of Eminent Domain and "Public Purpose"

The principle of eminent domain followed by the Indian government has played a key role in acquiring vast tracts of Adivasi land and diverting common property resources for construction of dams, infrastructure development and mining. According to legal expert Usha Ramanathan, ED had three essential ingredients– first, the power of the State to take over private land; second, the exercise of this power for public good (public purpose); and third, the State had to compensate those whose lands

645 Upadhyay Videh, 2001, "Forests, People and Courts: Utilising Legal Spaces", Economic and Political Weekly, 35(43 & 44), June 16, pp. 3789-92.

646 Padel, Felix and Samarendra Das. 2007. "Agya, What Do You Mean by Development?" in Rakesh Kalshian (ed). Op. cit. pp. 24-46.

were acquired for public purpose. The concept of 'eminent domain' is based on the principle that the interest and claim of the whole community is always superior to the interest of the individual. This principle of 'eminent domain' has been upheld in judgments of the Supreme Court.[647]

Customary laws and the special provisions of Fifth and Sixth Schedules for protection of tribal land are mostly over-ridden using the concept of Eminent Domain. For example, in January 2003 Supreme Court passed a judgment relating to land acquisition saying - 'The power to acquire land by State, the land owned by its subjects hails from the right of eminent domain vesting in the State, which is essentially an attribute of sovereign power of the State. So long as the public purpose subsists, the exercise of the power by the State to acquire land of its subjects without regard to the wishes of the owner or person interested in the land cannot be questioned'. With such kind of over-riding interpretation, the Adivasis will continue to lose their land and customary rights over natural resources. In addition to this, the term 'Public purpose' has not been clearly defined in the Land Acquisition Act, 1894, which added land for residential purposes and developments carried out by local authorities and private companies, within the ambit of 'public purpose' which increased the extent of acquisition of private land and diversion of forest and other CPR. But on the other hand, the Supreme Court has also given certain judgements which have a defining impact on the articulation of Adivasi rights.

SAMATA Judgement 1997

Samata first filed a case in the local courts and later in the High Court in 1993 against the Government of A.P for leasing tribal lands to private mining companies in the scheduled areas. The High Court dismissed the case after which Samata filed a Special Leave Petition in the Supreme Court of India. A four- year battle led to a historic judgment in July 1997 by a three judge-bench. The Court in its final verdict, declared that 'person' would include both natural persons as well as juristic person and constitutional government and that all lands leased by the government or its agencies to private mining companies apart from its instrumentalities in the scheduled areas are null and void. In addition, it also held that transfer of land to the government or its instrumentalities is entrustment of public property as the aim of public corporations is in public interest and hence such transfers stand upheld. [648]

647 Pandey, Balaji. 1998a. Displaced Development: Impact of Open Cast Mining on Women. New Delhi: Fiiedrich Ebert Stiftung.

648 Bijoy C.R., 2000, "Adivasi Rights and Struggles of Autonomy, A Review of the Indian Experience", in K. Krishnan (ed.), Adivasi Groups in 2000, Mimeo.

One: As per the 73rd Amendment Act, 1992, "...every Gram Sabha shall be competent to safeguard ... Under clause (m) (ii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawful alienation of land of a scheduled tribe".

Two: Minerals to be exploited by tribals themselves either individually or through cooperative societies with financial assistance of the State

Three: In the absence of total prohibition, the court laid down certain duties and obligations to the lessee, as part of the project expenditure

Four: At least 20% of net profits as permanent fund for development needs apart from reforestation and maintenance of ecology.

Five: Transfer of land in Scheduled Area by way of lease to non tribals, corporation aggregate, etc stands prohibited to prevent their exploitation in any form.

Six: Transfer of mining lease to non tribals, company, corporation aggregate or partnership firm, etc is unconstitutional, void and inoperative. State instrumentalities like APMDC stand excluded from prohibition.

Seven: Renewal of lease is fresh grant of lease and therefore, any such renewal stands prohibited.

Eight: In States where there are no acts which provide for total prohibition of mining leases of land in Scheduled Areas, Committee of Secretaries and State Cabinet Sub Committees should be constituted and decision taken thereafter.

Nine: Conference of all Chief Ministers, Ministers holding the Ministry concerned and Prime Minister, and Central Ministers concerned should take a policy decision for a consistent scheme throughout the country in respect of tribal lands.

Godavarman Judgement 2001

A case was taken to the Supreme Court by TN Godavarman Thirumulpad asking for a part of the Nilgiri hills to be protected from deforestation, which grew into what came to be known as the Forest Cases, or the Godavarman case. There was even a 'Forest Bench' every Friday afternoon. And the court set up a Centrally Empowered Committee with a wide mandate and on whom the court relied for expert opinion. All forests in the country were brought within the fold of this case, under the court's scrutiny and directions. On November 23, 2001, the court at the end of the hearing that day passed an order restraining the central government from regularizing encroachments in the country without the permission of the court. In a distortion of this order that cannot but be considered deliberate, the Inspector General of Forests issued a letter on May 3, 2002 to the Chief Secretaries of all states directing the state authorities to prepare a time-bound program for summary eviction of all the encroachments not eligible for regularization – by September 30, 2002. He was purportedly following up on the November 23, 2001 order of the Supreme Court, except that the court's order had asked for no such thing to be done. The result: large- scale evictions of Adivasi communities in state after state. In a March 2004 reply to a question in the Lok Sabha, it was revealed that 1,52,400 had been evicted from forestlands after May 2002.

This is certainly not the first time that Adivasi communities and other forest dwellers and forest dependent communities faced forced evictions. The scale of evictions and the arrogation of the non-existent authority provoked an outcry, which in the years that followed immediately became a call for the enactment of legal recognition of the relationship between forest dwellers, forest dependent communities and the forest.

Conclusion

1. The implications of IIA's on Adivasi rights are manifold and needs to be addressed seriously. It is appropriate time for the ILO and UN to draft a special convention to articulate the Adivasi rights comprehensively where they are affected by international investment driven projects. There needs to be committed advocacy to make all developing nations with indigenous populations ratify the new convention and it must be binding on all kinds of IIA's and BIT's.
2. The charter of safeguarding the Adivasi rights on land and other natural resources must be incorporated in all the IIA's and BIT's agreement in letter and spirit.

3. In case of bio-diversity rich zones and forests, there must be a complete moratorium on mining till the individual and community claims are totally settled.
4. The Gram Sabha (village council) at the appropriate level should be the final authority for acquisition of land in the scheduled areas for development projects.
5. Ensure complete transparency and accountability in all projects to be implemented in tribal areas.
6. There have been recorded cases of Gram Sabha consent being fraudulently obtained or forged; such conduct must face penalties, and projects that proceed on the basis of consent so obtained cannot be allowed to proceed. If such consequences do not flow, there will be no incentive to refrain from such actions.
7. There has been a proliferation of MoUs between states and companies that imposes responsibility on the state to facilitate various aspects of project clearances including in matters of environmental and forest clearances. Increasingly, the state undertakes to maintain law and order for the smooth execution of the project. These MoUs make the state a party to an agreement and take away the neutrality of the state. The idea such MoUs needs to be reviewed. Institutions such as the Cabinet Committee on Investment that set priorities and pursue them even where it is in direct breach of the law amounts to deliberate flouting of the law and such practices of expediency need be halted.
8. The implementation of the community forest rights has hardly taken off. It needs to have a clear mechanism and plan for recognition of various community forest rights and the rights of vulnerable communities such as PVTGs and pastoralist communities.
9. The implementation of the protective provisions in the law and the process of recognition and assertion of forest rights is so far largely affected (obstructed) by contradictory processes like: diversion of forest land which, among other things, is displacing Scheduled Tribes/OTFDs and alienating their rights, displacement from the protected areas and Tiger Reserves, and displacement.
10. The democratic structure in forests with the Gram Sabhas as laid out in the FRA faces great resistance from the current forest regime and the various forestry institutions and programs implemented by the Forest Department and the MoEF. In the Joint Forest Management program, for instance, the operation of working plans is found to be obstructing the process of assertion of rights by the Gram Sabhas. It is necessary to remodel the entire structure of forest administration, the Forest Department, the MoEF and its programs to complement and

enable the control and management of forests by Gram Sabhas and local communities.

11. The FRA mandates the representation of women in Gram Sabha and in the other tiers prescribed by the law. Effective participation has, however, been elusive. Given the close relationship between forests, forest produce and women's lives, there is work to be done to turn this around.
12. Government officials who were the agencies to prevent tribal loss of land are increasingly being seen to be negotiators on behalf of project authorities. This is a very disturbing trend, where the very authority who had been tasked with preventing land alienation from a tribal to non-tribals becomes an agent for effecting such alienation. This must be stopped.

Attempts to Amend the CNT and SPT Act in Jharkhand: Are We Witnessing the Rise of Settler Colonial Politics?

~Niraj Lakra

Contexts

From the past few months, Jharkhand has witnessed protest and resistance over the issues of amendment in t*he Chhotanagpur Tenancy Act (CNT)* and *Santhal Pargana Tenancy Act (SPT). The* Adivasis have a long history of struggle against state repression and the imposition of external laws on their realities. Most of these struggles are related to the protection of land, safeguarding identity and asserting dignity. The enactment of the CNT Act 1908 and the SPT Act 1949 were a hard-fought uprising against *diku*[649] colonialism constituted by the colonial / oppressing classes such as the British, the zamindars and the local money lenders. These Adivasi revolts were led by leaders such as Birsa Munda and Sidhu-Kanhu. The CNT Act (eight years after the death of Birsa Munda) and the SPT Act have since safeguarded the land and identity of the Adivasis.

Historically, the Adivasis have been persistently struggling against the oppression of the dikus demanding autonomy and freedom. The later Jharkhand movements led by Jaipal Singh Munda, N.E. Horo, Bagun Sumbrai, Sibu Soren and many others were based on such premises and ideals. It was these movements that were able to pressure the Government of India to carve out a separate state of Jharkhand from Bihar in the year 2000. However, since its inception, the state had never had a stable government, with Bharatiya Janata Party (BJP) ruling the most terms.

After receiving 31.3% of votes in the Jharkhand state assembly election, the BJP formed the government on 28 December 2014. Raghubar Das was sworn in as the 10th Chief Minister of Jharkhand. This was the first time a non-adivasi became the Chief Minister of the state. There were protests by Adivasis over the move, but the BJP assured that Raghubar Das is committed to the development of Adivasi communities. There was initially a mix of skepticism and optimism among

649 Concept used by Adivasis to denote non-adivasis or outsiders.

the Adivasis of the state over the formation of the new government, but by 7 April 2016 with the introduction of the new domicile policy of the state government, adivasi hopes were betrayed.

In retrospect, the domicile policy has a complex history. The Adivasi community, right from the beginning was demanding that the *khatiyan* (land records) of the year 1932 be made the cut off year or reference point to determine the actual residents of Jharkhand. Babulal Marandi (who was then part of the BJP), the first chief minister of Jharkhand, initiated the task. After lots of back and forth deliberations, Marandi proposed in 2002 that the *Khatiyan* of the year 1964 be made the reference point. The non-Adivasis opposed Marandi's proposed cut off year and a violent agitation ensued. In the political tussle, Marandi was removed by the BJP from the post of Chief Minister.

When the BJP held power both at the center and state post 2014, Raghubar Das sensed the opportunity to impose a new domicile policy. His domicile policy asserted that all people living in the state of Jharkhand for the last 30 years or more would be considered residents of the state. Since the majority of influx into Jharkhand took place during the period of the 1970s and 80s, the 30-year parameter was probably framed to accommodate those who came into the State from other states.

After this policy, an Adivasi who had land records dating 1932 was equated with a '*Jharkhandi*' (those who came before 30 years), having equal rights and claims over government jobs and post. This move by the BJP government was resented by adivasis and perceived as anti-Adivasi and pro-diku. However, while the anger against the government on the domicile issue was palpable, very few were able to imagine the next target of the State government. Thus, when the government touched the land related laws, many were caught by surprise never being able to imagine that the Magna Carta for Adivasis in Jharkhand would be amended.

Amending Law to Ensure 'Integration'

On 3 May 2016, the Jharkhand government approved the changes in the CNT and SPT Acts. On 21 May 2016, the government issued two ordinances - *The Chhotanagpur Tenancy Act, 1908 (Amendment) Ordinance, 2016* and *The Santhal Pargana Tenancy Act, 1949 (Amendment) Ordinance, 2016*. There were protests over the proposed amendments. But the government repetitively claimed that the Adivasis have been cheated for a long time and these amendments were made for the betterment of the community.

On 3 November 2016, the Tribal Advisory Council (TAC) passed the ordinance. Amidst massive protests in the Assembly by the opposition and by the Adivasis across the state, the Sections 21, 49(1) & (2), 71(A) of CNT Act and Section 13 of SPT Act were amended on 23 November 2016. There was no proper debate and discussions inside the assembly and in a mere three minutes this historic Act got amended. Many adivasis felt that their fate in Jharkhand was doomed. On 18 December 2016, the Bill was sent to the Governor for assent.

The key amendments in the Chhotanagpur Tenancy Act 1908 are as follows:

Section 21 of amended act gives power to the state government to regulate and notify any given geographical area of land for non-agricultural purposes. The state government shall, from time to time, notify the use of such land. The state government shall charge non-agricultural tax on such lands. The standard rate of this tax will not be more than 1% of the market value of the land. The standard rate will be applicable for five years starting from the date of issue of notification by the government. Farmers using land for agricultural purposes within and outside the municipal corporation will not be charged tax under non-agricultural purposes. Land used under non-agricultural purposes will be accounted for non-agricultural tax within and outside the municipal corporation. Ownership rights of 'raiyats' (owners) will be maintained in spite of land converted from agricultural to non-agricultural purposes.

In Section 49 (1) it has been stated that state government can incorporate any land for industrial project or any other projects recommended by the state government or projects for the purpose of developmental and social public welfare like road, canal, railway, cable, transmission, water pipe and public utility services, pipe line, school, college, educational universities, panchayat bhavan, hospital and Aanganwadi. The value of this land will be not less than the rate as determined by the land accusation law.

In Section 49 (2) there is a provision that the land will be used for the purpose for which it has been originally notified. If the notified land is not used for a term of five years, then that land will be returned to the owner (raiyyat) or the descendents. For this the owner does not have to return any amount which was given during the notification.

Section 71 (A) subsection 2 of the CNT act has been removed. As a result of this, the land of Adivasis cannot be notified as land for the purpose of compensation to anyone.

On the Santhal Pargana Tenancy Act 1949, amendment has been made to section 13:

I.Section 13(A) has been installed in the SPT act. This section gives power to the state government to regulate and notify any given geographical area of land for non-agricultural purposes. The state government shall from time to time notify the use of such land. The state government shall charge non-agricultural tax in such land. The standard rate of this tax will not be more than 1% of the market value of the land. The standard rate will be applicable for five years starting from the date of issue of notification by the government. Farmers using land for agricultural purposes within and outside the municipal corporation will not be charged tax under non-agricultural purposes. Land used under non-agricultural purposes will be application for non-agricultural tax within and outside the municipal corporation. Ownership rights of 'raiyats' (owners) will be maintained in spite of land converted from agricultural to non-agricultural purposes.

The Adivasi Problematic

After these amendments were made, there were widespread celebrations by the party workers of BJP. The opposition, on the other hand, lamented that the day will go down as the *black day* in the lives of Adivasis in Jharkhand. There were repeated claims by the BJP that the amendment has been made for the betterment of the Adivasis and that the original spirit of the Act has not been hampered.

Since then, fierce protests by Adivasis from several districts have occurred against the Amendments. Numerous rallies, protest march, *bandh*, *chakka jam* have taken place. Large and small public gatherings were organised in the state capital and at various other places in Jharkhand. Key social organizations like the *Jharkhand Adivasi Sangharsh Morcha, Adivasi Mulnivasi Astitva Raksha Manch, Adivasi Sengal Abhiyaan, Adivasi Budhijivi Manch, Birsa Munda Ulgulaan Manch, CNT/SPT Act Bachao Samanvay Manch* and numerous other regional and local groups have organized protests. Major political parties currently in the opposition including *Jharkhand Mukti Morcha (JMM), Jharkhand Vikas Morcha (JVM)* and the *Indian National Congress* have also protested, interrupting the legislative assembly sessions frequently.

Three major arguments have been posited by the adivasis post the amendments. These are:

(i) The Basis of Adivasi Life: The question of land and its acquisition

The history of Adivasis of Chhota Nagpur reveals the tragic story of land grab and displacement in the name of 'national interest'. They were always cheated in the name of compensation, rehabilitation and employment in industries set up on their lands. The proponents of the amendment claim that after the land acquisition for the purpose of industrial setup, the change in the nature of land from agriculture to non-agriculture purpose will not result in a change in ownership of land title of the Adivasi 'Raiyyatis' (original owner). Adivasi activists, on the other hand, claim that this argument is completely false because once the nature of land changes from agriculture to non-agriculture, then the land will be out of the protection of the CNT and SPT Act. Hence, the land will be under commercial use and brought under taxation by the government. Any dispute, therefore, that is brought under any court of law will be settled through the land dispute act and not the CNT and SPT Act.

The amendment also speaks about the return of the acquired land to its owner if it is not used for the acquired purpose within five years. Similar provisions were also present in Land Acquisition Act of 1894 but in spite of this, Tata Steel was leased 12,709 acres of land at Jamshedpur in 1907, out of which only 2163 acres were utilized. The Heavy Engineering Corporation Limited (HECL), Ranchi was also leased 7200 acres of land in 1958, of which only 4031 acres were utilized. The remaining land was never returned to the original owners. The government never took steps to ensure that the provision was followed.

With these historical evidences of blatant manipulation, it is difficult to trust the government and its real intention is questionable. The vagueness of the term 'public purpose' in Land Acquisition Act and various loopholes in the original CNT and SPT Act provided space for successive governments to acquire land for 'developmental' and 'social public welfare'. Even then how and why were these amendments necessary? Earlier, the CNT and SPT Act restricted purchase of tribal land by non-tribal. Only tribals can purchase tribal land and that too, with the permission of the District Collector and Police Station. Despite this, a lot of land has been acquired for non-agricultural purposes, creating chaos in the lives of Adivasis. This was possible because the original CNT Act was itself amended 26 times by successive governments. What then is the reason for weakening the act further? These pertinent questions have been raised by Adivasis in various platforms. Their fears concern the possibility of legitimizing land grab and rampant industrialization permitted by the amendments, leaving adivasis with no shield against state cum corporate repression.

Land is not only linked with the livelihood of the people but is also part of the identity of the Adivasis. In various public meetings, one hears repeatedly that 'without land the Adivasis will lose their culture, their social life and hence their existence'. In one of the public gatherings held on 13 June 2017 at Manika, Latehar, Mr. Bhukhan Singh (Adivasi Activist) spoke about the importance of the protection of *Jal, Jungle, Jameen* and the fundamental nature of these processes in the construction of adivasi identity and existence. His speech revealed the intrinsic inter-dependence between Adivasis, land and natural resources.

(ii) 'Integration' in the Name of 'Development'

The BJP government is blaming that those who are part of the agitation are 'anti-development', and do not want the progress of the Adivasis because of vested political interests. They claim that without these amendments Adivasis cannot conduct commercial activities on their agricultural land. The initial Act hindered the aspirations of the Adivasis in conducting small businesses. Further, in the original act, the Adivasi students could not avail educational loans from banks since they were not permitted to mortgage their land. With the amendments, it was argued that there will be progress in the state through rapid industrial development that will in turn create employment opportunities. These arguments have brought into focus the debate pertaining to the aims of development, contemporary development paradigms and what 'development' actually means for the Adivasis. The word 'development' is an oft repeated concept among the Adivasis of Jharkhand having heard of its usage since the mid 1940 parroted by endless governments.

Adivasis across the state have persistently challenged the notion of development promoted by successive governments from time to time. The present government seems committed to the use of force and coercion to implement a development model that is driven by corporate needs and at times coming into direct conflict with adivasi interest. In one of the pamphlets issued by the *Jharkhand Adivasi Sangharsh Morcha*, it was argued that the present government intent to change the nature of the 23% land, from agricultural land to commercial land, part of the strategy to acquire agricultural land for non-agricultural purpose. It was envisaged that with this move the government was trying to wipe out the traditional occupations of the Adivasis and in the process turn them into slaves that will become cheap manual labor for industries.

This hidden intention of the government was revealed when they organized the Momentum Jharkhand Global Investors Summit at Ranchi on 16 and 17 February 2017. During the summit, 209 MOUs (around 3 lakh crore of investment) were signed between corporate houses and the Jharkhand government. The government promised the investors and corporate houses easy land allotments for industrial purpose and was willing to assist them in any way possible. The government also coined terms such as 'ease of doing business,' 'single window system' 'land bank' etc. After the summit, it came to light that the government's 'land bank' actually included the *gairmazurwa* or GM land (common land including pastures, hills, religious places etc) of the village. The government claims they have till date about 11 lakh 56 thousand acres of land under its 'land bank'. This move of the government, without the consent of the village and *Gram Sabha,*[650] added fuel to fire.

Adivasi activists vehemently argue that the government is enforcing its development model on the Adivasis, which is basically handing over Adivasi natural resources to corporate entities. Activists back their claims referring to the statement of the chief minister pertaining to the regulation of the sale of mahua,[651] which is considered sacred among Adivasis in Jharkhand because of the tree's medicinal values. Ramesh Jerai from CNT SPT *Virodh Samiti* of Kolhan noted in one of the public meetings that the government is trying to weaken the economic base of the Adivasis by bringing in regulation in the use and processing of Mahua flower. He also stated that the objective of the government is to hand over the license of liquor brewing to private companies, thereby reducing the income of the Adivasis through minor forest products. The move of the government over licensing and regulations in the sale of livestock is also perceived as a threat to rural based Adivasi livelihoods.

The Adivasis, who have historically lived in proximity and in harmony with the forest, are asserting that the present corporate based development model is unsustainable and will ultimately lead to an environmental catastrophe in which they will be the first victims. Current estimates reveal that 30 lakh Adivasis have been displaced from their land under current development models in spite of the CNT and SPT Act being in place.

650 The traditional village government

651 Mahua is a light alcoholic drink brewed by the adivasis from the mahua flower

(iii) Adivasi Autonomy, Power and Governance System

One strong sentiment emerging among Adivasis is the dire need for autonomy and control over their social, cultural and political life. Bringing in the historical context, the Adivasis have constantly claimed that they are the owners of the lands they inhabit and that their ancestors worked hard in making the land fit for agriculture and living. This land in which they have cared and tilled is now eyed by corporate houses and politicians with the sole intention of generating profit for themselves. In an interesting public gathering organized under the banner of 'Birsa Munda Ulgulaan Manch' at Ranchi on 9 June 2017, Prem Chand Murmu and Gladson Dungdung castigated the present government for its new domicile policy and for blatant violation of constitutional safeguards, hinting at a conspiracy by the government to fill administrative positions through the backdoor in favor of non-Adivasis.

It is observed that Adivasis are becoming more vocal in challenging the dominance of dikus in taking decisions and imposing their will on the Adivasi community through manufactured consent. This anger and frustration of the Adivasis was very much visible in one of the rallies I attended at Ranchi. The slogan raised by the people were *'diku Sarkar nahi chahiye'* (we don't want non-adivasi government) and *'Chhattisgarh yava pisjao'* (referring of Jharkhand chief minister Raghuvar Das to go back to his native state).

It is also important to note that during this upheaval, the role of Tribal Advisory Council (TAC) and that of the governor was also being questioned. Both TAC and the Governor have constitutional authority to accept or reject policies that impact tribes negatively. Activists posited that both the institutions failed to address the issues concerning Adivasis, are non-functional and both being mere mouthpiece of the government. This concrete condition also brought to light the problematics of having a non-tribal Chief Minister as chairman of TAC.

Adivasi activists are also raising the issues linked to governance, with reference to the provisions of the 5th Schedule and the PESA. They questioned the validity and legality of institutions like the Nagar Nigam (Municipal Corporation) and the Development Corporation (which are expanding in urban areas) within the boundaries of the 5th schedule area. They assert that by creating these bodies, the government is ignoring and riding roughshod over tribal autonomy, manipulating ethnicity, manufacturing ways to enforce alien culture and imposing outsider's rule on them.

The constitution under 5th schedule, lays provisions for a governance system which is meant to safeguard the social, cultural and economic interests of the Adivasis. Despite this, constitutional norms are being openly subverted. The case of state municipal laws being enforced in the 5th schedule area is an example. Through these methods, small distinct geographical pockets of unscheduled areas are being created within the schedule areas. Ranchi city in Jharkhand is a classic example of this strategy in action, where the Adivasis have loss control over the administration of the area. At a public gathering organized under the banner of *Bhumi Adhikaar Aandolan* at Ranchi from 29 to 30 June 2017, Deme Oram, the Adivasi intellectual cum activist from Odisha, challenged the provision of a body like 'Rourkela Development Authority' (RDA). He argued that the RDA has been formed in an unconstitutional manner, violating the provision of the 5th schedule. He asserted that the government had taken this step to weaken the power of Adivasis over their lands.

The passage of the CNT and SPT amendments, the issue concerning 'land bank' and the violation of rights of Gram Sabha (granted under PESA) are also being continuously raised by Adivasi activists across the Jharkhand. Addressing a large gathering of people during a national meet in Ranchi, Dayamani Barla, the Adivasi intellectual activist, spoke about the imperatives of community life, participatory decision making and democracy in Adivasi society. She stated that the decision related to amendments of the CNT and SPT Act and the subsequent declaration of common land under government's land bank, has been made without the consent of Gram Sabha. This in her opinion is a gross violation of the rights of Adivasis. The 'Manki-Munda', 'Parha', 'Manjhi', etc., are examples of highly democratic and transparent organic systems of governance among Adivasis. Adivasi customary laws and systems were based on principles of democracy and equality. These systems of governance that have stood in good stead for generations were however negated by the Indian state due to the promotion of a 'so called national mainstream development' paradigm.

The Political Triangulation and Systemic Safeguards

On 18 December 2016, the amended bill was sent to governor of Jharkhand (Draupadi Murmu) for her consent. On 25 June 2017, the governor returned the bill to the government for reconsideration and discussion at the State Assembly. She also raised nine objections regarding the consequences that the amendment could have on the people. She referred to issues articulated by various political and social organizations through 192 memorandums that she received as Governor. These objections broadly concern (i) the objective of the amendment, (ii) change in the nature of land from agriculture

to non-agriculture, (iii) displacement of Adivasis, (iv) non-approval from Gram Sabha and (v) violations of PESA.

The BJP government, who was earlier adamant about rescinding back from the amendments found themselves in a peculiar situation. On 4 July 2017, the Cabinet decided to nullify the proposed amendments in section 21 and 13 of the CNT and SPT Act respectively.[652] Earlier, at the TAC meeting held on 3 July 2017, some of the members had raised objections over the hurriedness of the government in passing the amendments. During this meeting, it was decided that a period of one month will be taken by the TAC members to study the bill and the memorandums received by the governor from various organizations and to come up with a more substantive decision. With the objective of going forward with the other earlier proposed amendments (or other fresh amendments), the government had postponed the monsoon session of the state assembly scheduled for the month of August. However, on 3 August 2017, the Chief Minister announced in the TAC meeting that the amendments to the CNT and SPT Act will be dropped. This kind of provided a closure to the agitation and restlessness among the Adivasis.

Unraveling Settler Colonial Attitudes

The keenness and manner by which the government attempted to bring about the amendments to the CNT and SPT has drawn criticism from various political and social organizations. The BJP government used all its tactics to suppress the agitations over the amendments of CNT and SPT. The first signs of such attitudes were observed in the police firing at Khunti where the police were trying to block the people from attending a protest rally at Ranchi. The tragic incident took place on 22 October 2016, where a protester named Abraham Munda was killed in the blockade. Earlier, in another incident not directly related to the above incident, four people were killed in police firing on 1 October in Barkagaon at Hazaribagh while protesting against land acquisition for coal mining by National Thermal Power Corporation. A similar incident occurred in Gola block at Ramgarh district on 29 August 2017, where two people were killed while protesting against non-granting of displacement benefits by a private sector power plant named Inland Power Limited. These incidences

652 These relates to change in nature of land from agriculture to non-agriculture.

catapulted the anger of the people who were already agitated by the government's move over the amendments.

Fracturing Adivasis through Religious Affiliations

At the time of writing this article, the government was trying hard to break Adivasi unity by creating a rift between the Sarna[653] and Christian Adivasis. The government claims that those who were opposing the amendment of the CNT and SPT are people who have played politics in the name of Adivasis. The Chief Minister himself publicly hinted that Christian missionaries, with their own vested interests are behind the agitation.

While addressing a public meeting in Gumla on 15 June 2017, the Chief Minister stated that conversion is a very serious issue in Jharkhand and soon his government will bring legislation over religious conversion. Earlier, on 7 March 2017, the Catholic Bishop Conference of India (CBCI) headed by the All India Chairman of Tribal Affairs, Bishop Vincent Barwa and Ranchi Archbishop Cardinal Telesphore P. Toppo met the Jharkhand Governor Draupadi Murmu, requesting her not to ratify the CNT-SPT Amendment Acts. Soon after this, the Kendriya Sarna Samiti, a socio-religious-cum-political outfit of the tribals, took a procession against the Archbishop. Laxman Gilua, the state chief and one of the tribal faces of BJP, criticized the Catholic Bishops and argued – "Catholic Bishops should take care of their religion and religious activities instead of interfering in the decisions of the legislature and the government."

On 9 June 2017 in Ranchi, on the occasion of martyrdom's day of Birsa Munda, a rally and public gathering was organized by *Birsa Munda Ulgulaan Manch* (which claims to be a common platform for all the social organization fighting to Adivasi rights). The administration blamed that the people who participated in the rally created chaos in the streets of Ranchi by taking out the procession without their permission and also causing loss of public money by destroying the posters of Birsa Munda published by them on the martyrdom's day. On the next day, a FIR was filed against the 14 organizers of the event. The Kendriya Sarna Samiti also came out with a press release on the same day, blaming, that the rally was organized by the Christian Missionaries, who had no respect for Adivasi leaders like Birsa Munda. This event brought to light the deeply embedded contradiction between the Christian

653 Followers and practitioners of indigenous faith

adivasi and the Sarna adivasi. It is important to note that there is a section from within the Kendriya Sarna Samiti that is against the amendment of the CNT and SPT.

The Politics of Adivasi Resistance

Two senior leaders from the BJP, Karia Munda and Arjun Munda have spoken out against the move by the state government. In umpteen number of rallies and public gatherings organized by various social groups, there is a voice emerging that resist external domination and control. A platform - *Adivasi Sengal Abhyan* raised the slogan *Sarar Garao Jharkhand Bacho.* This platform has gone to the extent of pressurizing the Adivasi MLAs (including those in the BJP) to resign from the state assembly and pull down the government. They also threatened the Adivasi MLAs, that if they will not resign, they will be socially boycotted in their villages and not allowed to enter the same. With persistent public pressure, most Adivasi MLAs (especially those who are members of TAC) have raised concerns and are pushing for dialogue over the issue. However, it must be noted that a number of Adivasi politicians from within the BJP favors the amendments. At this juncture, civil society groups are strategizing their future moves and a sense that coordinated efforts among leaders of various groups to come together is imperative.

Re-Contextualization

Land has always been a contentious issue in Jharkhand. The Adivasis, who have always been betrayed and continues to face the brunt of development induced displacement, do not seem to trust the present government and its captivating arguments. As of today, the government might have withdrawn the decision of amending few sections of the CNT and SPT Act, but its intention is still suspect, as its eye is fixed on exploiting the land and mineral resources of Jharkhand. Civil society's pressure to gain autonomy, rights and protection continues. Nonetheless, the incidents do point to a crucial conjuncture in the history of Adivasis in Jharkhand. What the future holds is a question that would probably depend on what strategy the government employs in the days to come and how Adivasi society responds to the same.

tribal/Adivasi Dialogues

Speech by Spokesperson of the Federation of Khasi States

~ John F. Kharshiing

Honorable Address by **John F. Kharshiing,** Adviser & Spokesperson, Federation of Khasi States to 'The General Assembly of Indigenous and Tribal Peoples' Organised by the Indian Confederation of Indigenous and Tribal Peoples (ICITP) and the Tata Institute of Social Sciences (TISS), Mumbai on April 5, 2008 on the theme "Politics of Identity and Tribal Resistance: Tracing the Historical Evolution and Articulation of the Indigenous Tribal Voices".

Tribal and Adivasi Friends,

At the outset ***Ka Dorbar ki Nongsynshar ka Ri Hynniewtrep – The Assembly of Hynniewtrep Nations*** which includes the ***Federation of 25 Khasi States, the Sirdarships*, and *Ka Dorbar ki Doloi*)** extend their sincere appreciation to the initiators of this General Assembly on the theme "Politics *of Identity and Tribal Resistance – Tracing the Historical Evolution and Articulation of the Indigenous Tribal Voices."*

It may be recalled that the Central Government has been conducting a number of seminars/ forums/ debates on similar issues for a number of years now and it can be safely argued that all groups both directly or indirectly see the need to re-visit the ***Indigenous treaty rights*** relationship vis-à-vis the present Constitutional Anomaly in the Constitution of India.

The famous words characterizing India as a Country of "Unity in Diversity" by all great leaders of India, a definition most appropriate but then not understood by the powers that be of India. If only they were to understand and follow it in its true sense, then the North East would turn to a region where foundations for long term partnerships can hopefully be established even at this stage.

Urgent Constitutional flexible safeguards are required to ensure true "Unity in Diversity" in this country of Multitude Nations who have united together some willfully and some by brute force. It is this forceful annexation of these small Independent Republics that is today engaging society in different forums to discuss Human Security and the Role of Indigenous Institutions. It must be made clear that any attempt to explore "Facilitation of Partnerships" should be based on understanding in-

depth the ***Historical, Social, Cultural, Religious*** and ***Political*** structure past and present of the Indigenous Nations. Failure by successive Central Governments for the past 57 years coupled with cosmetic policies till date to address these issues individually is in our view the reason for the present upheaval and frustrations erupting in different forms leading to disastrous consequences facing us today.

The Indigenous Institutions have withstood and survived even in-spite of more than a century of British colonial rule and fiercely fought for their own liberty and Independence. The British rulers realized that it was only through Subsidiary Alliances with the Indigenous Nations and Rulers would they be able to make any headway with their conquest plans. Indigenous Nations of the North East post-Independence have since been denied their Political Autonomy and it is this denial that is today being discussed at all levels of Government.

The subsequent reneging on treaty agreements made with Indigenous Nations however small they may be telling us that this manner of annexation has always led to crisis of humongous dimensions. The very chemistry of **"TRUST"** that is essentially required as a foundation to any formation of a strong Union of Nations is found wanting in this case.

Ironically the then Indian National Congress (INC) during the freedom movement passed a resolution in 1942 declaring its commitment to organize India after independence as a federal State, promising the widest possible autonomy to the provinces. The resolution categorically stated that "no territorial unit would be coerced into joining the Indian Union" against its will, and such unit would have even the right to secede, if it so desired. These very Nations were urged upon to assist the Indian freedom movement which they were assured would result in their own independence. It is this betrayal of that **"TRUST"** and denial of the Nations fundamental right to Political Autonomy and freedom to evolve according to their own genius which has been the stumbling block towards a solution in North East India.

Post Indian Independence, they were marginalized by the new rulers of India, and were subjugated to unimaginable disregard to human rights, were forced and ordered under gun point to sign the Instrument of Accession violating the earlier Standstill Arrangement which was to remain for a period of two years up to 1949, the Constituent Assembly ignored these small independent republics, ***when they forcefully merged the 25 Khasi States into Assam***, again not in accordance with the provisions

contained in Section 290-A of the Government of India Act,1935 as they never signed the Instrument of Merger. Meanwhile, all Rulers of the Indian Princely States who merged and signed the Instruments of Merger and who gave up their States were compensated with huge monetary gains described as "Privy Purse" which was also considered as "pensions". Constitutionally the Federation of Khasi States should have found their place in the First Schedule of the Constitution of India from the very beginning.[654]

During pre and post-Independence the then first Prime Minister and his cabinet members attention were more directed towards the consequences leading to the Partition of British India.

Lack of knowledge and understanding on the background of the Political fabric of the Indigenous Hynniewtrep Nations were also some of the factors influencing the events, the debates of the leaders in the then Constituent Assembly explains the hegemony with which they decided the future of these Nations. It is common knowledge how the leaders of undivided Assam were also responsible in their designs to deny these indigenous Nations their Political Autonomy and space in the new Union of Indian States, the Indigenous Hynniewtrep Nations were blatantly betrayed and merely subjugated from ***British*** rule to ***Bharat*** rule. Examples of the suffocation of these voices led to the break-up of Assam and such voices still exist.

The Indigenous Nations in Meghalaya are Federal and Democratic in nature right to the grassroots level, Consensus / Referendum and being Partyless is the foundation of these Native Republic Nations. It is to be noted that the Indigenous Institutions have through the centuries held on to their uniqueness of being a Partyless Institution in spite of the many attempts to politicise them. This is one area where winds of change have failed to have any effect on this one principal foundation of the Indigenous Institutions, and which has steered them through the times. Keeping up with change women are also participating in strength at various village levels especially in social audits. Imposing

654 When the Constitution was enacted in 26 January 1950, the hope and trust of the twenty-five Khasi States was however, belied, when no mention of them was made in the Indian Constitution. During the third reading of the Draft Constitution on November 21, 1949 Maammad Saadulah, Member of the Constituent Assembly and Premier of Assam during 1939-45, had with uncanny foresight cautioned against such a lapse noting to the assembly: "Sir, the Khasi Hills have been relegated to the Sixth Schedule, for which Rev. Nicholes Roy is very thankful, but there is a Constitutional Anomaly. Although the Constituent Assembly is not to find a remedy for that, yet I may sound a warning, that this small district of Khasi Hills embraced 25 native States, most of which had treaty rights with the suzarian power in Delhi. They were asked to join the Indian Dominion in 1947. The Instrument of Accession accompanied by an annexed Agreement were executed by these Chiefs and they were accepted by the Central government."

specific legislation on gender issues would be like promoting "***Sarpanchpatis***" now existing in many Panchayats in the rest of the country. Being a unique matrilineal society gender issues prevalent in the rest of the country are different from what is prevailing in Meghalaya.

Despite, numerous memorandums, no Legislative support measures have come up towards this unique institution at a time when the entire world is looking for ways to evolve consensus on many issues. The Party less Indigenous Institutions[655] of governance could greatly contribute to bridging the gaps with Statutory Constitutional Authorities.

Another unique aspect of the Indigenous Institutions is there having their own Secretariats and Courts at all (State / Hima, Province /Raid and Village / Shnong) Levels. In a meeting with senior Home Ministry officials in-charge of NE, in January 2000 a question was asked as to how much remuneration did the Indigenous Rulers and their officials at all levels receive from the State Government for their yeomen services in resolving disputes and litigation at their courts, thereby discouraging the approach to the Judicial Courts which are already overburdened. The Home Ministry officials were shocked to know that they derived their own mechanisms for survival. It also reveals the interest and the knowledge of the Government of India officials about the Indigenous Institutions in Meghalaya and the North East as a whole.

This is an area where the Institutions have contributed in bridging the gap on administrative, judicial and legislative issues. More can be done if the Indigenous Institutions are provided with administrative and secretarial support in their Secretariats and Courts all over the State.

Ironically, while the State of Meghalaya was exempted from the purview of the Panchayat Raj Act 1989 because it recognized that "**there already exist strong traditional Institutions of self-government akin to panchayati raj which must be preserved**."[656] (This is an extract from the speech of Late Sri. Rajiv Gandhi, Prime Minister of India while introducing the Bill in Parliament on

655 The Khasis have an intricately connected three tire hierarchy of Indigenous Traditional Institutions. The first is the Dorbar Shnong headed by a Rangbah Shnong (village chief) that maintains the peace through their village courts in the locality, settle disputes arising between the residents, look after the basic needs such as water-supply, health and sanitation, and are called upon by the District and Municipal authorities for assistance whenever a problem of a local nature arises, in the event that the issues are not resolved the matter is taken up at the next level of the Indigenous Institutions which is the Dorbar Raid (Provincial Level) and finally at the Dorbar Hima (State Level).

656 This is an extract from the speech of Late Sri. Rajiv Gandhi, Prime Minister of India while introducing the 73rd Amendment Bill related to Panchayats and Panchayati Raj in the Lok Sabha on 15 May 1989.

15th May 1989). On the other hand, ironically the Indigenous Institutions of Meghalaya have since Independence been ignored and left out from being part of Governance nor has there ever been any specific budgetary support for them.

Interestingly during such conferences past and present Prime Ministers, sought political consensus to amend the Constitution to further empower the Panchayats, some even suggesting disbanding the DRDA's and its powers and functions handed over to the Panchayats.

While the Government of India convenes regular meetings in New Delhi, to discuss further strengthening including financial empowerment of all the Panchayat Chiefs, the Center is yet to fulfill the "National Commitment" made to the Federation of 25 Khasi States in the Instrument of Accession and the Annexed Agreement of 15 Dec 1947 which protects their Executive, Legislative, and Judicial authority which they have been administering since time immemorial.

The successive failure of Central Governments to correct this Constitutional Anomaly is brutal violation of human rights where the Chiefs and their democratic political institutions have been denied their rightful space to be represented and heard in the Indian Parliament and within the Constitution of India

As we understand the right to self-government is an Indigenous right and there should be substantial re-ordering of powers, because human rights also include the right of peoples to self-determination. Hence immediate Constitutional Political Autonomy and space must be considered and incorporated for these Indigenous Hynniewtrep Nations in accordance with the Standstill Arrangements of 1947 and to desist from a unitary policy of approach. The Indigenous Nations have been rendered to the status of mere spectators only.

On January 14, 2004, the first Dorbar Ri "People's Parliament" one of the largest gatherings of all Indigenous Institutions in the state in recent times reiterated its demand calling for correction of the constitutional anomaly including setting of separate Federal Councils for the Khasi, Jaintia and Garo Indigenous Nations. The Second People's Assembly was held on October 6, 2007 to continue with its assertion for constitutional autonomy and political space, 6 Members of Parliament from different political affiliations participated at the historic people's parliament.

No amount of legislation in the form of constitutional safeguards will help unless the political core issues and rights of the Indigenous People of the region are addressed. A separate Chapter or a Constitution Federal in nature exclusively for the Indigenous Nations of the region to be drawn up by their *authorized representatives* is the need of the hour. The Indigenous Nations have a lot to contribute and share with the rest of the Country and the world which is debating and searching for a solution to this hollowness that is there today in this present form of democracy and which in the words of the former Prime Minister A.B. Vajpayee is "moth eaten from inside".

Right Relationship, formulations that are grounded in international human rights law and consensual politics, may produce stability and coherence for a post-colonial India. It's about India's constitution, to be authenticated especially by indigenous consents, indigenous participation, indigenous reconstruction, indigenous methods. The exercise must read in all of its complexity, and all stories honored in meaningful ways, without that, India will remain stuck.

I conclude by quoting the Hon'ble Sardar Vallabhbhai Patel, Minister for States, Government of India, New Delhi, in his remarks on the Indian States:

"Because a creditor is too weak or poor to enforce his rights, a debtor should not, in honour, refuse to discharge his debt. As an honourable party to an agreement, we cannot take the stand that we shall accept only that part of the settlement which confers rights on us and repudiate or whittle down that part which defines our obligations. As a nation aspiring to give a moral lead to the world, let it not be said of us that we know the "price of everything and the value of nothing."[657]

Once again, I congratulate the organizers for having invited us to participate in this National General Assembly to dialogue on matters concerning indigenous peoples in India. ***KHUBLEI!***[658]

657 The story of the Integration of the Indian States: V. P. Menon. p. 488.

658 'Khublei' is a Khasi term for 'thank you' and is also used sometimes as a way to greet people.

A Dialogue with Saneka Munda of the Khutkati Rights Struggle

~bipin jojo and Nicholas Barla

Moderator: Welcome friends. He is one of the survivors among the elder generations who were fighting for the adivasis cause. Their fight was for the 'Khutkati Rights'. The Khutkati Rights' philosophy is something like this: God has created this earth and we have made the soil by our own effort. Who is the government to come and ask for tax? So, this was the simple philosophy they had. Since 18th Century onwards, this movement was going on and he is the one of the survivors of that movement. Rest all died. Till today because of this condition he does not pay tax to the government of Orissa. So many notices have been served to him, but he says I will not pay nor go. You hang me or put me in jail. Do whatever you want to do, I will not give the tax; because the government does not own me nor my land. It is from this movement that Saneka Munda comes from.

Saneka Munda in Sadri/Mundari:

Our case is very old. It is not a new case. It began from 1929-1930. The movement was led by our elders in 1929-30 when land measurement by the British government took place intending to increase their land revenue. When the land revenue was increased, we said that we will not give the increased revenue of the land. We said how they can increase the revenue when the land remains same (when land has not been increased). We stopped giving land revenue from 1935. As of now, we are making similar demands from the Congress government in Sundargarh. In our Sundargarh we were told you go to upper level. So, we went to Sambalpur. Sambalpur has the bigger court at that time. There also we were told that our case will not be heard here. All the Mundas, Kharia and Oraons of the area came together and went to Sambalpur but it was not heard. When it was not heard there, we went to Ranchi. In Ranchi, Marang Guru Jaipal Singh Munda was there. We met with him. He said we will go to Delhi. Then they went to Delhi. In Delhi they filed the petition. From there we got the report that the case will be heard, and it is under consideration.[659] During this time Nirmal Munda was made

659 As the land settlement began in this part of the country around 1929, it was known as the Mukharji settlement. The tribal of this area in unison, said that they will not pay the tax. So, according to him, earlier from whatever tax they used to pay, the tax was further increased. They were not happy with the entire taxation system of the British, especially the increase and so they opposed it. Around 1935, they appealed to the local government here in Sundargarh to one of the Zamindar. It was, however, not the place to present their demands and was told that they should instead take their demands to Sambalpur. They went to Sambalpur and there they wrote and appealed for the cancellation of the taxation system. However, there also they received no response, and so finally they went to Ranchi

president in Sundargarh. Orissa government was trying to catch Nirmal Munda and arrest him in Sundargarh. In 1939 a message was sent by the government that the case filed in Delhi will be heard and the Queen Saheeba is coming, so, you all gather. All thought about where to gather. They decided to gather in the house of Nirmal Munda as he was made head. At that time, I had little knowledge, but I still knew how it happened. During that time there were Kotwars (Chaukidars) in the villages. Through Kotwars they sent the message that the paper has been passed and it will be heard, so gather on 25 April 1939. People were very happy and started gathering. People came from Raiboga and some from Rajgampur but could not come from Badgaon and Sundargarh. So, From Raiboga and Rajgambpur people gathered. Exact 12 O'clock they began their meeting. When meeting was going on, Military (Paltan) from Sundargarh came and gathered in one of the small Tongri (small hillock) and started watching from there how many people are gathering. After observing, they felt that people will not come anymore so around 3 o'clock they came down towards the house of Nirmal Munda. People were having meeting inside, meanwhile military came and surrounded the house in three circles. Those who were inside were not allowed to come out and those who were outside were not allowed to get in.[660]

There was one Mania Munda from Bhairlata. He was old not young. He had 2-3 sons who were sitting inside the room in meeting. He stood on the door and said, yes babu (son), we have come to hear. They asked what happened. No, I have to go in. They were not allowing him to go in. When he was trying to go inside, the head of the military poked his stomach and the intestine came out of the stomach then he shouted telling 'O my son they are killing me'. One of his sons took a big stick, came running and attempted to beat the head of the military but by mistake his stick got stuck in the roof. If he had beaten him, military would have been finished off. The head of the military escaped and rushed out and his cap fell down. He told the other military men that he was being attacked. He whistled and immediately the military started firing at them. The military of the second circle fired at people and the third circle military fired in the air. Since, many people had gathered, they were shot

to appeal to the government. In Ranchi they met Jaipal Singh Munda who was one of the constitutional assembly members and himself a tribe. Jaipal Singh proposed to them that this case be taken with the government in Delhi. In Delhi, there were some assurances that their case will be considered.

660 Meanwhile the whole Khutkati struggle was going on under the leadership of one local leader Nirmal Munda. This struggle continued from 1929 to 1939. In the month of April 1939, they got some message that their case has been resolved and the response was positive. The rumour spread and people in and around the area gathered on April 25th, 1939 in a place called SinkoAmko where Nirmal Munda's house was located. They came and gathered there from around 12 o'clock and was eager to listen to the judgement. At the same time, the police force of the British government also arrived, and they were hovering close to the village on the hills. It was almost 3 o'clock in the afternoon, the police encircled the crowd in three rows. Saneka Munda noted that in the first row was the Indian Army, in the second row was the British Army and again in the third row was the Indian Army.

dead. One of those who survived narrated that in order to safe himself he laid down in a ditch of two-three feet where roof tiles were being made and soaked and thus escaped. He got up from the ditch but everywhere there was blood. People were lying dead. They asked those who were alive to collect the dead body, but they replied saying you have killed you pick up the dead bodies. There was one Jhanu Babu from Rourkela who called the bullock cart because there were no trucks at that time. He called five bullock carts. They loaded all the dead bodies in those bullock carts and went to Rourkela. They took those dead bodies to the brick kiln (bhatha) to put them. Some of the bodies were already put into the brick kiln. As soon as the owner knew that dead bodies are being thrown into his Bhatha, he came and said, that is not the place for burning the bodies, I will not allow. You take the bodies elsewhere. So, they return back and were thinking where to throw the bodies. Finally, they threw the dead bodies outside. Our people thought, they killed and have thrown here, where shall we take them? They went to Bamhanmara to ask for the place. The owner of the place Bamhanmara gave place to bury those bodies. All gathered and took the bodies to Bamhanmara, dug 10 feet long ditch, put all the dead bodies together and buried them. The burial place still exists.[661]

After burial, people went back to their houses. Everywhere there was mourning and yelling, and people started inquiring about their kit and kiln from village to village and house to house about those who had gone to attend the meeting and are currently missing. They found out that around 42 persons were missing. Declaring 42 dead, there was a stone erected there. Those injured were counted to be around 84. They were taken to Kunwar Munda Hospital. All those who had gone for the meeting including Nirmal Munda and all the boys whomever they found were arrested and put into jail in

661 There was one person named Mania Munda from a village close by whose house was close to Nirmal Munda's residence. He was like a village watchman. He was sitting there and talking to Nirmal Munda. During this moment the chief of the police force came and wanted to get inside the house of Nirmal Munda, probably with the intention to arrest him or to question him. Most likely to arrest him. This was the situation. Mania Munda stopped the police Chief at the gate. He was quite a hefty man, and while this British Army chief tried to get inside the house of the Nirmal Munda, Mania Munda did not allow him too. This led to a tussle between both of them. In between this, the army chief pierced Mania Munda's stomach. Mania Munda fell down and suddenly shouted for help and assistant from his sons, stating that this police chief was killing him. Mania Munda's son was close by. He takes one big log and tried to hit that police chief but was not able to because the whole log got stuck in the house-roof. The Police chief's hat, however fell down in the ground and he came out yelling, 'they are hitting me or killing me' blowing the whistle. As the whistle blew, the army line from the second row and not the first row as they were very close to the people, started firing. As a result, many people fell down and died on the spot. Everywhere there was blood. One of the survivor's states that there was a small ditch where he fell down into and therefore escaped. This was the situation. One of the leaders from the area called Dhanu Babu asks for the bullock carts from neighbouring villages. Around five bullock carts were brought. They loaded all the dead bodies in the bullock cart and took them to a place called Birmitrapur where there was a brick kiln. Some of the dead bodies were put into that bhatha and burnt, but the manager of that bhatha learnt that they are putting the dead bodies into his kiln. So, he did not allow the burning of these dead bodies into his kiln. The people asked one village called Bamhanmara which is close by. There the relatives of the deceased asked Bamhanmara people to give some space so that they can bury them with due respect. So Barhmanmara people allowed some space. There they dig a hole and the dead bodies were laid down one after the other and buried.

Sundargarh. After few months Nirmal Munda was transferred to Gwalior. Another two people were also taken there not knowing who all were there.[662] Till 1955 so many incidents took place in Sundargarh District which nobody speaks about. Police torture was rampant and pick up during these years. Police used to take people and their property. It was accounted around Rs. 7000 when the paddy was just 2 rupees/kg (paila).

In 1947, when India became independent, Nirmal Munda was released. When he came back, he started inquiring about what belongings of the people were taken away. During those periods, people were not allowed to have any meeting. So, sometimes we used to sit at night. I myself attended the meeting for three-four times. If anybody was taking the name of Adivasi, he was being beaten. It was said, "Adivasi ki jay peeth me dhay kahte the". They used to carry big-big sticks and beat us like animals. We approached Jaipal Singh Munda when he was in Ranchi. He told the people to stay calm as he was doing the necessary work. Jaipal Singh Munda Raja formed one group called 'Adivasi Mahasabha'. He was sitting somewhere in Bihar because he was not allowed to enter Orissa.[663] By force, he once entered Sundargarh District (I have forgotten the year) and had a meeting in around four places.[664] First in Birmitrapur…, secondly Udit Nagar Rourkel, thirdly Rajgampur and lastly in Sundargarh. When they were having meeting in Birmitrapur, police surrounded them and did not allow them to sit for the meeting. Jaipal Singh Munda said, "Come and beat me" and he showed his chest to them. Their bullet turned into water and did not work. So, Jaipal Singh Munda had some spiritual power also. After that, he went to Udit Nagar for meeting. I also had gone to listen. In his speech he told the people that we are Mundas and this is our country/Munda's country. Munda means big man or master.

662 Saneka Munda says, nobody knows who died, because many people gathered there, so it was difficult to identify who were there and who was not. After some enquiry, they made the list which revealed that around 42 of them had died and about 84 of them were injured and taken to Kunwar Munda Hospital. Many people were arrested. From 1939 to 1955 the struggle continued, but it was till around 1945 that the police harassed the people and even would take away their rice, chickens, goats, etc. This harassment continued till 1945. Saneka Munda notes that about 7000 rupees was lost but it must be more like 7 lakhs or something, because many houses were burnt and the cows, goats, chicken and other belongings of the people were taken away. The loss was massive. This harassment continued for quite long. Nirmal Munda was taken to Gwalior Jail along with two people and they were imprisoned for quite some time.

663 Saneka Munda stated that ancestors governed through ParhaSasan the areas around for about 7 thousand years. Adivasis earlier had their own state and were now reclaiming the same. This was likely the reason the people of Orissa did not allow him to enter into Orissa.

664 The entire episode and many other similar incidents led Jaipal Singh to start a movement. Because of this Jaipal Singh was not allowed to enter Orissa, and so he could not organize any committee and could not come to this place. Later on, he had come to Orissa four times; to Birmitrapur, Udit Nagar, Rajgampur and Sundargarh. There he assured the people to remain vigilant in their social, economic and political activities as Adivasis and spoke to the people on how there was a need to have the system in our own way. People trusted Jaipal Singh and had confidence in him. He was a very good political leader. It seems, during this time he already had a dream map of the new state, which constitutes of Kolkatta Munga tola in the east, Shreedaya ji in the west, Himalay Pahar in north and Thakur Dura in the South. This was his vision of the separate state that he spoke about.

Our country used to be Jharkhand before. The area of Jharkhand in the east was Kolkatta Munga tola, in the west Shreedaya ji, North Himalay Pahar and in South Thakur Dura. These many areas used to come under Jharkhand. Jaipal Singh Munda used to say that this is our country. His speech used to be very interesting. He appealed to the people to live properly. He said, "if we are socially, economic and politically good we can form our own government." He had issued some pamphlets on social, political and economic issues and distributed to everybody. I tried to find some of those pamphlets but could not find. He used to speak all languages: Sadri, Hindi, and Munda, only Oriya he could not speak. He used to say, we are Adivasi and we will take the Jharkhand one day. The congress was demanding for freedom. He used to say, "We Adivasis are free and yet why we are not allowed to move freely." This "Odiya logon ko udake rakh denge kahte rahe" because they were not allowing us to enter into Orissa. He said, now we are walking on foot from Rajgampur to Ranchi. One day nobody will walk on foot. We used to think "They will fly or what". He further said, "Each family will be connected with road and there will be light everywhere." All these have really happened today.[665] He gave his last speech in 1969. This meeting was in Raiboga. There he said that "Ham satariswi me saaf kar ke rahenge" you people just relax. Recognize the society well. He used to drink rice bear but only the pure one. If he was not drunk, he would not give speech. According to me, whatever he had said is now fulfilled. Only two things have not come true or not fulfilled. When the construction of Mandaria dam started, the people of Dubla Bera where all were Mundas, they thought that they will call Jaipal Singh Munda and would not allow the construction of the dam. When Jaipal Singh Munda came and said, "(It is in Munda Language so could not transcribe.)" The people of DublaBera got angry on Jaipal Singh Munda. They said, "we were thinking not to allow the construction and he is telling we should allow the construction of the dam." They said, "Let's kill him". There were no ways to come out from the village except one road. They were just waiting on the road to catch Jaipal Singh Munda but did not find him. At what time he escaped no one knew. All these things have taken place during my time that's why I am telling.[666]

665 According to Saneka Munda many of the things that Jaipal Singh spoke off those days were now fulfilled. Things like electricity, road, vehicle, communication etc have now become real. However, while many of the things are fulfilled, two things remains (which he said in Munda language) First, in every 20 to 25 miles there will be Munda Adivasi, and second, now you are struggling for land but there will be more than enough land for everyone said Jaipal Singh Munda. This refers to self-government.

666 In another incident related to Jaipal Singh, there was a factory in Rourkela which started around 1954. During that time the government thought of constructing one dam called Manderia dam. Many people opposed that dam because of the submergence of their land, their village and so on. People were angry about the dam. Jaipal Singh Munda came there and favored the construction of the dam, telling the people not to resist for the sake of development. Saneka Munda stated that the people from one village called Dublabera which was close to the dam where only Munda people resides got angry with Jaipal Singh and had even planned

From Hindua Munda to King Ashoka there was prosperity of the people and other creatures. It was a Parha Raj[667] which gave such prosperity. It was Sat Yug (period of Truth). After the destruction Munda People's reign or Parha Raj, Sat Yug ended. After Sat yug, came Kali Yug and after Kali Yug came Bhag Yug. Now it is Bhagyug.[668] This is how they governed. From Hindua Munda till King Ashoka it was around 7000 years the dynasty of Mundas. According to hierarchy in the country (Desh) it was Manki – Munda – Majhi and according to village it was Munda – Pahan – Mahato. When there was the question to print monetary currency, all including Mahatma Gandhi, Jawaharlal Nehru, all the people of the Congress asked about the picture in the currency, but Jaipal Singh Munda kept quiet. During the time of Munda there was three heads of the tigers. It was being used for quite a long time. From here only Jaipal Singh Munda gave these three heads. These three heads are the symbol of Manki-Munda and Majhi or in village Mund-Pahan - Mahato. According to this structure of Munda society, the three heads of tigers in Indian coin was given. It is in use ever since the country India got independent. Otherwise earlier it was being used according to the Kings of the time. Now it is of congress government or Orissa government but their currency/ stamp (Mohar) is not in use. They are using our Stamp/Mohar and so how can they ask for tax. Mohar/Stamp is of Mundas, so how can we give the tax and why they will govern us. Therefore, I am not giving tax and I will not give. Unless we get the right of Munda Khutkati, we will not give the tax.[669] Once we went to Tashildar and he asked why we are not paying tax. We said, no sir, we are asking for Mundari KhutkatiAdhikar. There was a

to almost kill him or finish him off. They waited for Jaipal Singh, but he was clever enough and quietly slipped away and escaped from there. This was the situation during those times. Jaipal Singh was a great orator and people listened attentively to him. He assured them that slowly development will take place.

667 Saneka Munda notes that earlier the Malgujari system (land revenue system) was not there. Tribals used to give some contributory to the king and so there was no taxation system in this area. Birsa Munda use to fight with bow and arrow. Birsa Munda was the man who started the revolution and we are still continuing the same. Basically, after the death of the Birsa Munda, the CNT Act was enacted by the British in 1908. All these political processes were a result of the entire movement. There is no taxation system and they used to give contribution/chanda to Rajas. That was the system. He has very good memory.

668 Till Ashok Samrat (King Ashoka) beginning from around 7 thousand years ago, during those times they had Parha System; a tribal system of government/ self-government system. It was a time of great joy, happiness and prosperity for tribals. But now the whole Parha system is lost. The period is called sat yug. Now we are going through Kali Yug and BhagYug/Bhay Yug.

669 About the coin and three heads of tiger he says, in the Munda system Manki-Munda and Majhi is the three heads of leadership. In the village Munda-Pahan-Mahto is the different heads of leadership. Through these systems the country or village is to be governed. With these three systems, they used to make laws and that was how the Parha system had emerged and people were happy. Saneka Munda notes how these three tiger heads came in the independent elections. It seems, Jaipal Singh might have said that these three heads were there during the time of Ashoka. He must have learnt as a tribal or Munda chief the tribal system of government and he could have proposed to Gandhi, Nehru and others that we will have these three heads and it was accepted in the constitutional assembly. We see the three heads in the seal of the government of India. Congress has fought for freedom, but we have the seal/Mohar, and if we have Mohar why other rulers are ruling us. We should rule our own country. And why should we pay the tax. We will not pay the tax. He also shared that he had gone to Tehsildar to raise this issue. Tehsildar stated that whatever comes from the top level, he only he can give. So, he went to the governor. It seems (Late) Dr.B.D. Sharma was also there at that time and it was he who took Saneka Munda to the Governor. The Governor asked them (Saneka Munda and others) to come for a second time. On the second visit they were around 8 to 10 persons, although he does not remember the names of the individuals, however, nothing came out of the visit.

photo of Birsa Munda behind his chair in the office. He said to us to look at that. We said, Birsa Munda fought for the right of Mundari Khutkati. We will not be able to do your work, so you all go to higher authorities he said. Then we went to Bhuwaneshwar and met Sharma Saheb (Dr.B.D. Sharma). He said, I will take all of you to the person who will do your work. He took us to Bhuwaneshwar and made us to sit face to face with Governor of Bhuwaneshwar. Governor said, by not giving tax you all are not doing well. We said, we will give the tax, but we should get the right of Mundari Khutkati otherwise we will not pay tax. He asked us to come again because now the work cannot be completed. We went again to meet the Governor, around 8 to 10 of us, I don't remember, but again nothing came out of it. Till today I stand strong on what I believe. I will not pay tax to the government. We are the owners of our Land. We care for it and live of it. Pray! Where does this government come from, and where does it source its right to demand tax from us? Put me in prison if you must but I will not pay tax to this government, till it recognises my history and my right to my ancestral land.

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Tribal Intellectual Collective India

The integration of multiple alternative centers, here referring to tribes/Adivasis in the Indian state, is a subject that is not only historically varied but politically complex. Each and every tribe has a different story to tell. While some speak of adaptation to new political structure dominated by dikus, others speak of challenging political dominance of 'non-tribal' society and for a few more, even of subtly oscillating between or surrendering to the political will of larger caste society. The theoretico-historical view of isolation, integration and assimilation emanating from caste society, that laid the ground rules of debates pertaining to tribal societies is not as innocuous as it seems. Isolation, integration and assimilation of tribe for caste society, is often perceived as freedom, negotiation and adaptation by those framed as tribal societies respectively. This book, while not exhaustive, engages with this long-standing debate from the point of view of peoples who have attempted to see and think differently about the problematics of integration, tribes and the Indian state.

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