

Autonomous District Councils in North East India with special reference to the North Cachar Hills Autonomous District Council of Assam: A Historical Analysis

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Abstract

Autonomous District Councils (ADCs) in North East India are based on the Sixth Schedule of the Constitution of India. The idea was to provide the tribal people of North East India with a simple administrative set up which can safeguard their customs and ways of lives and to provide autonomy in the management of their affairs. The Autonomous District Councils not only give the hill people of North East India, training on local self-government but also bring in faster economic development by associating people with the developmental works through their representatives in the Autonomous District Council.

The study examines the historical and social background of the ADCs in North East India with special emphasis on the N.C. Hills Autonomous District Council of Assam.

Keywords: Autonomous District Council, Sixth Schedule, Autonomy, Tribals, North East India.

Introduction

The British annexation of the North-Eastern region of India started with the grant of *Diwani* (right to collect revenue) of Bengal province by Shah Alam II (then Mughal Emperor of India) to the East India Company (British company in India) in 1765 as a result of the defeat of the Mughal Emperor by the East India Company in the battle of Buxar in 1764. The company did not and could not annex the whole region at a sweep. (Fadia, 2005, p.2) It started penetrating into the region from the North-Western side (*Dhubri, Goalpara* and *Karaibari* district) of Assam state where these areas were under the *zamindars* (land lords) of *Goalpara* and *Karaibari* districts. These areas were rich in agricultural and forest products. The *Dewani* was secured by Lord Clive, the company's administrator, to exercise "superintendence of laws and collection of revenue". (Biswas, 1997, p.171) As this area had revenue-earning potentiality, the British were naturally interested in establishing their rule over this area and were not much interested in extending their rule further.

The East India Company got a golden opportunity to extend its rule over wider areas of Assam state in North East India when its help was sought by the *Ahom* king (king of Assam) for resisting Burmese invasion in 1824-26. (Biswas, 1997, p.173) Thus, after the treaty of *Yandaboo* signed in 1826 between the East India Company and the Burmese as a result of the British victory in the war, the East India Company secured control over the vast *Ahom* territory and within a few years, the kingdom of *Jiantia, Khasi, Cachari* in the hills of erstwhile Assam state and other small tribal chiefs were annexed by suppressing their initial resistance by intrigues and severe oppressions. (Biswas, 1997, p.173) The British government in United Kingdom took over the administration of the East India Company in 1857 and passed the Government of India Act of 1833 and 1853 empowering the Governor General-in-Council in India to make laws for the area under the East India Company. In 1874, when Assam was placed under the Chief Commissionership, the Scheduled District Act was passed and the whole area under the Chief Commissionership was declared to be "Scheduled District" by this act. According to this act, those remote or backward tracts of provinces of British India which had never been brought under the operation of the general Acts and Regulations and jurisdiction of ordinary court were supposed to be administered by the spirit of indispensable laws. (Biswas, 1997, pp.171-172) In subsequent years, many acts and regulations were passed by the British government which

affected the North-Eastern region in diverse ways-like the Inner Line Regulation of 1873, Government of India Act of 1999 and 1935.

Under the scheme of provincial autonomy, the hill areas of then province of Assam fell in two categories viz., the excluded and partially excluded areas. The main concern of the administration during that time was more static than dynamic. The administration insulation contributed to the prolongation of backwardness of North-Eastern region of India especially the areas predominantly inhabited by the tribal people. The British did everything possible to check the emotional integration between the tribals and the non-tribal for the evolution of a spirit of common identity superseding ethnic diversities. (Gassah, 1997, pp. 2-3)

Formation of Autonomous District Councils

When the Indian Constitution was adopted after independence in 1947, it envisaged strong democratic institution at the grass-roots level as well as concerning the affair of the tribal communities. Consequently, democratic decentralization and establishment of *Panchayat Raj*(local-self government in India) became one of the directive principles of state policy as enshrined in Part IV of Indian Constitution. However in the case of the tribal areas in the country, especially those in the North-East India, there were certain specific provisions provided in the Constitution of India. The Constitution makers also recognized the necessity of a separate political and administrative structure for the hill tribal areas of the erstwhile province of Assam by creating Autonomous District Council under the Sixth Schedule of the Constitution of India.

The Sixth Schedule of the Constitution of India is based on the recommendations of the North-East Frontiers (Assam) Tribal and Excluded Areas sub-committee popularly known as Bardoloi sub-committee under the chairmanship of Gopinath Bordoloi the then Chief Minister of Assam. The Bordoloi sub-committee (a sub-committee of the Constituent Assembly) studied carefully the then existing administrative set up in the hill areas of the North East India with a view to setting up of an autonomous body for the administration of the hill areas and thus recommended the setting up of an administrative body based on the concept of regional autonomy in all matters relating to customs, laws of inheritance, administration of justice, land, forests etc. (Report of the North-East Frontiers. 1950)

The sub-committee felt that unless the tribal people of the hill areas of North East India were guaranteed adequate safeguard in maintaining their characteristic way of life, their sense of oneness and unity with the rest of the country would not be consolidated and strengthened. On seeing the sensitivity of the hill people relating to their lands, customs, system of justice etc. the Bordoloi sub-committee recommended that their legitimate aspirations regarding the management of their own tribal affairs would be fulfilled to the extent that the unity of the country would not be affected. (Rao, 1976, pp.182-183)

Debates in the Constituent Assembly of India also clearly indicated that the Autonomous District Councils would not only give the hill people of the North Eastern region of India training in local self-government, but also ushered in faster economic development by associating the people with the developmental works through their representatives in the Autonomous District Councils. The desire was to see that the aspirations of the people of the area were met on the one hand and on the other, these areas were assimilated with the mainstream of the country. (Hansaria, 1993, p.9)

It was found out that there were certain traditional institutions among the hill tribes of North East India which were so good that it would have been wrong to destroy them. Mention was made by the Bordoloi sub-committee of the functioning of village administration and the manner in which such disputes were settled by such traditional activities. According to J.J.M. Nichols Roy, one of the then tribal leaders of North East India, the measure of self-government would make the tribals feel that the whole of India was sympathetic with them and nothing was going to be forced on them to destroy their feeling and culture. Dr. B.R. Ambedkar, then Law Minister of India, felt that the tribal of Assam differed from the tribals of other areas. He also felt that the position of tribals of Assam was somewhat analogous to that of Red Indians in the United States of America who constituted a republic by themselves in that country and were a separate and independent people. He agreed that Autonomous District Councils had been created to some extent on the lines which were adopted by the United States of America for the purpose of the Red Indians. (Hansaria, 1993, p.15)

Thus, the report of the Bordoloi sub-committee which had been accepted by the Drafting Committee was approved by the Constituent Assembly of India. (The recommendation of the sub-committee was incorporated in the Sixth Schedule of the Constitution of India. (Rao,1976, p.149)As a result, Autonomous District Councils which were based on the Sixth Schedule of the

Constitution of India were established in the states of North East India including the North Cachar Hills (N.C. Hills) district of Assam in 1952. The idea behind the creation of Autonomous District Council was to provide the tribal people of North East India with a simple administrative set up which can safeguard their customs and ways of lives and provide autonomy in the management of their affairs. (Dutta Ray, 1999, p.258)

North Cachar Hills Autonomous District Council (ADC) of Assam

The North Cachar Hills (N.C. Hills) district is one of the 27 districts of Assam state. Before acquiring the present political identity, N.C. Hills district passed through various stages of its evolution. Just before the British occupation, the district was a part of *Heramba* or the *Kachari* kingdom that extended at that time upto the whole area of *Cachar* district, the *Karbi Anglong* district, a major portion of *Nagoan* district of Assam and parts of Nagaland state including *Dimapur* town right up to the *Nichu Guard* on *Dimapur-Kohima* road. The British came in contact with the *kacharis* (one of the hill tribes of North East India who settled in different parts of Assam and particularly in N.C. Hills district) after the occupation of the district of *Sylhet* of Assam by virtue of the grant of the *Diwani* (right to collect revenue) of Bengal to the East India Company in 1765. But it was the Burmese invasion of *Cachar* in 1824 that precipitated the last *Kachari* king, Raja Govinda Chandra (*Dukadao*) to enter into a treaty/agreement with the East India Company only to protect the kingdom from external enemies. (Thousen,1990,p.2) The treaty was finally concluded between Raja Govinda Chandra and David Scott, the agent to the Governor-General of India for the North-East Frontier, on the part of the company on 6th March 1824 A.D. at *Badarpur*. (Burman, 1973, pp.55-56) As a result of this agreement, the British drove out the Burmese invaders from *Cachar* district of Assam in 1826 and reinstated the kingdom to Raja Govinda Chandra, subject to the condition that the British suzerainty was accepted. (Rao, 1976, p.21) After the assassination of Raja Govind Chandra in 1830, the southern part of the kingdom, that is, the present *Cachar* district of Assam was finally annexed to the British Empire by a proclamation order of the Doctrine of Lapse of Wellesley on 14 August 1832. (Dutt, 1979, p.40) But the *Kachari* in the hilly region however enjoyed their preponderant influence till 1854. The northern part of the kingdom that is the N.C. Hills, part of *Nowgong* and *Karbi Anglong* district of Assam were retained as a protectorate state under the suzerainty of the last *Dimasa Kachari* General, *Tularam Senapati* with its headquarters at *Mudanga* near Lanka of

Assam. (Thousen, 1990, p.1) His sovereignty over the territory was also acknowledged by the British. A portion of *Tularam's* territory lying west of the *Diyung* River and that between the *Mahur* River and the *Barail* range was further annexed to the British Empire and constituted into a sub-division of *Nowgaon* district of Assam in 1839. (Dutt, 1979, p.251) In 1854, with the death of *Tularam*, succession to his kingdom by his son was denied and the entire remaining portion of his territory was finally annexed to the British Empire. (Dutt, 1979, pp.55 & 251)

The N.C. Hills district was created in 1867 under the province of Assam and shortly afterwards it was tagged to the *Cachar* district of Assam as its sub-division and placed under the management of the Deputy Commissioner of *Cachar* district. (Dutta and R. Bhuyan, 2007, p.626) In 1880, the N.C. Hills district with its headquarters at *Gunjung* was placed in charge of an Assistant Superintendent of Police. But in 1882, *Sombhudhan*, a *Dimasa* rebel burnt the *Gunjung* headquarters which resulted in the death of the District Officer and consequently in 1895, the headquarters of the sub-division was shifted to *Haflong*. (Dutt, 1979, pp.251-252) Since then *Haflong* continued to be the district headquarters of N.C. Hills district of Assam.

The administration of N.C. Hills district was different from the plain areas of Assam even during the British days. The Sub-Divisional Officer (SDO) of *Haflong* used to exercise some judicial and police powers. The normal rules and regulations were not extended in N.C. Hills district due to the geographical backwardness of the area, peculiar traditions, customs and usages of the people. The people were governed in a simpler and more personal manner than those of the more advanced plain districts of Assam and for which the Scheduled District Act of 1874 was prescribed. (Chaube, 1999, p.16) Almost all the hill tracts in the North East India including the N.C. Hills district were classified as Scheduled District under the Scheduled District Act of 1874.

Further, since its amalgamation with the district of *Cachar*, N.C. Hills was a sub-division of that district and was administered by the Governor of Assam independently from 1937 in accordance with the Government of India Act of 1935, till India attained independence in 1947. (Chaube, 1999, p.17) Under the Government of India Act 1935, N.C. Hills district was classified as 'Excluded Areas' and was administered by the Governor himself in his discretion where the ministers of federal or provincial legislature had no constitutional right to advise him in

connection with his administration and no act of the federal or provincial legislature would apply to this area unless the Governor applied it with some exceptions or modifications.

In 1951, the N.C. Hills sub-division was again separated from *Cachar* district to constitute an *United Mikir and N.C. Hills* district as an 'Administrative District' according to Clause 3 of the Assam *United District of Mikir and N.C. Hills* (Administration) Regulation, 1951. (Rao, 1976, p.46) Finally, on 2nd February, 1970, N.C. Hills district attained its present status as a full-fledged Autonomous District to be administered under the Sixth Schedule of the Constitution of India. (Tapadar, 2007, p.7) Here, it is important to note that Autonomous District Council had been operated in N.C. Hills district of Assam since 1952 along with other hill districts of North East India although it became a separate civil district only in 1970.

During the re-organization of Assam in 1969, N.C. Hills district was given an opportunity to exercise option to join the proposed separate state of Meghalaya, to be constituted with the *Khasi & Jaintia Hills* and *Garo Hills* districts of erstwhile Assam. (Dutta, 1993, p.29) The political leaders of Assam persuaded the tribal leaders of N.C. Hills district not to join the proposed state and to remain with Assam and assured of all possible steps to be taken to safeguard the interest of the people of this district. Consequently, the tribal leaders of N.C. Hills district relying on these assurances, preferred to remain with Assam. However, these promises remained unfulfilled for more than two decades and generated strong discontentment among the people of N.C. Hills district. (Dutta, 1993, p.30)

The demand for autonomy/statehood came to the fore to redress the problems faced by the hill tribal people of N.C. Hills district of Assam. (Gassah,1989, p.81) Action Committee of the *Mikir Hills* and *N.C. Hills* Leaders Conference was formed. It submitted a memorandum to the Prime Minister of India in June 1973, demanding separation from Assam state as per Article 244 (A) of the Indian Constitution and formation of independent state. With the birth of Autonomous State Demand Committee (ASDC) in 1986, which was constituted for creation of autonomous state to safeguard the language, culture and tradition of the hill tribal people of Assam, demand for autonomy gained a new momentum. (Dutta, 1993, p.5) Thus, after a long decade movement spearheaded by ASDC, KSA (Karbi Student Union), NCHSF (North Cachar Hills Students Federation) and DSU (Dimasa Student Union) for creation of an 'Autonomous State' comprising N.C. Hills and *Karbi Anglong* district of Assam under the provision of Article 244 (A) of the

Indian Constitution, a memorandum of understanding (MoU) was signed as compromise between the Chief Minister of Assam and the leaders of these organizations on 1st April 1995 in New Delhi, under the auspices of the Government of India. (Souvenir, 1999, p.14) As a result, although statehood was not granted to N.C. Hills district, the Sixth Schedule of the Indian Constitution was amended in 1995 and more autonomy in the form of thirty additional powers were given to N.C. Hills Autonomous District Council.(Souvenir, 2008, p.14) The Autonomous District Council was also to be called as North Cachar Hills Autonomous Council (NCHAC) as per the Amendment in sub-paragraph 3 of the paragraph 2 of the Sixth Schedule of the Constitution of India.(The Constitution of India, 2001, p.204)

Conclusion

To sum up, the N.C. Hills district of Assam went a long way transforming itself from an Autonomous District Council to Autonomous Council in its effort to acquire more autonomy so that it could undertake important functions for the development of its people. The North Cachar Hills Autonomous Council (NCHAC) may also be described as a 'state in miniature' having all the paraphernalia of a government like Legislature, Executive and Judiciary. It has full autonomy to legislate and administer on subjects like Land Revenue, Primary Education, Customary Laws etc. assigned to it under the Sixth Schedule of the Constitution of India. The NCHAC has been empowered to enact legislations for the welfare and development of the hill tribal people of N.C. Hills district of Assam.

Finally, it is important to mention that a proper assessment and occasional review of the whole system is required so that aims, purpose and objectives of the Autonomous District Council can be meaningful and serve the interests and aspirations of the people for whom it is meant.

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