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## THE STATE, TRADITION AND CONFLICT IN THE NORTH EASTERN STATES OF INDIA

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## Crisis States Programme

### The State, Tradition and Conflict in the North Eastern States of India<sup>1</sup>

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#### Introduction

The North East of India is little known and relatively little studied, within India as well as outside. Graham Chapman's highly regarded book on the geo-politics of South Asia, for instance, treats it hardly at all.<sup>2</sup> It is the region of the so-called 'seven sisters', of which Assam is by far and away the most populous, joined by Meghalaya, Mizoram, Tripura, Manipur, Nagaland and Arunachal Pradesh. All of these states, with the exception (I believe) of the last are marked in some way by insurgency movements. The Consultation Paper about the states, submitted to the National Commission to Review the Working of the Constitution, begins as follows:

The North East of India, home to numerous diverse communities and located strategically with borders with Bhutan, Tibet/China, Myanmar and Bangladesh, has seen much violence and bloodshed over the past few decades. These include insurgencies in the States of Nagaland, Mizoram, Manipur, Tripura and Assam and the growth of militant groups in Meghalaya. In addition there are conflicts and confrontations over land use and control as well as issues of language, identity formation, demographic change and minority-majoritarian relations.

In general conflict in the North East arises from the sense of alienation from the Indian state of many people whose aspirations lead them to assert their independent identities, and the commitment to India, on the other hand, of those social groups that have benefited from the high levels of subsidies paid out by the Indian government (and that are presumably reflected in part in the relatively low level of poverty in these states, at least according to official figures, and their relatively high levels of educational performance. These latter, however, also reflect the activities of Christian missionaries which probably account, in the main, for the fact that Mizoram has the highest levels of literacy in the country). It is likely, too, that both some politicians and some insurgents stand to benefit from the persistence of conflict, which draws the central government in to spend substantial resources in the region. Tensions are also influenced by majority/minority and insider/outsider conflicts, as in Assam, cut across as they are by language issues.

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<sup>1</sup> This short paper outlines some of the background to the work which is being carried on with the Crisis States Programme in North East India, by Professors Apurba Baruah and Manorama Sharma of the North Eastern Hill University, Shillong, Meghalaya. It draws on the visit that I made to Shillong in March 2002, and on the text of a Consultation Paper on 'Empowering and Strengthening of Panchayati Raj Institutions/Autonomous District Councils/ Traditional Tribal Governing Institutions in North East India' submitted to the National Commission to Review the Working of the Constitution in December 2001. I shall refer to this henceforward as the 'Consultation Paper'. Professor Baruah was one of the main contributors to the writing of the Paper. I have also benefited from discussion at the Symposium on 'Conflicts in South Asia' held by the South Asia Research Group in the School of Development Studies at the University of East Anglia in June 2002.

<sup>2</sup> Graham Chapman, *The Geopolitics of South Asia: from early empires to India, Pakistan and Bangladesh*, Ashgate, 2000

Let me start with two anecdotes. On Easter Saturday I travelled from Shillong in Meghalaya down into Assam and the Brahmaputra Valley with a young PhD student in history from Mizoram. As we drove he talked to me about his family, and as he did so he started to recount first his father's experiences as a police officer, and then his own, witnessing the heavy-handed actions of Indian army jawans as they sought to control actual or supposed insurgents. It was evident from the way in which the young man described these experiences that he had been profoundly alienated from India through his perception of these actions. Then later in our talk he happened to mention that for his research he would need to visit an archive in Rangoon. It would be simple he said. He'd take a horse from his village, ride to the border, cross the river and then just travel down to Rangoon. Nobody would stop him, he said, because nobody would know that he was not Burmese, given the continuities of language and ethnicity between Mizoram and other parts of the North East with northern Burma. Then he surprised me by saying that, if there were a different, and more democratic regime in Burma, then he and he thought most people in Mizoram, Manipur and Meghalaya, at least, would rather be part of Burma than of India. It is perhaps only because Burma is not quite like Pakistan that the nationalities issues of the North Eastern states have not become quite so explosive as those of Kashmir. The slogan of some people in the Khasi Hills of Meghalaya is "Khasi by blood, Indian by accident". It is some of these people, I had learnt a day or so earlier, who were responsible for 'seeing off' the Chinese restaurateur from Calcutta who had run what had been considered to have been the best place to eat in Shillong.

The second anecdote involves an account of a little bit of 'research tourism':

*March 29 2002:* (both Good Friday and Holi). Visit to Nongkynrih Raid, about an hour's drive from Shillong, set in hilly country with potato and vegetable cultivation especially on the slopes and paddy rice in the valley bottoms. Pig rearing also important. Meet the Rongbah Shnong (headman) of one of the seven Durbar Shnongs within the Raid. His Durbar has 180 households. Only males are allowed to participate in the Durbar; outsiders if any there be, are excluded. He was 'elected' three years ago and expects to go on for as long as he is able. Not an open election but rather a process of establishing consensus. There is also a Secretary and nine executive members of the Durbar. They are all members of the Durbar Raid, which is headed by a Lyngdoh (which is a particular clan that customarily supplies the mentris [ministers] to the Syiem ['King']... and the people can only get the Lyngdoh changed by appealing to the head of Lyngdoh clan). There are a number of Raids within the Hima, of Tribal Kingdom (this is Hima Khyriem, under an hereditary Siyem. I understand that under the Sixth Schedule of the Constitution of India, which deals with these parts of the country, the Siyem should be appointed by the Dt Council, but the Rongbah Shnong says that the Syiem has to be acceptable to the people in the first instance; and it seems possible that the role of the District Council is much less in this Hima than is legislated for under Sixth Schedule. For example they access the forests around here by paying a tax to the Syiem, not to the District Council, which is what should be the case according to the legislation. [This may well be very significant, given the importance of access to timber in the politics of the North Eastern states. Timber is a major source of rents, and revenues from logging fuel much of the politics of the region<sup>3</sup>]. There are differences, perhaps, between Himas in the extent of the powers of the District Council. Here the only things that they get from the District Council, it is said, is what comes as a result of the MLA's grant, spent, for example, on water supply and footpaths. We talked in the small secondary school. This was built by the Raid, in response to requests from the people; and the Raid appoints and pays the 4 teachers there;

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<sup>3</sup> I owe this point in part to Professor Piers Blaikie of the University of East Anglia

there is a sub-committee which supervises the School; students take their school leaving exams as independent candidates. This is an instance, perhaps, of the benefits of ‘participation’ albeit in a context which denies democratic principles.

### **‘Traditional’ Political Institutions**

This second of my anecdotes sets up the more specific problems that I want to address. Here apparently ‘traditional’ tribal political institutions remain highly significant in people’s lives. As my fieldnotes show, in the Khasi Hills of Meghalaya the traditional polity, which “was regulated under a three tier system, with the Durbar Shnong i.e Village Council presided over by the Rongbah Shnong (headman) at the bottom, and the Durba Hima, i.e., State assembly presided over by the Syiem or equivalent of a king at the apex (and) in between the Durbar Raid, presided over by an elected headman known as Basra or Lyngdoh, or Sirdar “ (Consultation Paper p 104) remains in place, alongside ‘modern’ institutions of government such as the District Council and the State Legislative Assembly.. The Rongbah Shnong is, as my notes suggest, in some sense ‘elected’ to the office by all inhabitants of the village irrespective of their clan affiliation; while representation at the Raid and Hima level is more rigid, for instance “the Syiem can only be elected from the Syiem’s family or its legitimate branch. The electoral council, besides mentris also comprise of other heads of clans. This electoral council used to elect and appoint the Syiem” (Consultation Paper p 104). The Durbar Shnongs have a range of developmental, judicial and cultural functions (as I saw in Nongkynrih), and they are commonly approached to implement government programmes (such as Adult Literacy and Non-Formal Education); but they are said to have only “limited funds which are generally self-generated” (Consultation Paper). One of the objectives of our research is to find out more about how Durbars raise revenues and spend them, and relatedly about the legitimacy of these institutions. It is claimed by some, and assumed, perhaps, by others, that the Durbars are held by tribal people, if not by non-tribals, to exercise legitimate authority. Whether this is indeed so is being investigated by Professor Baruah. It is a matter of no little importance given the demands which are being made by representatives of the traditional institutions for Constitutional recognition. One memorandum which they have submitted states, for example, that “The inclusion of the Khasi states within the framework of the Indian Union was glaringly violative of the true and underlying spirit of the Instrument of Accession ...(and) A remedy of this Constitutional anomaly can be found by giving due recognition and protection of the traditional institutions under the Constitution of India” (Consultation Paper p 107). Correspondingly, the major political parties in Meghalaya all argue that the panchayat system, legislated for under the 73<sup>rd</sup> and 74<sup>th</sup> mendements to the Constitution of India, is not necessary for the state.

These claims for them notwithstanding, the traditional political institutions are not democratic, though they are also instruments of at least a certain kind or degree of local participation, and they may be effective means of resolving local problems of collective action. They exclude outsiders; and we have some evidence from the studies that are now in process that outsiders are treated differently before the law than are tribal insiders, and can be scape-goated whilst tribal insiders are in effect protected from the police. Women are excluded altogether from the rural Durbar that I visited in Nongkynrih, and in the urban Durbar in Shillong that I also went to the Chairman, a former Education Department official, was frank that though women are now also considered as members, they are not eligible for election to the executive. The notion of ‘election’, too, probably does not at all accurately reflect the process whereby the leadership emerges. It will be surprising if the research that Professor Baruah is now conducting does not show that Rongbah Shnongs and executive

members are all men from high status families, who decide upon the leadership amongst themselves. Though money maybe lies with the regular government bodies, authority lies with the Durbars; and it seems that anyone wishing to pursue a political career in Meghalaya probably needs a secure base in the Durbars. In other words we seem to have to do with a kind of local association which is effective, powerful and also not at all democratic, and which is the basis of tribal identity and separateness, and may therefore augment the forces of separatism – and of conflict. Separatist sentiments re fostered for example by youth organisations in Meghalaya, with the Non-Tribal Youth Union pitted against Khasi (tribal) groups. There are important connections, it seems, between the Durbars and the powerful Khasi Students Union and with the Federation of Khasi and Jaintia Peoples (the goals of each of which are ‘modern’ though the methods they deploy involve calls upon tradition and ethnicity), and with the Hynniewtre National Liberation Council which is described as “not quite a secessionist movement”, but which is armed and uses the slogan “Khasi by blood, Indian by accident”.

In some ways the tribal durbars of Meghalaya (and elsewhere in the North East) strike me as being comparable with the many other kinds of parallel structures that exist or that have arisen in different parts of the world and that represent a kind of ‘bifurcation’, standing as alternatives to the institutions of modern states. Another example, though of a different kind, is the institution in different African states of gangs of something very like vigilantes encouraged, as in Tanzania, to function in the place of the police and even the judiciary.

### **Conflicts of Authority**

The problems that are posed for a modern, democratic state by the strength of these tribal institutions was recognised by the authors of the Constitution of India, who aimed at accommodation of tribal aspirations and identities within the democratic framework through ‘tribal self-rule’. The Fifth Schedule of the Constitution, applying to the tribals of Central India was frankly paternalistic, but the Sixth Schedule (mentioned above) envisaged instruments of tribal self-rule for the North East (then all part of greater Assam) and set up special Autonomous District Councils, which were sometimes exempted from national laws and the influence of parliament. In Meghalaya ADCs were set up for each of the three tribal regions, the Khasi, Jaintia and Garo Hills, which had somewhat distinct traditional ruling systems headed by Syiems in the Khasi Hills, the Dolois of Jaintia and the Nokmas of the Garos. The Syiems of the Khasis are most influential and organised and it is said in the Consultation Paper that “the Syiemships are a clan based political system more in line of a feudal and monarchical political authority than [what are often supposed to be] tribal democratic traditions. *The limited political participation available to the common tribal under the traditional system need not necessarily fulfil the political aspirations of newly-emerging, forward-looking tribal elites*” (emphasis added, JH). The functions of the Autonomous District Councils, and of the state legislatures came to overlap in the North Eastern states covered by the Sixth Schedule, while the Syiems (or their equivalents) and their Durbars remained excluded in principle whilst retaining significant powers in practice (though more in some regions, like the Khasi Hills of Meghalaya, than in some others). Thus, it is said in the Consultation Paper that “It could be cogently argued that in Meghalaya there are ... three competing systems of authority, each of which is seeking to ‘serve’ or represent the same constituency. The result has been confusion and confrontation especially at the local level on a number of issues”. Confrontation was expressed quite recently when elections could not be held to the Shillong Municipality because of the pressure from some political parties, student organisations and other non-government groups (in spite of a Supreme Court

ruling ordering the elections). And in the Khasi Hills, in particular, non-tribals have rarely contested or won elections, and there are charges that non-tribals are not encouraged to vote in elections and that their names are often deleted from the rolls.

In 2001 it was being argued again, in the Consultation Paper for the Constitutional Review Committee, that, “Trends towards militancy ... can be discouraged through measures leading to self-governance. For this to happen the traditional systems of governance will have to be included and given specific roles and opportunities, instead of being marginalised as they have been for decades”. This recalls the intentions behind the Sixth Schedule, and is a response, as I understand it, to the facts that I have just recounted about the overlaps of authority and responsibility and resulting confrontations. What is being proposed now, in the context of the general intention to establish decentralised government enshrined in the 73<sup>rd</sup> and 74<sup>th</sup> amendments is to set up a three-tier system, with the First Tier being “representative of existing village councils and traditional systems ... where such institutions are strong and functional. This may be called the Durbar in the Khasi Hills and by the local nomenclature elsewhere and may comprise elected members of each village from the community/traditional systems”. This tier is expected to deal with such matters as village roads, births and deaths registry, marriages, property alienation, water bodies, forests, education, agriculture (etc) - all of which seems like quite a tall order. Larger issues and subjects go the Second Tier, amended District Councils, under the overall supervision of the State Legislature as the Third Tier, that delegates powers, as under the 73<sup>rd</sup> Amendment, to local governing bodies.

But the argument that “Careful steps should be taken to devolve political powers through the intermediate and local-level traditional political organisations”, as will be clear probably from the short accounts that I have given of the Durbars I visited, still poses a serious dilemma. This is pointed up in the later statement in the same paragraph of the Consultation Paper:, when it says that powers should be devolved through the traditional political institutions “*provided their traditional practices carried out in a modern world do not deny legitimate democratic rights to/of any section in their contemporary society*” (emphasis added, JH). It can surely be asked whether those who drew up the consultation paper (who included the leading politician from Meghalaya and sometime Speaker of the Lok Sabha, P A Sangma) weren’t suggesting the combination of opposites. The rhetoric of the Paper only seems to underline the point. It goes on: “The details of state-wise steps to devolve such powers will have to be carefully considered in a proper representative meeting of traditional leaders of each community ...”. Yet “The system of in-built safeguards, such as the Sixth Schedule, should be maintained and strengthened for the minority groups while empowering them with greater responsibilities and opportunities”, and while “traditional forms of governance must be associated with self-governance because of the political failure of local elites ... positive elements like gender justice and adult franchise should be built into these institutions to make them broader based and capable of dealing with a changing world where globalisation is critical ...”. The practical steps that are proposed to secure gender justice and adult franchise are the usual ones of setting aside reserved seats and constituencies. The question is whether the circle (of working through traditional institutions whilst making them correspond with the standards of a modern civil society) really can be squared in this way.

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- WP2 Crisis States Programme, 'Research Activities' (April 2001)
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The aim of the Crisis States Programme (CSP) at DESTIN's Development Research Centre is to provide new understanding of the causes of crisis and breakdown in the developing world and the processes of avoiding or overcoming them. We want to know why some political systems and communities, in what can be called the "fragile states" found in many of the poor and middle income countries, have broken down even to the point of violent conflict while others have not. Our work asks whether processes of globalisation have precipitated or helped to avoid crisis and social breakdown.

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### **Research Objectives**

- We will assess how constellations of power at local, national and global levels drive processes of institutional change, collapse and reconstruction and in doing so will challenge simplistic paradigms about the beneficial effects of economic and political liberalisation.
- We will examine the effects of international interventions promoting democratic reform, human rights and market competition on the 'conflict management capacity' and production and distributional systems of existing polities.
- We will analyse how communities have responded to crisis, and the incentives and moral frameworks that have led either toward violent or non-violent outcomes.
- We will examine what kinds of formal and informal institutional arrangements poor communities have constructed to deal with economic survival and local order.



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