

TRIBAL STUDIES IN INDIA: INTERDISCIPLINARY PERSPECTIVES AND APPROACHES

Lecture32

Lecture 32: Tribes in Post-Colonial India I: Constitution Making and the Roles of Tribes: Part III

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Thank you. Good evening, everyone. Welcome back to the NPTEL online course, Tribal Studies in India: Interdisciplinary Perspectives and Approaches. We are going to do our lecture number 32 today, which is Tribes in Postcolonial India: Constitution Making and the Role of Tribes. Now, in lectures number 31 and 32, we have taken a very broad historical sweep

of what happened, what transpired during the making of the constitution, and the kind of divergent positions that individuals, associations, and political parties took on matters pertaining to tribal communities. Now, since this is about tribal communities, we are only concentrating on tribals. Now, the same kind of contestations may also be relevant for other communities in India, whether it is women, religious minorities, or specific regions, you know. So, therefore, you can draw a lot of parallels. That is what I intend to say.

So, the making of the Constitution of India was also a very important period. It was very intense because there were different members who were actually part of the Constituent Assembly. And in the Constituent Assembly debates, they have actually put forward a lot of ideas which contradict or contest, and individuals coming from different regions and different backgrounds try to push their ideas, push some of the agendas that they have pertaining to specific regions or specific communities. Some of the agendas that they have pertain to

specific regions or specific communities. Now, in the context of tribal communities, one of the most important questions, whether in mainland India or in the northeastern part of India, is the question of autonomy.

Now, autonomy pertains to what will happen to their political status, right? Since tribals are distinct, they have their own traditions and customs, and many times, they are also vulnerable to being dominated by non-tribal communities. Now, the question of tribal autonomy continues to resonate very deeply even in the contemporary period. Therefore, to understand these tensions in the contemporary period, we really have to go back to the making of the constitution and who actually played an important role in terms of framing the Fifth and the Sixth Schedule. So, we have already discussed Jaipal Singh Munda and his contribution to the making of the Constitution, particularly pertaining to the Fifth Schedule.

Now, in this lecture number 32, we are going to focus on the northeastern part of India. And in the northeastern part of India, a different schedule was introduced, which came to be known as the Sixth Schedule. Now, the Fifth Schedule essentially is for the mainland part of India. The Sixth Schedule, which is still in force today, was essentially meant for the northeastern part of India. The Sixth Schedule is very important because initially, it was implemented only in today's states of Meghalaya and Mizoram.

But if you look at contemporary northeast India, you will see that the Sixth Schedule has been gradually extended to different parts of the states in the northeast. For example, in Tripura, likewise in Assam, in the context of Karbi Anglong and the Bodoland Territorial Council, you will see that the Sixth Schedule did not actually stop with its enforcement in states like Meghalaya and Mizoram. But then more tribes, you know, continued to demand autonomy from the central government. Over a period of time, some tribes have actually succeeded. So, therefore, it is really important to understand what its background is, how it came about, and what the role of tribal leaders or non-tribal leaders is in the making of this Sixth Schedule and its insertion in the Constitution of India.

Now, as I mentioned in this lecture, we will quickly try to understand the making of the Sixth Schedule. In the later part of the chapter, we will go further in terms of trying to understand the provisions given in the Sixth Schedule. We will also

compare and contrast the kind of provisions that are enshrined in the Constitution. But for now, what we really try to understand is how these schedules actually came about. What are the kinds of challenges that, you know, tribal leaders face?

So, there was this, you know, advisory committee on fundamental rights, minorities, and tribal and excluded areas, which was established as a subcommittee to review the northeastern frontier tribal regions and come up with recommendations. Now, at the dawn of independence, for the nationalist leaders, one of the primary concerns that they had was that, you know, in the future, what would happen to different communities? And for the communities themselves, they were asking, you know, what would be our status in independent India? So for that, there was this subcommittee that was formed under the Advisory Committee on Fundamental Rights, Minorities, and Tribal and Excluded Areas. And this subcommittee was actually to review the northeastern context, particularly the tribal communities.

And it is important because when it comes to the Northeast, many of the states in the Northeast today are predominantly inhabited by tribal communities. So it is almost impossible to actually neglect and forget about this region. So, this committee, the subcommittee, was headed by Gopinath Bordoloi, J.J.M. Nichols Roy, Rupnath Brahma, and A.V. Thakkar, the anthropologists—the Gandhian anthropologists—who served as members. Now, the committee, the primary agenda of the committee, was very clear. To really, you know, understand the kind of aspirations that tribal communities in the Northeast have and what kind of political provisions should be inserted in the Constitution of India that will actually grant some kind of promise to the tribal communities in the Northeast—that their rights, their fears, their traditions, their cultures will be protected and preserved.

Now, the committee took into consideration tribal and rural backwardness, threats to lands, customary rights, invasion from non-tribals, and autonomy in governance enjoyed, which would be threatened if general laws were applied to these areas. As such, the committee, by and large, was more or less in favor of some form of political autonomy for the northeastern frontier regions. So why is it that the committee had these recommendations in mind? We need to actually enforce some kind of provincial autonomy for the northeastern tribals, essentially because if uniform laws are passed and introduced in the region, there is a

potential that it will create social unrest, even political unrest. And at the same time, you know, it will—because why will this happen?

It will actually happen because the community will begin to feel a threat to their lands, their customary rights. And, you know, since many of these tribal communities are also demographically very small, there is always this fear of being outnumbered by non-tribal communities. Now, all of these factors can actually produce a negative impact. So for which the committee recommended that some form of provincial autonomy would actually help in reducing the fears and anxieties of tribal communities in the Northeast. However, despite this, there is a lot of opposition against this.

And like in the fifth schedule, there were a lot of people who were part of the Constituent Assembly who actually rose up in protest against the introduction or continuation of any form of provincial autonomy for the tribals. Now, again, we have to go back to the Constitutional Assembly debates. And during the Constitutional Assembly debates, there was this important discussion about the Sixth Schedule, whether or not it should remain a permanent part of the Constitution. Now, when we talk about the Sixth Schedule, we are mostly talking in the context of the excluded areas. And time and again, I have been saying that, you know, how... the colonial policy of administrative isolation played a very, very important role in the foundation of the Fifth and the Sixth schedule.

Particularly, when one talks about the Sixth Schedule, it is important to know that these Sixth Schedule areas were formerly recognized or scheduled as excluded areas. One of them is the Lushai Hills, which is now Mizoram; the Khasi, Jaintia, and Garo Hills, which is now Meghalaya; as well as the Naga Hills, which is now Nagaland. A member of the assembly, A. V. Thakkar, believed that the system of autonomous district council should not be seen as something fixed, but as something that could change over time. He felt that the constitution should not create states within states forever. So the idea that, you know, this autonomy should stay forever, the idea that they will be in existence forever is something that Thakkar says should not be like this.

Some provincial autonomy can be given, but then it should not be like that, you know, tribes will enjoy this autonomy forever. So at some point, he believes that we need to ensure that some form of autonomy is given, but we also have to

convey the message that these are not going to be in existence for eternity. So, Thakkar saw this system of self-governance as a temporary solution that could be updated or revised when needed. He emphasized that all constitutions and laws should have the flexibility to change with time. Now, why did many anthropologists, or even people who were not part of tribal communities, sympathize with the tribal populations?

Essentially, because they also have their own systems of governance. Now, if you look at many parts of India. You will see that many parts of northeast India, in particular, are recognized as tribal regions. Many communities are recognized tribes. But you will also see that among these tribal communities, there are a lot of internal differences.

And these differences can also exist in terms of political institutions. Now, some tribal communities will have a chieftain system, whereas in others, they may not have a chief at all. Some chiefs in some communities are very autocratic for some people, for some communities. They are very autocratic. They are very authoritarian.

But in the context of some other tribal societies, you will see that the chieftain system or the political systems are quite democratic. So, therefore, you know, but more or less, the bottom line is that these communities, which are considered or recognized as tribes, have some form of political institutions—traditional institutions. These institutions are actually helping the communities govern themselves. So, the customs, traditions, and political institutions in tribal societies are quite interlinked, for which Thakkar thinks that it is important we continue to allow these tribal communities to self-govern, as they already have existing institutions. Now, but at the same time, there was also this strong apprehension because we know that India was emerging out of 200 years of colonial rule—a very, very barbaric colonial rule.

Now, there was this apprehension, particularly regarding the question of the country's sovereignty. The threat of foreign investment was also a concern because we have very hostile neighbors—China is there, Myanmar is there, Pakistan is there. So, during that time, in the 1950s, it was East Pakistan, which is now known as Bangladesh. Now, you will see that amidst all these hostile neighbors, one of the primary concerns that nationalist leaders had was the

question of sovereignty—the unity and territorial integrity of the country. Or the potential, you know, foreign invasions, particularly when you have hostile neighbors like China, for instance.

So, therefore, many of the members think that granting any form of provincial autonomy or special treatment to the region would not be in favor of the larger cause of the nation. So, the apprehension, therefore, was that unless the provincial government consents to it, one of the major obligations also came from people who are from the region itself. So, it was not that, you know, people sitting in Delhi or elsewhere were outrightly opposing this. Many people—many representatives from Assam itself—actually raised objections against it because they think that, one, this is a continuation of the colonial policy of divide and rule. But on the other hand, what they are also thinking is that, you know, it will continue to reinforce existing divides, and that will actually prevent creating a kind of united feeling among the tribal and non-tribal populations.

Likewise, there were individuals like Brijeshwar Prasad, who also saw the district council. Now, under the Sixth Schedule, there are provisions for the creation of district councils, through which the tribal communities will maintain some form of self-governance. Now, Brijeshwar Prasad was of the view that the district councils and the regional councils proposed by the subcommittee were threatening the security of the Indian state. For him, the social, cultural, and educational advancement of tribes is closely tied to India's security. Now, one may think, why is it that everyone is talking about this idea of sovereignty, this idea of there being this strong apprehension about national security?

Essentially, North East India is located in a very distinct space, a distinct region where it is connected to the mainland part of India, you know, by a narrow strip of land, which is only 22 kilometers, also known as the Siliguri corridor. And you have, you know, China on one side and East Pakistan on the other. So, therefore, you know, there is this hostility. So there is always this fear that, you know, at some point, there can be another breakaway, right?

So this fear was very strong in the minds of the nationalist leaders. At the same time, they thought that, you know, the opinion was also that granting some form of autonomy is more or less a continuation of the colonial policy. So, therefore, someone like Kuladhar Chaliha was actually against these provisions of laws,

you know, not directly applying or automatically not applying to regions which are declared as scheduled under the Sixth Schedule area. So, likewise, you know, Brijeshwar Prasad, as I have already said, was also against the idea of having these separate district councils and regional councils because it is closely interlinked with the question. It is not only about the question of granting autonomy to the tribal communities.

For them, it is a question of national security. Now, Rohini Chowdhury also made a very, very similar point where he says that this autonomous judicial council is a weapon whereby steps are taken to keep the tribal people perpetually away from the non-tribals, and the bonds of friendship which we expect to come into being after the attainment of independence would be torn asunder. So, from different ways, from different angles, there is this counter, you know, this opposition against the passing or the introduction of Sixth Schedule in the Constitution of India. For Kuladhar Chaliha, it was essentially the opposition, more of opposing in terms of not directly the incapability of the central state to actually implement laws in areas which are under Sixth Schedule. Now, for Brijeshwar Prasad, it's more about the formation of district councils and regional councils, which is not only about creating another structure of governance but also about the security of the Indian state.

Now, for Rohini Chowdhury, it means that if we are creating something like district council and regional council under the sixth schedule, actually we are creating our own boundaries, which will actually put the tribal communities always away from the non-tribal communities and there will be no feeling of belonging between tribal communities and non-tribal communities because they are not allowed to interact, they are not allowed to socialize, they are not allowed to be in contact with one another. So these are the kind of arguments that were being given in the Constituent Assembly. So there are other voices, you know, which actually counter these claims, you know, made against the introduction of the Sixth Schedule. One was, you know, Bordoloi, who argued that scheduling the tribal areas and lesser control of the governor over the affairs of tribes on the ground that the hill tribes are still aloof from the development in the mainstream society and therefore should be excluded from the general laws and provided autonomy. Now, Gopinath Bordoloi, as you know, was the chairman of the sub-advisory committee.

Now, he himself says that tribal communities at some point require some kind of provincial autonomy essentially because they are one culturally and socially distinct. But at the same time, they have been living in isolation. They have been living in some form of isolation from the larger mainstream society. And therefore, it is important that we don't actually impose these new laws and regulations on them. A blanket application of new laws and regulations would, you know, strike back.

And this will not be good particularly because we can potentially lose tribal communities can lose their faith in the constitution of India. So, therefore he thinks that it is important that they be granted some kind of autonomy. Likewise, J.J. Nichols Roy, who was a representative from Meghalaya and one of the most prominent figures when it comes to the making of the Sixth Schedule, says that the first principle for bringing about a feeling of reconciliation between people who are estranged from one another is that one must place himself in the place of another. So, essentially, why did Nichols Roy say this? Essentially, many of the dissenting voices against the introduction of the sixth schedule in the constitution were people who predominantly came from non-tribal backgrounds.

So Nichols Roy was put forward this idea that before we actually say something, before we talk about this idea of reconciliation, it is important that we put ourselves in the shoes of the other people. So from their perspectives, why is it that, you know, tribal communities in India are demanding autonomy? Why is it that, you know, there is a strong demand, a strong push, and a strong advocate for the insertion of 6,000 in the Constitution of India? To really understand things, it is important that, you know, all the members, according to Nichols Roy, put themselves in the shoes of the tribal populace and try to learn and see things from the perspective of the community. Therefore, Nichols Roy argued that this forced integration of tribal populace with a non-tribal populace or the mainstream society is not at all desirable.

Rather, the promotion of higher modes of thinking and assimilation of higher culture is one of the ways of societal advancement. so, therefore, Nichols Roy sees that a blanket imposition of laws or a direct, forceful push for integration and assimilation of tribal communities is going to be a very dangerous step. Now, to allay the fears of the constituent assembly members supporting the integrationist power solution approach, Jaipal Singh made the remark by saying, 'I am very

optimistic about the future of Assam, particularly if the 6th schedule, even with all its shortcomings, is operated in a spirit of accommodation and in the real desire to serve the hill people of Assam.' As our compatriots and as people whom we want to bring into our fold, as people whom we will not let go out of our fold, and for whom we will make any amount of sacrifice so that they remain with us. So there was this anxiety, you know, this deep concern about the security of the nation. as i said, northeast india is located in a very difficult geography, surrounded by hostile neighbors, different nation-states.

But at the same time, you know, there are these communities that have distinct cultures, distinct traditions, and distinct histories. So, people like Jaipal Singh Munda may have had nothing to do with the region, but he was deeply sympathetic to the tribal cause in Northeast India. Going to the extent that we have to actually give some semblance of autonomy to the tribal communities in northeast India, we have to win their trust and confidence. And we need to have a strong spirit and desire for accommodating the wishes of the people of the region. And we should be ready to sacrifice.

There is nothing less, there is nothing great. And we should actually make sure that there is no big or small sacrifice so that they can continue to remain with us. So, these are the kind of counter-arguments that people like Nichols Roy and Jaipal Singh Munda made in favor of speaking for the introduction of the Sixth Schedule in the Constitution of India. Now, by and large, throughout the period from 1947 to the 1950s, the sub-advisory committee traveled extensively to the Northeast, and by this time, political mobilization was happening very strongly in many parts of the Northeast, essentially because many tribal communities began to have their own middle class, particularly an educated middle class, who were very articulate, as was the case in Mizoram. There emerged, you know, a very strong base of the middle class.

In Nagaland also, there emerged a very strong base of, you know, the Naga middle class who are educated. Now, the advisory committee traveled extensively to these regions, interacted with them, met with them, and really tried to understand what the wishes of the people were and what kind of autonomy they wanted. So, therefore, the making of the constitution was a very, very participatory activity. It was not that, you know, people who were sitting somewhere actually designed a constitution and imposed it on the people. Now,

when it comes to the framing of the Sixth Schedule as well, all these members were part of the subcommittee, traveled extensively to the region, talked to different people with different opinions, and then finally came to the conclusion that there is one thing where every community in the North East agrees, which is that they aspire to have some form of autonomy.

And that is how, you know, the Sixth Schedule came into being. So it was not that the Sixth Schedule was a creation of, you know, an overnight. It was a creation of a long process of consultations that was happening, you know, for a long period of time. Different individuals, different people, and different associations contributed significantly to the making of the Sixth Schedule. Now, some context beyond the immediate constituent assembly debate was that some of the things that need to be understood, in other words, were that people, the larger Indian citizens, were not mere silent observers.

They were not just sitting idle and waiting for the constitution to come into force, but rather they were active participants. People were actually contributing to the making of the constitution. Many tribal communities in North East India were actively participating, voicing their concerns and aspirations, when the subcommittee, through their own leaders, visited them in their regions. They actually put their, you know, aspirations and concerns before them. So, therefore, people were not just sitting idle and waiting for a constitution to come into force.

Actually, they contributed to the making of the Constitution of India. Particularly with the establishment of the advisory committee on minorities, tribal and excluded areas, the tribal groups made a demand for distinct minority status for themselves. They also questioned the adequacy of tribal representatives in a constitutional assembly who could speak on behalf of tribals. Now, you see that while there were efforts to include the tribal voice in the Constituent Assembly, many tribal things that it is not enough, not enough representation was being made. So, therefore even whether or not more tribals were made part of the Constituent Assembly was a different matter.

But what is important is that they were actually voiced, being raised, you know, to have more representatives. So, therefore, people really wanted to have a stake in the making of the Constitution. People actually wanted to contribute, you know, to the making of the Indian Constitution. For instance, the Naga National Council

advocated for self-determination in memorandum dated February 1947. It emphasized that democracy in its purest form already existed among Nagas.

So, Nagas think that they already have democracy. So therefore, there is no need for another kind of administrative setup. So for them, they already have what people are talking about. But in the context of Mizoram, for instance, people advocate for the Sixth Schedule, essentially because they think that it is important, it will guarantee them some kind of protection, because they have a distinct culture, distinct customs, and traditions. Similarly, a very important association by the name Adivasi Student Fellowship was one of the several organizations that petitioned the Constituent Assembly for a separate Jharkhand province.

And in their petition, they wrote, 'India is marching towards democracy.' We will be the future free citizens of India. India will be teaching democracy to the world. We are the most democratic people on earth. We have maintained the principles and ideas of democracy from the very beginning.

What we require at present is protection from being divided into tribes and sub-tribes by the present government. This tendency is solely meant to disrupt the democratic Adivasis. In order to keep our identity, our self-entity, and for self-determination, we demand a separate province constituting Chhattisgarh plateau and Santhal Parganas with areas adjacent to it with Adivasi population. By this, we will be able to protect our culture, history, civilization, and our very own existence for the service of India. We will be in the vanguard in the battlefield of India's freedom.

So, what do these demands mean? These demands reflected tribal aspirations for political autonomy and recognition within independent India. Now, what I wanted to highlight here before I conclude my lecture is that. Many times, you know, we think that the making of the constitution was a very elite, educated affair. But what we see—the experience of tribals—has indicated that many communities, ordinary people, laymen, and educated people equally contributed to the making of the constitution.

And for communities like India, like tribal communities, many times, they don't figure. When we are talking about laws, we are talking about framing legislation. But again, what we see from the insertion of the Fifth Schedule and Sixth

Schedule in the constitution is how the communities actually contributed and shaped the discourse. What kind of autonomy did they want? Whether or not an exact replica of the aspirations may be included is a different matter.

But the point is that they have been raising their concerns; they have been raising their voice. And today, even till today, we continue to see the fruits of that in the sense that we see that the Fifth Schedule and the Sixth Schedule are inserted in the Constitution of India. And we see that over time, new amendments, different amendments have been introduced to strengthen existing laws and provisions pertaining to tribes. Thank you so much.