CHAPTER IV

FORMATION OF THE DISTRICT COUNCILS
During the fateful decade between 1937-47, even as the provisions of the Government of India Act, 1935 were in operation, the hill areas of Assam evinced a great deal more interest than they did in the past. Many a British official who acted either as Deputy Commissioners of the Hill Districts or Governors of the province of Assam made extensive proposals for the reorganisation of the Hill areas. The Hill people themselves had woke up from centuries of slumber and began demanding a greater share in the ordering of their future political and constitutional structure. The Cabinet Mission which visited India to explore the possibilities of an amicable settlement of the Indian problem suggested the appointment of an influential Advisory Committee to enquire into the question of fundamental rights, minorities and tribal areas. Accordingly, the Constituent Assembly of India appointed an Advisory Committee which in turn set up a sub-committee on North-East Frontier (Assam) Tribal and Excluded Areas, popularly known as the Bardoloi Sub-Committee. The report of the Bardoloi Sub-Committee is an important landmark in the constitutional development of the Hill Areas of North East India. With minor modifications, the recommendations of the Sub-Committee were accepted and incorporated in the Sixth Schedule to the Constitution of India.

The present chapter attempts to bring together the various views and proposals made known for the reorganisation of the Hill areas and trace the events leading to the formation of the District and Regional Councils as envisaged in the Sixth Schedule to the Constitution of India.
The Proposal for the Creation of a North Eastern Frontier Province:

As noted in the preceding chapter, N.E. Parry, the Deputy Commissioner of the Lushai Hills was the first to suggest that the Hill districts on the Burmese Frontier should be constituted either as a separate administrative division or better still as a Chief Commissioner's Province with headquarters at Kohima.

J.H. Hutton, the Deputy Commissioner of Naga Hills made a similar suggestion. According to him, the Hill districts of Assam should be combined on the eastern frontier with the adjacent Hill districts of Burma to form a new Agency or Province. Starting from the Bay of Bengal, the new Province should include the Hill tracts of Arakan, the Patkawn, Chittagong and the Chin Hills, the Lushai Hills and the North Cachar Hills, the Naga Hills, the Mikir Hills, parts of the Upper Chindwin district, and the hill areas administered on the west bank of the Chindwin from the Upper Chindwin district and the Hokaung Valley together with the Sadiya and Balipara Frontier Tracts, and the Lakhimpur Tract, the states of Manipur and Tripura, and the isolated Shan states of Thangdut on the west bank of the Chindwin. Part of the Garo Hills might be excised. So also it might be necessary to omit the Balipara and Sadiya Frontier Tracts west of the Dwing, leaving the Abora, the Miris and Dafles a totally excluded area. This would give the proposed province a total of sixteen districts.

Hutton claimed certain clear advantages for the new province. First, it would provide an opportunity for political advancement of the inhabitants through corporate tribal lines as distinct from the present
position in which no corporate development of the tribes could be envisaged. Second, it would help consolidate an incredibly polyglot area into a uniform administrative unit. Third, the defence of the entire region could be better organised. Finally, instead of a borrowed cadre of civil servants employed on an ad hoc basis, the new province could have a separate cadre of officials specially trained for frontier service.

Hutton did not think that communications would be a bar to the creation and organisation of the new Province. He suggested that Imphal in Manipur state should be the natural capital of the new Province.

As regards the internal policy and structure of the Province, Hutton said: "The express desire of most of the tribal areas is for self-determination and this could be secured in a number of cases by the creation of petty states on the lines of those of the Khasi states or the Kerenni states in Burma. Thus, the tribals would have the freedom to manage their own affairs as self-governing units of a federation like the minor states in western India."

Sir Robert Reid, the Governor of Assam had strongly supported Hutton's proposal for the creation of a North-East Frontier province. He went ahead of Hutton to suggest that the new province might not exclude any Hill tract merely on account of its geographical incompatibility but that all Hill tracts with the exception of the Shillong sub-division should be included in it.

Sir Robert added one more reason to those given by Hutton in support of the setting up of a new frontier province. He said that the new province would consist of a solid block of animists who had nothing
in common with the Hindus and Muslims of the Plains. He, therefore, argued
......"We have no right to allow this great body of non-Indian animists
and Christians to be drawn into the struggle between Hindus and Muslims
which is now, and will be in future with ever increasing intensity, the
dominating factor of politics in India proper."

Sir Robert concluded by saying: "Personally I am in favour of
Dr. Hutton's idea of a North East Province or Agency, embracing all the
Hill fringes from the Lushai land on the south right round to Beinur-
Frontier Tract on the North embracing on the way the Chittagong Hill
tracts of Bengal and the Nagas and Chins of Burma and perhaps the Shan
states too. I will put this under a chief commissioner and he in turn
would, I imagine, have to be divorced as in Burma from the control of
the Government of India and put perhaps under some appropriate govern-
at Whitehall. The members of this federation shall not be subject to
constitutional changes introduced in the Provinces of India."¹

J.P. Mills, Adviser to the Governor for Tribal Affairs in
1945 suggested three alternatives in shaping the future of the hill
areas. They were (a) inclusion of all the Hills in Assam (b) inclusion
of some of the Hills in Assam and (c) exclusion of all the Hills from
Assam. Mills was in favour of the third alternative. He strongly urged
the formation of a union of states comprising all the tribal areas. This
union should be under the control of either His Majesty's Government or
the Government of India or as a possible compromise, the Government of
India might be given a mandate.

¹. Supplementary Memorandum to the SRC by the Government of Assam,
pp. 9-12.
Fortunately or unfortunately, the Government of India did not accept the proposal for the formation of a North Eastern Frontier Province which was to have included all the Hill tribes within the geographical limits of North East India and even beyond especially along the Burmese border where the tribes on the Indian side had often intimate relations with their counterparts on the Burmese side of the border.

The idea of a separate province for the Hill tribes was influenced by many factors. First, there were tribes like the Rangpangs dwelling on both sides of the frontier with Burma. Often these tribes maintained intimate social and economic contacts with each other. As a result, it became difficult to agree on a clear demarcation of the eastern frontiers with Burma. Every attempt to draw a geographic boundary resulted in an artificial and arbitrary division of the frontier tribes. The proposed province of the Hill tribes would have been determined on ethnic lines and would thereby provide for the integrated development of the Hill tribes.

Second, there were the Hill Tracts of Chittagong which at one time became difficult for the Government of Bengal to administer on the Government of Assam was unwilling to accept the responsibility. The Minister for Education (1930) were not in favour of an increase in the responsibility of the Government of Assam by the addition of more backward tracts under its jurisdiction. If a separate Hill Province were to be formed, all these areas could be integrated into a harmonious whole.
Third, administration of the Hill areas called for specially trained officials. A separate province for the Hill tribes would institute the institution of a new cadre of officers who might be specially trained for definite duties among the Hill tribes.

Finally, the proposed province would not entail much of an additional expenditure, for the tribes were largely self-governing and an elaborate administration was neither possible nor desirable.

REID’S ALTERNATIVE PROPOSAL:

Sir Robert Reid said that in the event of his scheme for a separate Hill Province was not accepted, he had an alternative to suggest. "A workable intermediate arrangement...... might be found in the formation of a Province of Assam Valley only and in placing the Hills under that if they must be placed under a Provincial Government without any of the safeguards that at present exist. There would atleast be a chance that the old Assamese friendly method of dealing with the Hillmen might be revived."²

But the accepted official view was that the Hills and Plains of Assam could never co-exist and form a single entity.

REID PLAN AND THE BRITISH GOVERNMENT:

The Reid plan for the creation of a North Eastern Hill Province was accepted by Churchill but vetoed by the Labour Government.

When the Reforms Commissioner visited Assam in 1942, the tribal representatives made a plea that the Hill areas should not be excluded from the operation of the Reforms.\footnote{Transfer of Power, Vol. I, p. 64 - HMS Office, London.}

Sir Reginald Conpland suggested the creation of a sub-province for the Hill areas of Assam. He also said that the Hill areas might be a condimomium.

MEMORANDUM BY THE NAGAS TO J.P. MILLS:

In 1945, Mill received a memorandum from the Nagas. It read:

"We the Nagas and Kukis are not ready to take our place in a democratic constitution or to compete with the sophisticated so called Indian politicians. .......We the Nagas became dependent only to the British. Therefore, it is immaterial to us who rules Hindusthan or Pakistan as long as we are the subjects of the British under the Great king of Great Britain and his British representatives."

On April 10, 1945, the tribal representatives of the Nagas became more explicit and passed the following resolution.

There should be a Hill province comprising the Hill districts of Assam and the neighbouring Hill tracts. It should have a legislative council representative of the people. The council should have the power to decide whether the Hill areas should be administered autonomously or otherwise. When sufficiently advanced, the Hill province could be admitted to the Indian federation.
The Government of Assam thought that the demand for a Hill province was inspired by a few British officers and missionaries of the Baptist Mission. But there is no evidence to prove the veracity of this impression.

SIR ANDREW GLOW SCHEME:

In 1945, Sir Andrew Glow considered all the proposals for the reorganisation of the Hill areas of North East India. He suggested an integrated scheme. According to him, the Sadiya, Balipara and Lohimur Frontier Tracts and the territories up to the Mac Mohan Line and the Tangle Tribal Areas which subsequently became the Tuensang district of the North East Frontier Agency should be constituted into a separate Agency, and at the same time some links should be maintained with Assam. For instance, there could be a joint cadre of all superior officers. The Governor of Assam could also be the head of the new Agency.

What about the other Hill Areas of Assam? Sir Andrew Glow thought of two possibilities - either the Hills and the Plains merged to form a single administrative unit with due provision for the preservation of tribal customs and institutions or the Hills could be formed into a separate province subject to the maintenance of certain administrative links with the Plains. Andrew Glow favoured the idea of a merger to that of separation between the Hills and the Plains. He said, "In a long term view it is difficult to see any future for the Hills as a separate province. While they are by no means without resources, they seem too heterogeneous to form a satisfactory unit, and too small, even
if fully united, to sustain a healthy and progressive life of their own. The ultimate interests of both plains and hills lie in fusion."

Sir Andrew Clow noted further, "Experience shows that it is much easier to divide states than to unite them and there is little point that the setting up of two provinces would create vested interests in both areas which would oppose union. Antagonisms tend to arise, economic barriers grow and the people drift apart rather than come together. The Hillmen whose future depends on healthy intercourse with the wider world and who have a great deal to contribute to it might well find themselves shut up in their fanciness with a petty and impoverished administration. Indeed that a stage might be reached when they would like to join and would be unwelcome. Assam is never likely to be as homogeneous as other provinces. The plain peoples are not so divided as those of the hill but they are far from being a single people such as can be found in equally large or larger areas in India. But this collection of peoples in hills and plains have been set out in a particularly well demarcated corner of the world and their welfare will depend on their proving able to live together. Assam should look to her diversity and to her capacity for toleration which is greater than that of other provinces."  

Sir Andrew contended further that there was no record of the Hill people ever combining as such under one political organisation at any period. The Hill people of Assam belonged to divergent ethnic groups and sub-groups such as the Monkhmer, Bodo-Kachari, Kuki, Chin etc.

5. Rustomji, "Enchanted Frontiers, p. 48."
Uniformity was observable in certain aspects of social organisation not not all. The Hill tribes differed from each other not merely in their racial and linguistic affinities but also in their methods of organisation, customs, beliefs and ways of life.

While the Hill people were separated from those of the Plains and were also divided among themselves, it would be a mistake to consider them to be homogeneous. The Nagas, for example were not one people but a collection of peoples. "Naga is a collective nickname bestowed by the plains men on a dozen or more tribes who look much alike as strangers but whose languages are so distinct that most of them are unintelligible to any other tribe and whose customs and methods of social organisation also differ considerably." Between the tribes of the Northern Hills and those of the southern and Central Hills there was no contact whatever. It was doubtful if a Naga had ever seen a Momba or any Luchini had ever met a Dafla.

The spread of Christianity and the fight against the Japanese during the second world war which took place almost on their doorsteps brought the various Naga tribes together and contacts were established between the inhabitants of the southern and Central Hills. Even so, Sir Andrew Clow said, "it must be admitted that Cohesian does not go as far as yet. It will be a long time before the tribes can claim to be a people ...... The Tribesman tends to think primarily in terms of his village or clan; even the tribe itself sometimes means little and it is only a few who have a conception of any larger unity. Between the tribes there is no contact between the villages in some areas notably in the Naga Hills there are
some traditional hostilities. No group of people of the same size and perhaps none in the world has so many distinct languages, the number of known ones is in the neighbourhood of ninety. The Hill man is a good linguist and the man of one tribe has normally some acquaintance with the languages of the border tribe but none of these languages can hope to become a lingua franca and any large gathering of tribal representatives would have serious difficulty in reaching a common basis in the present circumstances."

SAPRU COMMITTEE RECOMMENDATION:

The Sapru Committee discussed the problem of the Hill areas and said: "It may be necessary to appoint a special officer to look after the interests of such classes for a certain period and to take special protection from undue interference with their religious beliefs. A minority commission, the establishment of which we have recommended may be usefully be employed to keep constant and vigilant watch over the interests of these classes. In any scheme of full self-government these special powers of the Governor will have to be replaced by appropriate obligations placed on the legislature and the government of the future for discharging their duties in respect of these classes. We feel that it will be one of the main functions of the constitution making to suggest suitable provision in this behalf."6

THE KHASI HILLS - 1945:

In 1945, when India’s political future was being discussed, the Khasi states, and various other organisations and groups were also pressing their own proposals for the future of the Khasi Hills.

In 1946 the Khasi chiefs formed an organisation known as the federation of the Khasi states with the object of preservation of their rights, as well as the laws and customs of the Khasi people in the event of India’s Independence. In July 1947 the Federation signed a stand still Agreement with the Governor of Assam.

Extremists among the Khakis like Wickliffe, the heir apparent of the Siem of Nongstoin and his associate S.A. Chyne organised a movement for the Independence of the Khasi states. Wickliffe had already induced the Siem of Nongstoin and other Siems to accede to Pakistan. Having failed to accomplish his design, he left for Pakistan. S.A. Chyne began leading an underground movement but he was soon arrested.

A party led by G.G. Swell thought in terms of the separation of the Khasi states from the province of Assam and pressed for direct administration by the Government of India.

The Hill Union and the Khasi National Durbar were two other extremist groups. The Hill Union circulated a pamphlet demanding that all People from the Plains living in the Khasi Hills should quit the Khasi states immediately after the withdrawal of the British from India. It also demanded that the tribals should have the right for self-determination including the right to secede from the province of Assam; that they should have the right of federating themselves into a separate and
autonomous province altogether; that they should be adequately represented in the Advisory Committee and that their wishes and aspirations should be considered; that the constituent Assembly should carefully consider the recommendations of the Advisory Committee; and that the Khasi province should be treated as an equal along with other provinces of India.

CABINET MISSION AND THE HILL AREAS:

The cabinet mission suggested that the Constituent Assembly should appoint an Advisory Committee on the Rights of citizens, minorities and Tribal and Excluded areas. Sir Stafford Cripps, a member of the Cabinet Delegation said that an influential Advisory Committee could be set up to enquire into the future political and administrative arrangements for the Tribal and Excluded areas.

Accordingly, the Constituent Assembly set up an "Advisory Committee on Fundamental Rights, Minorities and Tribal Areas, etc." The Advisory Committee appointed the "North-East Frontier (Assam) Tribes and Excluded Areas Sub-Committee" with Gopinath Bardoloi as Chairman, J.W. Nichols Roy, Rup Nath Brahma, and A.V. Thakkar as members. Aliur Ali was coopted as a member. R.K. Ramadhyani acted as Secretary. Sir F. F. Rau, Constitutional Advisor to the Constituent Assembly had also assisted the Sub-Committee in some of their deliberations.

8. Ibid., p. 224.
Between April 18, 1947 and June 15, 1947 the Sub-Committee paid visits to the headquarters of all the Hill Areas except the Garo Hills and the Jowai Sub-division of the Khasi Hills, held interviews and recorded evidence from various representative organisations, institutions, political parties and individuals including officials. The Sub-Committee could not visit the Garo Hills and the Jowai Sub-division on account of bad weather and difficult communications. Representatives of the latter were, however, interviewed at Gauhati and Shillong respectively. The Sub-Committee received memoranda from all those who were directly or indirectly affected by the inquiry.

The Sub-Committee coopted two members from each of the Hill Areas they visited. No person was, however, coopted from the Frontier Tracts.

In the cooption of members from the Lushai Hills, the Sub-Committee found that the 'Mizo Union' was more truly representative of the people of the Lushai Hills than the 'District Conference' convened by the Superintendent of the Lushai Hills. The latter represented only "a section of opinion, largely that of certain officials and chiefs controlled by them." Therefore, the Sub-Committee coopted two members belonging to the Mizo Union.

The Sub-Committee based their investigations on the Cabinet Mission proposal for the establishment of an All India Union comprising

9. Letter from Chairman, North East Frontier etc. Sub-Committee to the Chairman, Advisory Committee on Fundamental Rights etc. of Constituent Assembly as recorded in the Report of the Sub-Committee dated 28-7-1947, p.3.
British Indian territories and some Indian States. The Hill Areas of Assam excepting the Khasi states were a part of British India. In the normal course, therefore, it would be easy enough to find a solution to the problem of Hill Areas of Assam within the framework of the Indian Union. But the background against which the Sub-Committee functioned was fraught with immense difficulties. The arrangements made by the British for the administration of the Tribal areas had the effect consistently of keeping the latter isolated and untouched by modern influences save those brought by the Christian Missionaries. Again, some of these tribal areas were war zones. During the second world war, the then rulers and officers developed in the minds of these tribal people a sense of separation and isolation and gave them assurances that at the end of the war they would be independent states managing their affairs the their own way. There were also plans for the formation of a Hill Province under some responsible Governor.

Thus the Hill people were not only isolated but were suffused with ideas of separation. Such ideas were also whetted by an impression which had already gained ground that the British were contemplating to transfer power to more than one Dominion in India. Certain sections of the Hill people in Assam had taken this to be an opportunity to press for their own self-determination and possibly a separate homeland for themselves.

All this made the deliberations of the Sub-Committee a difficult and often a delicate affair.

THE HILL PEOPLES' VIEWS:

Broadly speaking, the Hill people's views fall into the following categories.

First, there were extremist organisations like the District Conference in the Lushai Hills which demanded complete autonomy except for defence in regard to which an agreement might be entered into with the Government of India. The District Conference was, however, the mouthpiece of the Superintendent who convened it and who also became its President.

In the same tone, the Naga National Council demanded "an interim Government of the Naga people" under the protection of a benevolent "guardian power" who would provide funds for development and defence for a period of ten years after which the Naga people would decide what they would do with themselves. The Naga National Council was dominated by the Angami group which while subscribing to the above views prevailed on others to adopt the same.

The Assam Tribes and Races Federation declared that when the British handed over power to Indians, Assam should be accorded the status of a sovereign state outside of Pakistan and Hindustan. Reversing this, the All Assam Ahom Association envisaged an administration with complete local autonomy for the various tribes in Assam and also with the right to secede from Assam whenever they desired.
Second, less extremist groups like the Mizo Union expressed the view that they would like to join the Indian Union through Assam and that they would also favour representation in the Assam legislature. The Garo Hills Union presented a draft constitution under which they would like to be connected with Assam in such matters as higher education, medical aid etc. but in all other matters including powers of taxation and administration of justice they preferred to be governed by their own elected council and an executive body. Representatives from Khasi Hills had also expressed similar views. They aspired for a federation between the Khasi States and the British portions. And the federated state would be federating with Assam and India.

Third, there were also many a section of the Hill people including the minority groups who expressed unstinted support for a union with Assam and the rest of India.

Fourth, a feeling shared by all the Hill people was that people of the same tribe should be brought together under a common administration. In other words, they demanded the rectification of the existing administrative boundaries more truly in line with ethnic homogeneity. The Lushais wanted the Kukis of Manipur and other areas in the newly created boundaries. The Nagas wanted the Zemi areas of the North Cachar Hills included in their district and so on.

Fifth, notwithstanding the sharp differences in the details of political and administrative arrangements proposed by the different tribal organisations and groups, the Hill people in general desire...
(a) protection of their land.
(b) preservation of their customs, beliefs and modes of living.
(c) continuance of their local institutions, and
(d) development.

EVIDENCE BEFORE THE SUB-COMMITTEE:

THE KHASI AND JAIN'TIA HILLS:

Rev. J.J.M. Nichols Roy submitted a Draft Constitution for the Khasi and Jaintia Hills. He envisaged a Federation consisting of 25 Khasi states, the 31 Sirdarships within the Khasi Hills, the Jaintia Hills with Doloi ships and 2 Sirdarships, the British Area of the town of Shillong and a group of 20 Nongwah villages in Kamrup district which run contiguous with the Khasi Hills. The Federated state shall be connected with province of Assam and be connected with it in such subjects as general and technical education, Medicine and Public Health, provincial communications, exports and imports and in all other subjects in which the province of Assam would be connected with the Government of India.

The Khasi and Jaintia Federated State shall have a National Council of 29 members, four of whom shall be women. The term of the council shall be five years. The twenty five members of the National Council shall be elected by adult franchise from single member constituencies. The women members shall be elected according to rules prescribed.

The functions of the National Council shall be in the main:
(a) to legislate for the whole of the Federated State in all subjects except those which might fall within the exclusive jurisdiction of the
units, (b) to codify the customary laws of the units and (c) to raise subscription or impose cess or tax upon the whole of the Federated State or any unit therein for the purpose of meeting with the financial needs of the Federated State.

The National Council shall have a chairman elected by it. It shall also have a secretary. It shall elect the three members of the Executive Council. One of them shall be the President. The President of the Executive council shall be the President of the Khasi Jaintia Federated State. The President and members of the Executive Council shall hold office for five years.

The Executive council shall have the power to frame the budget of the Federated state to appoint all important officers including the judges of the High Court, to raise a police force or any armed force (subject to the vote of the National Council) to maintain law and order, to ask the Provincial government to assist the state, in case of necessity, to maintain law and order and to deal with external affairs connected with the Federated State.

All legislation passed by the National Council must receive the assent of the Executive Council. The Executive Council has the right to withhold its assent and return the bill for the reconsideration of the National Council. It may also veto any bill which it may consider detrimental to the interests of the Federated State.

The Federated State shall have a High Court to hear cases from subordinate courts. The judges shall hold office for five years. The decisions of the High Court shall be final. It shall have civil and criminal jurisdiction.
All revenues from the District shall belong to the Federated State. The latter shall pay a certain contribution to the Provincial government for the administration of common subjects.

The Federated State shall elect four representatives to the provincial legislature. No Provincial legislation shall apply to the Federated State except with the approval of the National Council and with any modification which it may bring about.¹²

The Draft constitution for the Khasi and Jaintia Hills is said to have been read out and explained to the people in a large gathering held on 2, August, 1946 at Students’ Field, Shillong. The meeting is reported to have accepted it unanimously.

Certain aspects of the Proposed Draft Constitution for a Khasi-Jaintia Federated State are extraordinary and worth noting.

First, it assumes that the 25 Khasi States would be willing to join the proposed federation.

Second, it also assumes that the Sgiems (Khasi Chiefs) would be ready to part with their revenues which they had been receiving directly from the government under certain agreements.

Third, while it expects the Sgiems to join the Federated State, it provides no special representation for them either in the National Council or the Executive Council.

Fourth, it maintains and connection with the Provincial government in respect of certain subjects but it does not say clearly whether...

the authority of the Provincial government would be the deciding factor in regard to those subjects.

Fifth, it seeks representation in the Provincial legislature, but it makes the application of the laws made by the Province conditional upon their acceptance by the National Council.

Sixth, it requires the Provincial government to make over all the revenues realised from the District to the Federated State. It does not concede any powers of taxation to the Provincial government. On the other hand, it seeks to make a certain annual contribution to the latter for services rendered in respect of common subjects.

Seventh, it makes its own High Court the highest tribunal in the land and does not concede any right of appeal to the Provincial High Court even in cases involving the highest punishment.

When certain questions pertaining to the above points were raised by the chairman and other members in the course of interviews with the witnesses before the sub-committee, Rev. Nichols Roy, himself a member said:

"The present scheme will not be perfect. You will have to make modifications. The details will have to be worked out between the Provincial government and the union and possibly between the British areas and the States."13

The Draft Constitution for the Khasi Hills as presented by Rev. Nichols Roy was generally endorsed by several representative organizations, groups and individuals through oral submissions before the sub-committee and also in most cases, through submission of memoranda. At times, however.

13. Ibid., p. 80.
they had differed in details and they had also agreed to consider certain changes in response to questions addressed by the sub-committee.

Thus Larsing Khyriem, M.L.A. (Jowai), later coopted as a member of the sub-committee submitted a memorandum in which he endorsed the scheme of Rev. Nichols Roy. He proceeded further to say that a Khasi should always be included in the Provincial Cabinet. In reply to questions addressed to him by the Sub-Committee he conceded that the Provincial government should be the deciding factor in respect of subjects in which it may be connected with the Federated State. He also felt the need for reservation of certain seats for the Sibs in both the National Council and the Executive Council. 14

Likewise B.M. Shulla, Rev. P.L. Wann and Dr. R.K. Tariang (and several others) had in their memoranda endorsed the draft scheme of Rev. Nichols Roy. They stated further that the Jowai Sub-division should remain as such in the Federated State. Rev. P.L. Wann and Dr. Tariang wanted that the Jaintiapur Bazar and the areas around it should be added to the Jowai Sub-division. In reply to questions addressed to them by the Sub-committee, they conceded that law and order and administration of justice at the highest level should be included in the list of subjects in which the Federated State should be united with other. 15

Tamon Roy Passah had in his memorandum similarly endorsed the scheme of Rev. Nichols Roy. In regard to the Khasi-Jaintia Supreme court.

15. Ibid., Appendices, B.C,D; pp. 195-200; See also Evidence, pp. 92, 93.
he added that the judges should be independent and should hold office until they attain the age of 60 years.16

A memorandum submitted by U. Sorsing Konglah and his group representing the slopes of the Jaintia Hills was also closely on the scheme of Rev. Nichols Roy. It said in the end: "We support the principles of the plan enunciated in the draft constitution of the Hon'ble Rev. J.J.M. Nichols Roy."17

U. Jossaiah Myntri representing Maharam, Mawiang, Nongram and Langrin states had said clearly in his memorandum that the "Provincial Government should help the Khasi-Jaintia Federated State to maintain law and order." In all other respects, he agreed with the proposals of Rev. Nichols Roy.18

While endorsing the scheme of Rev. Nichols Roy, the Khasi-Jaintia Federated State National Conference had in their memorandum reiterated the demand for the incorporation of a group of 40 Khasi villages from the adjoining Kamrup district into the Khasi Hills Federated State.19

Joab Solomon (91) and a group of leaders from the Khasi States of Mylliem, Manphlang and Nonghwai submitted in their memorandum that it would be in the best interests of the Khasi people as a whole to be organised into a single Khasi-Jaintia Federated State in which all men and women above the age of 18 could elect their National Council which in turn should elect an Executive Council. The Federated State should be

17. Ibid., Appendix "F", pp. 205 and 206.
linked with Assam and the latter should give representation to the former in the Provincial legislature as well as the Provincial Cabinet. The Provincial government should also agree for a certain percentage of the services to be recruited by competition restricted to the Hills of Assam. Ten percent of the services should, however, be subjected to open competition. In reply to questions addressed by the Sub-Committee, Solomon said that he had no objection to treating subjects like law and order, finance and development as falling within the Provincial sphere.

While expressing their support to the proposals made by Rev. Nichols Roy, O.S. Siemlieh of the Siem family of the Nongkhlaw Puts and ten others stressed the need for preserving the rights and privileges of the Rulers. They also said that the Rulers should be appointed strictly in accordance with custom and traditions. Any Ruler who was not appointed according to customary law should be dismissed.

In response to questions raised by the sub-committee in the course of the interview at Shillong, Siemlieh agreed to the division of the powers of taxation between the Province and the Federated State.  

In separate memorandums U. Jogidhon Roy, ex-wahoddar and other) and Welson Khongmen from Khyrim State reaffirmed their faith in the proposed Khasi-Jaintia Federated State. Khongmen demanded that full responsible government should be introduced even in the units composing the Federation.

20. Ibid., Appendix "J", pp.213-215, See also Evidence before the Sub-Committee, p. 126.
21. Ibid., Appendix "K", pp. 216-217 - See also Evidence, pp.129.
22. Ibid., Appendices "L" and "M", pp. 218-221.
Mrs. B. Khongmen and Mrs. L. Shullai had also expressed their support to the Nichols Roy Plan. Mrs. Khongmen demanded further that women should have equal rights with men in political as in all other matters. The existing restriction on women not to participate in a Khasi assembly should be removed.23

Support for the Nichols-Roy Plan was expressed in two other memoranda submitted by Harrison Myntri of Cherra State (and other) and Rostanwell War Sirdar of Sohbar and other Sirdars and representatives from British villages.24

Among those who disagreed with the Nichols Roy Plan and who made alternative suggestions before the Sub-Committee were Rev. Gatphoh and one Miss Dunn. Rev. Gatphoh would have the Khasi people left free to frame their future constitution. The old Jaintia Kingdom might be revived and it might take the lead to bring the rest of the hill races into its fold. After the Khasis had thus set their house in order, they might negotiate either with the Government of Bengal or of Assam and India for any kind of relationship they might wish to have with all or any of them. Rev. Gatphoh was supported by Jibon Rai and S. Barah.25

In a similar tone, Miss M. Dunn said that the Khasi people should be left to themselves, the Khasi States might rule as before, the Jaintia Kingdom might be restored and whatever else the Khasis wished to do to unify themselves should be their business. Thereafter, they might as a sovereign people negotiate with the Government of Assam or any other Government they deemed necessary in their own interests.26

23. Ibid., Appendices "N" and "O", pp.222-226.
25. Ibid., Evidence before the Sub-Committee, p.108.
In a memorandum to the Sub-Committee, the Mikir people residing in the Khasi and Jaintia Hills pleaded that the areas inhabited by them should be separated from the Khasi and Jaintia Hills district and annexed to the adjoining Mikir Hills Area.\(^\text{27}\)

The witnesses who endorsed the Nichols-Roy Plan and who wished the Khasi Jaintia Federated State to remain connected with Assam on certain respects had all stipulated, among other things, that Assam should not be grouped with Eastern Bengal and Shillong should continue to be the Capital of Assam.

THE NAGA HILLS DISTRICT:

The Naga National Council purporting to be "the National Organisation of the Naga People" and "the embodiment of the expressed desire of the mass of the Naga Nation" was the one body which dominated the deliberations of the Sub-Committee in Kohima between May 19, 1947 and May 21, 1947. Known originally as the Naga Hills District Tribal Council,\(^\text{28}\) it was rechristened in March 1946 as the Naga National Council. Though apparently a non-official political organisation, it consisted of many government officials and had also received official patronage locally.

A notable feature of the NNC as of all local tribal councils is that decisions were taken by general agreement and not by the minority accepting the decisions of the majority. There was no scope for dissent.

\(^{27}\) Ibid., Appendix "Q", pp. 229-230.

\(^{28}\) C.R. Pawsey, Deputy Commissioner, Naga Hills was the one who established it in April 1945 with the aim of uniting the Nagas and repairing some of the damage done during World War II.
no minority opinion could ever be aired. Such a procedure might suit the administration of the village affairs but in regard to issues of higher significance it might inevitably lead to unsatisfactory compromises.

The Naga National Council's original political objective was to achieve local autonomy for the Hills within the Province of Assam. In the same spirit, it passed a resolution at Wokha on 19, June 1946 which stated among other things that: "The Naga Hills should be constitutionally included in an autonomous Assam in a free India with local autonomy and due safeguards for the interests of the Nagas." Witnesses for the T.N.C. admitted that a memorandum to this effect was submitted to the representatives of His Majesty's Government. The spirit of the Wokha resolution prevailed throughout the year 1946 and when the Premier of Assam visited the district in November 1946 he was given the same impression. Early in 1947 the Governor of Assam, Sir Andrew Clow visited the Naga Hills and advised the Nagas that they should find their strength and fulfillment with India and with Assam.

Subsequently, towards the end of February, 1947 the N.N.C. moved away from its earlier position, adopted a sort of "go ahead" attitude, and addressed a Memorandum and an Appeal jointly to the His Majesty's Government and the Government of India to the effect that the Naga people should be given self-determination and that they should have an autonomous Government with financial provisions for a period of ten years.

end of which they should be free to choose any form of Government under which they would like to live.\textsuperscript{30}

The case of the Naga people for self-determination was meant to be established, among other things, on the following grounds:

1. Ethnically the Nagas are from a distinct stock.
2. The Nagas have a distinct social life, manner of living, laws and customs; and even their method of governance of the people is quite different.
3. In religion, the great majority of the Nagas are animists: but Christianity which was introduced by the American Baptists long before the advent of the British is now speedily spreading."

The question was, therefore, raised: "ought the British Government, or the Government of India throw this society into the hot pot with a mixture of other Indian races?"

It was stated further: "A constitution drawn by people who have no knowledge of the Naga Hills and the Naga People will be quite unsuitable and unacceptable to the Naga People."

In conclusion, it was laid down: "thrown among forty million Indian people, the one million Nagas with their unique system of life will be wiped out of existence. Hence this earnest plea of the Nagas for a separate form of an Interim Government to enable them to grow to a fuller stature.\textsuperscript{31}

\textsuperscript{30} Ibid., Memorandum on the case of the Naga People for self-determination and an Appeal to H.M.G. and the Government of India, p. 147.
\textsuperscript{31} Ibid., p. 248.
In a subsequent memorandum, the NNC asked for a "Guardian power" who would "for Defence and for aiding civil power in case of emergency" maintain a force in Nagaland which the NNC considered adequate. Such force would be responsible to the NNC which would in turn be responsible to the Guardian power.

When questioned by the Sub-Committee as to the reasons why the NNC moved away from their original Wokha Resolution and took up an entirely different position in their subsequent memorandums to H.M.G. and the Government of India, the witnesses for the NNC gave evasive replies. Thus they said at first that when they adopted the original resolution they were thinking of autonomous Assam and free India. But in the mean while developments in India had taken a different shape and therefore, he could not remain waiting for Assam or India. When asked if there were any other reasons, a witness said: "There may be many reasons, but the most important reason is that the Naga people want to take the present stand. The Naga people have changed their mind and want to take the present stand. That is the will of the Nagas." 32

When asked about who the Guardian power should be and what kind of relationship they would wish to maintain with who ever the Guardian power might be, the representatives of the NNC were extremely reluctant to express their opinions. Ramadhyani, the Secretary to the Sub-Committee summarised the views and attitude of the NNC succinctly as follows:

32. Ibid., pp. 210-211.
"On the whole, the attitude of the NNG and the general atmosphere seemed to have taken an unpleasant turn since the Premier's visit, to judge by his notes. It was clearly perceived by the committee that the council was now dominated by certain Angami Leaders like Kevedhu on Lungalong and that the more reasonable elements were prevented from putting themselves (a) on accounting of the Naga system of not deciding matters by a majority but by general agreement only, and (b) by the threat of force which seemed to hold the NNG together. In fact it was mainly expressed by one of the members of the Council that the unity of the council would be maintained if necessary by force. The NNC were questioned as to who the guardian power may be, whether for instance they contem- ted even an outside power like the British Government to be the guardian power. There seems little doubt that Kevichusa and one or two other officials are trying to leave the field open even for the British Government to offer to remain as a guardian power, but in view of other opinion to the contrary in the council this can not be openly expressed as the general formula agreed to by all is therefore that the choice of a guardian power is left to the Government of India and H.M.G. The NNC have obviously for this reason declined even to express their own views as to the guardian power might be or any preference for any particular guardian power. The NNC at present seems to hold the field as a representative body of the Nagas since it is dominated by the officials and members of the violent Angami tribe, who can make it unpleasant for any dissident tribal representative."  

33. Ibid., Note on the Assam Sub-Committee's visit to the Naga Hills District, para 7, p. 238.
The Dimapur Tribal Union Society representing the Garo Mikirs, two classes of Cacharis, Dimasa and Mech and other peoples residing in and around Dimapur in the Naga Hills District presented a memorandum in which they said that subject to certain safeguards protecting their land and other interests they would like to be united with Assam and India. They also fully endorsed the views of Sir Robert Clow as regards the inclusion of the Tribal Areas in Assam. In reply to questions asked by the members of the Sub-Committee during the interview at Kohima, witnesses for the said society explained that they had nothing against joining the NNC provided the NNC "maintains the relationship with the Province and the Centre in the manner we have stated in our Memorandum." 34

In the same tone, the Gorkhas and other Domiciled People's Union, Naga Hills, Kohima had stated in their Memorandum that they wished to be connected with Assam and the NNC, if necessary, provided their minority rights were recognised. 35

THE LUSHAI HILLS DISTRICT:

Days before the Sub-Committee visited Aijal in the Lushai Hills on 18th April, 1947, there had been feverish political activity among the Lushais. Fresh elections were being held to the 'District Conference', a body which was originally constituted in January 1945 and which on account of an undue weightage of representation within...
the chiefs evinced little interest among the people and was virtually moribund by October the same year. The District Conference was convened by the Superintendent of the Lushai Hills, Mr. Macdonald who became its President and whose brain-child it really was. It had a membership of 20 chiefs and an equal number of Commoners originally elected on the basis of separate electorates and household suffrage. In the election held early in April 1947, the system of separate electorates for Chiefs and Commoners was done away with but the ratio of representation was retained as of old. The Mizo Union which was the only political organisation known outside the Lushai Hills was of the opinion that the District Conference gave the chiefs a representation far in excess of their proportion. The Mizo Union had, therefore, boycotted the election for which it had incurred the displeasure of the Superintendent who went so far as to confiscate its funds.

In fact, the Superintendent's handling of the situation in the Lushai Hills is far from being above board. For a long while he was opposed to any kind of a non-official political organisation to function. And then when he heard of the British Government's decision to transfer power to Indian hands, he began to rally the chiefs and such other elements in the Mizo Society who claimed a sort of independence for the Lushai Hills. In order perhaps to make this demand appear more legitimate and broad-based, he worked his way towards reviving the District Conference. When the Mizo Union refused to have anything to do with such an official dominated undemocratic conference, the Superintendent...
with it rather harshly. He did not stop at that. He bitterly criticized the decision of the Sub-Committee in coopting two members of the Union to work with it. Further when a group of college students went to Aijal on a good will mission, the Superintendent took them to the station and sent them packing to Silchar. Finally when the members of the Sub-committee including Sir B.N. Rau were on their way to Aijal, the Superintendent prepared their programme in such a way that they would meet at his residence and that they would have the representatives of the District Conference meet them twice. All other organisations and bodies were, however, being hustled into a limited time schedule. The Sub-Committee had, however, chosen to fix their programme according as they thought best. The Superintendent, for his part did everything in his power to push his own case through his own testimony and also through the District Conference which was virtually his mouth-piece.

THE DISTRICT CONFERENCE :

The spokesmen of the District Conference particularly Rev. Zairema submitted:

(a) That the District Conference was "not a party" but was "the elected Conference of the District."

(b) That "the Superintendent was the originator of this Conference."

36. Rev. Zairema was not an elected member. In fact, of the five representatives of the District Conference on two were said to be elected members. The remaining three, including Rev. Zairema were said to be 'interpreters'.

36.
(c) That the District Conference consisted of 20 chiefs and 20 Commoners. In the first election to the Conference held in January 1946, the chiefs elected the chiefs. The Commoners were elected by an electorate consisting of one elected householder for every 10 households. Thus there were 2500 voters belonging to about 25,000 households. In the second election to the District Conference held in April 1947 the chief as well as the Commoners elected for the chief and the Commoners jointly.

(d) That the District Conference was convened "to advise the Superintendent, in matters of customary laws."

(e) That the Mizo Union had at first supported the Conference and also fielded its candidates in the elections held in 1947. Later on, however, it decided to boycott the elections.

In reference to the questionnaire of the Sub-Committee seeking the views of the District Conference on certain broad aspects of the future constitutional set-up of the Lushai Hills, including aspects of internal autonomy that they would have and the type of representation they might expect to have in the Provincial government and the councils, Rev. Zairema said that the Conference was yet to discuss all these points and it would take time before any definite replies could be given. He then asked if the Sub-Committee assumed that the Lushais had agreed to join the Indian Union. He gave the impression that the District Conference would have all their options open.

Macdonald, the Superintendent felt that the Mizos had nothing in common with the people of the Plains. They wished to lead an assured existence lest they might be engulfed by the Plains people. "Historically, they never belonged to Assam, or India, but were simply conquered from Indian base by British Imperialists." They had also been ruled severally as they belonged to the category of Excluded Areas. The only burden they had been on the Government of India or of Assam was that the latter had been bearing on the balance a deficit of about 4 lakhs a year arising in the District excluding, of course, the cost of Assam Rifles.

The Government of India or of Assam could have three options before them.

First, they might stop paying the deficit and let the Mizos depend on themselves. After all, it was not a pleasant task to administer a hilly country whose people had never quite desired any union with the Plains. A direct consequence of this action could be that the Mizos might play themselves into the arms of Burma where most of their people lived. In case the Burmese refused to entertain them, the Mizos could have no other option than to relapse into their old time savagery. The cost of punitive expeditions would be far more than the annual revenue which the Government of India or of Assam might agree to pay to the Mizos on condition that the latter would agree to keep peace.

Second, the Government of India like the British government might administer the Mizo Hills separately under "an autocratic officer."
But under a democratic system which India was going to adopt it would be difficult to find such an officer.

Third, the Government of India might pay the Mizos the money they would need on conditions which would safeguard the interest of everyone concerned. The Mizos might be told that they would be subject to the Government of India for defence and external relations. For the rest they could be free. They might have their own elected government which could administer their laws and levy taxes. They might also raise a force just enough to maintain internal security. Should the Mizos agree to these conditions, the Government of India might pay them an annual subsidy. The Mizos could also be told that if they violated any of these conditions, they would forfeit the subsidy.

Macdonald was strongly of the view that if the Government of India wanted to win over the Mizos and make them friendly, the three courses cited above was the best to be adopted by them. When asked by the Sub-Committee if he meant to pay "blood money" to keep the Mizos satisfied, he replied that his suggestion amounted to paying money "to buy friends." 38

On behalf of the District Conference of which he was the president, Macdonald replied to the questionnaire circulated by the Sub-Committee as follows.

(a) That the District Conference had not yet decided whether Mizoram should be connected with the Provincial legislature or not. If they decided to be so connected, they would wish to send at least three members to represent Mizoram in the Provincial legislature.

38. Ibid., pp. 32-38.
(b) That the District Conference would greatly appreciate the idea of a Minister to represent the Hills of Assam in matters in which the latter might be subject to the Provincial Government.

(c) That the District Conference would prefer all posts in Provincial services to be allotted by fair competition according to fitness rather than by special reservation for any community or area. There must be no reservation of any kind. "It should be an open competition for the whole of Assam irrespective of hills and plains, irrespective of caste, creed, area or any such thing."

(d) That the District Conference would vest in the local governing body of Mizoram the power to control all matters relating to land tenure, agriculture, social customs, immigration, administration of justice, police and education in the lower stages. 39

The proposal that recruitment to the Provincial service should be held by open competition without any restrictions or reservations of any kind reflects an advanced view of what the services ought to be.

DRAFT CONSTITUTION FOR MIZORAM:

Macdonald prepared a draft constitution for Mizoram which was submitted to the Provincial Government. The salient features of the draft Constitution were:

(a) That there shall be a legislature consisting of representatives of chiefs and Commoners with powers to make laws and levy taxes. The representatives shall hold office for 8 years.

39. Ibid., pp. 52-55.
(b) That there shall be a minister and three councillors who shall constitute the Executive. The minister shall hold office for 4 years.
(c) That there shall be a Public Service Commission for the recruitment of public personnel.
(d) That there shall be a judge to hold office for 16 years and an auditor to hold office for 4 years.
(e) That the defence of Mizoram shall be transferred to the Government of India.

Macdonald had the reputation of being a good administrator. But he was evidently not a serious student of constitutional law. The draft constitution has many gaps and flaws which make it clumsy and unworkable. He did not, for instance, spell out the basis on which elections to the District legislature could be held. Nor did he prescribe its strength. He did not think it necessary to make the term of the ministers coterminous with that of the legislature, a principle which every democratic constitution scrupulously observes.

THE MIZO UNION :
Representatives of the Mizo Union which appeared before the Sub-Committee held different views. There were at least two factions—one led by Pachhuanga and other by Dengthuama. The former represented the right wing of the Mizo Union supported the District Conference except in the matter of its composition. Vanlawma, a member of the Pachhuanga faction said that the District Conference should have

40. Punte, 'An account of Mizoram' (Unpublished).
general seats, 5 seats for the chiefs, 2 for Aijal and 1 each for North and South Lushai Hills.\footnote{Report of the North East Frontier, etc., Sub-Committee, Vol.III (Evidence) Part I, p. 26.} Dengtuama of the left wing opposed the district conference. He suggested that the whole of the Lushai Hills should be divided into 20 circles, each circle electing a representative, chief or commoner whomsoever was considered best by the electorate. Aijal town should be represented by two, Lunglei by one, North and South Lushai Hills by one each. One special seat might be reserved for the chiefs, thus bringing the total to 26.\footnote{Ibid., p. 27.}

Zairema, a member of the Pachhungra group claimed local autonomy for the Lushai Hills. He elaborated his conception of local autonomy as follows.

First, the territorial unity and solidarity of all the Lushais living in contiguous areas should be assured. The Lushais should henceforth be known as Mizos and their land Mizoram.

Second, the Mizos should retain sole proprietary right over land.

Third, they should be given full self-determination within the province of Assam.

Fourth, there should be a National Council having supreme legislative and executive authority in the district. The composition of the National Council and its functions were to be determined by rules. \footnote{To reply to a question, Zairema said that among other things, the National Council should have the power to control immigration, land tenure and administration of justice.}
Fifth, the division of powers between Assam and Mizoram should be decided by both parties through negotiation.

Sixth, any legislation Central or Provincial shall not apply to Mizoram except with the approval of its National Council.

Seventh, the Centre should place sufficient finances at the disposal of the Mizoram government until the Mizos were able to maintain themselves without such financial assistance.

Finally, Mizoram should have at the earliest opportunity the purest form of democracy.

Zairema did not say anything about secession from India. She wanted Mizoram to be within Assam and India for all time.\(^\text{43}\)

Vanthuama agreed with Zairema in his demand for local autonomy. But he would not guarantee that Mizoram would permanently remain within the Indian Union. He would have the Mizos the right to secede from the Indian Union within ten years or so. He would proceed under the guidance of the Government of India so long as Mizoram remained economically backward.\(^\text{44}\)

Pachchuanga did not demand the right of secession. He would have the Mizo Hills under the direct control of the Government of India.

Representatives of the Women's Union, Mrs. Kawtinkhum and two others demanded adult franchise and reservation of two or more seats for women in the District Conference.\(^\text{45}\)

\(^{43}\) Ibid., pp. 27-29.

\(^{44}\) Ibid., p. 27.

\(^{45}\) Ibid., pp. 38-39.
But Pachchuanga said: "You have to be very careful about adult franchise. There are different tribes and in the case of adult franchise larger tribes will be exploited by smaller tribes." Pachchuanga was one of the very rich men in the Lushai Hills. He was also a conservative and belonged to the right wing of the Mizo Union. Naturally he was not in favour of adult franchise. Dengthuama belonged to the lower middle class and that explains his advocacy of adult franchise.

The Government servants, P.S. Dahranka and six others proposed that defence, communications, and foreign relations should be in the hands of the Central government. In all other matters, the Mizo should have what they called "Home Rule". By "Home Rule" they meant that the internal affairs of the country should be in the hands of the Mizo people. They said further that they would like Mizoram to receive subsidies directly from the Central government and not from the government of Assam.

R. Thanhlira, Editor of "The Mizo", a local weekly submitted that Mizoram should have as much autonomy as possible and that the Mizo Council would decide the subjects which it would like the Provincial or Central governments to administer. He considered neither the Mizo Union nor the District Conference to be the representative of the people.

H.K. Bawichhuaka, Lakhimpur, Cachar submitted that portions of the Mizo country were given away to Manipur and Burma. These portions should be amalgamated with the present Lushai Hills. Mizoram was

46. Ibid., pp. 31-32.
47. Ibid., pp. 40-48.
48. Ibid., pp. 48-49.
connected with India as regards defence, communications and foreign affairs. As to the inclusion of other subjects into this list, the matter might be decided through negotiations. Mizoram would also be a part of Assam, provided adequate representation was given to the District in the Provincial legislature. The Mizo National Council should decide which subjects it would like the Assam legislature to deal with.49

Macdonald was criticised by some as anti-Indian. But nowhere in the evidence before the Sub-Committee did he appear to be advocating the case of the Mizos to secede from India. On the other hand, he laid down in his draft Constitution for Mizoram that the latter should be connected with India in the matter of defence. The maximum that he envisaged was that Mizoram should have local autonomy and that the Central Government should provide annual subsidy to cover the deficit in the district. The subsidy was subject to certain conditions. The Government of India should be allowed to organise defence and maintain external relations. The Mizos, on their part, should keep peace among themselves and also desist from crimes across the border. Macdonald said clearly that if these conditions were ever violated by the Mizos, they should forfeit the subsidy.50

It is noteworthy that Vanthuama, a member of the Mizo Union which kept away from the District Conference demanded not merely local autonomy for Mizoram but also the right to secede from the Indian Union within ten years or so. Such a stand is not materially different from the one adopted by the Naga National Council so far as the Naga Hill District was concerned.

49. Ibid., pp. 49-50.
50. Ibid.
THE MIKIR HILLS:

The case of the Mikirs was presented by the representatives of the Karbi-A-Durbar purporting to be the only all Assam Organisation of the Mikir people. The Durbar was constituted in a largely attended meeting held at Hubiarpur Huzar in March 1947. Khorsing Terang and S. Bomio, both of whom were later coopted by the Bardoloi Sub-Committee, were elected President and Secretary respectively of the Karbi-A-Durbar. The Durbar had no written constitution defining its aims and objectives. But certain resolutions were adopted on the basis of which a memorandum was submitted to the Sub-Committee. The memorandum gives in detail the aims and aspirations as well as the demands of the Mikir people. Teron, Chaterasing Teron, Soi Soi Teron, Barelong Terang, Bonglow Terang were among those who provided oral evidence before the Sub-Committee.

The memorandum submitted on behalf of Karbi-A-Durbar together with the oral submissions made by members pointed out to the following demands.

First, there should be a separate District for the Mikir people. It should consist of the Mikir Hills Partially Excluded Area, Mikir portions of the adjoining Nowgong and Sibsagar Plains, North-Cachar Hills and Khasi-Jaintia Hills.

Second, the Government of Assam should appoint a boundary commission to report on areas which could conveniently be added to the existing Mikir Hills Partially Excluded Area. In other words, Hill Areas inhabited by the Mikirs and which were contiguous with the present Mikir Hills Partially Excluded Area and which could be conveniently
ently added to this Area should be included in the proposed Mikir Hills District. "Even if it is not geographically convenient," said Taron in reply to a question by a member of the Sub-Committee, "even if administratively convenient, these areas should be brought in." In the case of any Mikir village or two happened to be surrounded by Khasi or other villages, such a village or villages might not be included. Also, a few Mikir villages in the Khasi Hills which inspite of their remaining contiguous with the Mikir Hills would not desire to join in the latter, they should not be compelled to do so. 51

Third, the Mikirs of other areas which could not be added to the new District for some reason should also be protected so far as their land, educational development and social customs were concerned.

Fourth, the new District should form a part of the province of Assam with autonomy so far as internal administration was concerned. The Chin Hills Regulation should be enforced to protect the people from foreign exploitation. The Mikir language should be the official language in the District. The District officers should be specialists; when young Mikirs should be recruited for government service; if they were not available, others might be recruited but they should know the Mikir language.

Fifth, there should be a Local Council consisting of representatives elected on the basis of adult franchise. As a rule, there should be one representative for every 5000 people or part thereof. At the same time, the different tribes should have their representatives above the

proportion to their respective populations. Thus the system of separate electorates for individual representation of the various tribes was also recognised. The Local Council should exercise legislative, executive and judicial functions. It should act as the Supreme Court in all disputes relating to land and social customs. It would have a Chairman and Vice-Chairman to advise on the conduct of administration within the District.

Sixth, the Local Council should be in a position to advise the Provincial Assembly as regards all new methods of taxation and applicability of the provisional laws in the District. The Council should consider all new measures for the benefit of the District and present the same to the Provincial Assembly for approval. The power to regulate the entry of outsiders who might wish to carry on trade or business should be vested in the Local Council. The Council should have a term of five years.

Seventh, assuming the population of the proposed District to be about two lakhs, there should at least be four representatives elected to the Provincial Assembly. If there were to be an Upper House in the province, the Mikirs should have at least one representative chosen to it. In the Central legislature, the Mikirs should have representation along with other tribes of Assam on a rotation basis.

Eighth, the tribes of Assam should have representation in the Provincial Cabinet in proportion to the strength of the tribal sections in the Assembly. The tribal members should have the option to select a minister to represent the tribals. There should be a portfolio or
of Tribals" in the Provincial as well as the Central Ministry. It would be held by a tribal member. The tribal Minister should prepare a report every three months showing the demands made by the different tribal groups through their local councils and otherwise and the action taken by the government thereon. The report should always be made public.

Ninth, as regards franchise, Mouzadars, village headmen, Habais, those who passed the lower primary examination, the head of each family paying a house tax or land revenue, male or female provided he or she attained the age of 18 should have the right to vote to the Provincial Assembly. Members of the Provincial Assembly, and of the Local Councils, Mouzadars, and those that passed the middle school examination should constitute the electorate for the Central Assembly. Thus full franchise was hedged in by other qualifications like property, education, office etc. Satrasing Teron was, however clearly in favour of full franchise without any restrictions.

Tenth, as to the administration of Justice, a sort of a three-tier system was suggested. Petty cases like thefts, land disputes, disputes involving social customs should be decided by the village Panchayat. Appeals against the decisions of the latter might be taken to the district Panchayat and from there finally to the Local Council. Cases involving serious crimes should, however be taken to the regular criminal courts.

Eleventh, education at the lower levels should be free and compulsory. Mikir students should be provided with a certain number of seats in the professional colleges and technical institutes. At least ten foreign scholarships should be made available to eligible Mikir students. The
medium of instruction at the primary level should be in the Mikir language.

Twelfth, all government services within the District should be filled in by qualified Mikir youngmen. They should also be given some say in the recruitment to provincial services.

Thirteenth, the social customs of the Mikirs should be preserved except in so far as they might be modified by the Local Council.

Fourteenth, the Provincial government should encourage the establishment of Cooperative Farming Societies in selected villages with a view to promoting agriculture.

Fifteenth, all revenues derived from the District should be spent on its development. The Provincial government should also contribute an amount equivalent to 50 per cent of revenue realised in the District for the development of communications and promotion of health and hygiene and other social welfare schemes.

Finally, the Mikir people should be given compulsory military training for sometime so that they might in their own humble way contribute to the defence of India.52

In brief, the demands of the Mikirs amount to consolization of the contiguous areas inhabited by the Mikirs under a single municipal administration, establishment of an elected local council with executive, legislative and judicial powers in the sphere of internal administration, effective representation in the Provincial government and the provincial protection of Mikir language, social customs and cultural institution, development of agriculture, industry, education and social welfare.  

52. Ibid., Appendix "3", pp. 165-170.
motive behind all these demands was to secure protection against exploitation of every kind. The Mikirs were among the mildest, the most backward and also the most neglected tribes of Assam. They were again the worst victims of exploitation by the Plains people in the neighborhood. Administratively, they were divided between the districts of Nowgong and Sibsagar and thus became nobody's child. Hence it was essentially a question of their bread and butter when they demanded local autonomy and unified administration.

THE NORTH CACHAR HILLS SUB-DIVISION:

A few weeks before the Sub-Committee's visit to the North Cachar Hills, the Cacharis and other tribes inhabiting the Sub-division with the exception of the Mikirs formed a Tribal Council with its headquarters at Haflong. The members of the Tribal Council were drawn from the various sub-tribal councils representing individual tribes.

The first task of the Tribal Council was to submit a memorandum to the Bardoloi Sub-Committee and also to send representatives to give evidence before them.

The memorandum urged upon the Sub-Committee and through it the Constituent Assembly of India to concede local autonomy to the North Cachar Hills. By local autonomy it was meant the incorporation in the new Constitution of India certain special rights, safeguards and privileges to the people of the North Cachar Hills to enable them to assert their legitimate interests and play a more useful role in national life.
The special rights that were demanded were (a) liberty from forced labour and 'Begar', (b) right to follow one's own social customs, usages and institutions and (c) non-interference in the cultural life of the community.

The safeguards claimed were that no outsiders should be allowed to settle in, or to acquire landed property or any other economic interest in the area and that bonafide residents of the area should alone be permitted to participate in the political life of the Sub-division.

As regards the administration of the Sub-division, it was suggested that the day to day administration should be in the hands of the people themselves which meant that local officials should be nominated from the local people themselves. The village administration should be carried on through village authorities and similar local institutions by observing the usual social customs and usages. Provincial and central laws should not apply to the area except in so far as they had received the approval of the local M.L.A.s. There should be a separate portfolio in the Provincial Cabinet for the administration of tribal affairs and it should be held by a tribal member. The minister in charge of tribal affairs should hold office so long as he commanded the confidence of the tribal members of the legislature. There should be a separate Secretariat for the management of the tribal affairs.

In the matter of public employment and award of scholarships, the tribal candidates should be treated more favourably by waiver of certain conditions and qualifications which might otherwise be required.
As regards representation in the Provincial legislature, the North Cachar Hills should have at least two seats reserved as there were many tribes to be represented.

Franchise might be restricted to the tax payers and literates among the people.

A boundary commission should be appointed to redraw the boundaries of the Sub-division. Contiguous areas in the Nowgong and Naga Hills districts and the Jaintia Hills where the Cacharis inhabited should be included in the Sub-division.

The North Cachar Hills Area being a proverbially a defile area, the Central government should come forward with liberal grants.

The Tribal Council should be accorded the status of a Local Board and be recognised as the custodian of the interests of all the constituent tribes.

In reply to certain questions asked and suggestions made by the members of the Sub-Committee, witnesses for the Tribal Council agreed to consider certain changes in their original demands. Thus as regards the application of the Central and Provincial laws to the Sub-division, the Chairman suggested that to make it conditional upon the consent of the local M.L.A.s would be too sweeping a provision to be acceptable. He, therefore, redrafted the provision as follows: "No law or act passed by the legislature in specified subjects like agriculture, primary education, land laws, etc... may be applied either in part or as a whole without..."

53. Ibid., Appendix "E", pp. 105-110.
the consent of the Tribal Council. The representatives of the Tribal Council agreed to this change. Similarly when it was explained to them that adult franchise might be applied all over India, they said that they had no objection to its extension in the North Cachar Hills division. 54

THE GARO HILLS DISTRICT:

The Garos were organised through the Garo National Council in which a draft Constitution for the Garo Hills was unanimously accepted. The draft Constitution was the main basis on which the Bardoloi Committee made their enquiries when they met the Garo representatives at Gauhati on 16th May 1947.

The draft Constitution declared, amongst other things that the Hills and Plains of Assam were economically inter-dependent and therefore, it was not quite wise on the part of the Hill people to continue in terms of a Hill Province. The Hills were not together but were often scattered like isolated islands and the Hill peoples themselves were widely from one another in language, social customs and traditions.

The Garos would, therefore, remain a part of Assam and united. But it was perfectly legitimate on the part of the Garos to see themselves united and remain autonomous so that their future progress and development might be fully assured.

The Garo National Council had, therefore, demanded that the boundaries of the district should be so adjusted as to include all of the

54. Ibid., Evidence before the Sub-Committee, pp. 100-101.
Garos living in other districts contiguous with the Garo Hills such as Goalpara, Kamrup, Mymensing etc.

The Zamindari system should also be abolished immediately as the Zamindars were almost always oppressive and did nothing for the welfare of the people.

The Garo Hills district to be renamed as the Garo Hills Union should be federated with Assam and connected with it in such subjects as general and technical education, medical and public health, provincial communication, exports and imports and all other subjects in which the province of Assam might be connected with India.

The Garo Hills Union should have a National Council consisting of 25 members. The Council should have a term of five years. Twenty-five members should be women, elected by an electoral college consisting of all adult women. The remaining 23 members should be elected by adult franchise through single member constituencies. Each constituency should have at least a population of 10,000.

As regards the functions of the National Council the constitution said that it shall codify the customary laws. It shall also have the power to make new laws, and impose taxes.

The National Council shall have a Chairman elected by its members. It shall also have a Secretary.

There shall be an Executive Council elected by the National Council. It shall consist of five members. They shall hold office for five years. They shall also be eligible for re-election at the expiry of their term.
The Executive Council shall be responsible for the preparation of the budget, appointment of a Police force, of officers selected by the Service Commission, and of the Secretary to the Executive Council and so on. It shall also arrange elections to the National Council. It shall also exercise certain powers in an emergency.

There shall be a President and Vice-President of the Union. The President shall be elected directly through adult franchise. Members of the National Council were eligible to contest for Presidency. The President shall hold office for five years. The candidate securing the next highest vote in the Presidential election shall be the Vice-President.

The initiative for the introduction of finance bills in the National Council was vested in the Executive Council. Bills passed by the National Council shall be sent to the Executive Council for its consent. This is a peculiar provision. Normally the bills passed by the legislature are sent to the head of the state for assent. The Executive Council might or might not give its assent. It might also return the bill for the reconsideration of the National Council. The well-known British convention that the bills passed by the legislature should normally or even assent to need not be followed. The Executive Council might refuse bills on grounds of public peace or legitimate interests of the people. If the National Council passes a bill for a second time, what should be the procedure? The draft Constitution is silent on this point.

The draft Constitution envisaged a Supreme Court for the area Hills with both civil and criminal jurisdiction. Normally the decision
of the Supreme Court shall be final. But as regards decisions of a more nature such as long term imprisonment, transportation for life et. al., appeals could be made to the High Court of the Province. There shall be no capital punishment in the Garo Hills Union.

The draft Constitution reserved all financial powers for the Executive Council of the Garo Hills Union. Revenues which were then credited to the Provincial exchequer shall be handed over to the Executive Council of the Garo Hills Union. The latter shall negotiate with the Provincial government and pay an agreed sum to the Provincial exchequer as its contribution for the administration of the common subjects. The all revenues including land revenue, excise, amusement tax, customs duty, income from hydro-electric power, revenues from mines, reserved forests, a portion of the grant allotted to Assam by the Government of India, etc., shall be vested in the Executive Council of the Garo Hills Union.

As regards the relations between the Garo Hills Union and Assam, the draft Constitution laid down that the Garo Hills Union shall send four representatives to the Provincial legislature. A certain number of posts in the Provincial Services shall be reserved for the Garos for a reasonable period. Acts of the Provincial legislature shall not apply to the Garo Hills without the consent of its Executive Council. The Garo Hills Union shall be represented in the Provincial Cabinet by one of its representatives in the Provincial legislature.

The Provincial Constitution should have a clear provision guaranteeing the protection of lands and other resources of the Garo against expropriation and exploitation by foreigners.
In the subjects in which the Garo Hills Union shall be connected with the Provincial government, the latter shall have powers and general supervision.

During the interim period and thereafter the powers and functions exercised by the Deputy Commissioner shall be transferred to the Executive Council of the Garo Hills Union.

All minority communities permanently residing in the Garo Hills shall receive the protection of the Government of the Garo Hills in regard to religious worship as well as social customs. 55

In a separate memorandum submitted to the Bardoloi Subcommittee, the Nokmas (chiefs) of the Garo Hills demanded due recognition of the rights and privileges pertaining to Nokmaship including:

(a) joint proprietorship of land and control over "Akbing" or one of villages under the occupation of a Nokma,
(b) officiating public worship on occasions of annual religious festivals,
(c) distribution of land for 'jhum' cultivation,
(d) promulgation of executive orders,
(e) settlement of petty village disputes,
(f) appointment of Laskars.

The Nokmas shall also be entitled to decent income from income from sal trees, hats, grazing grounds etc. from the Akbing, royalty on lac, cane, kheda operations for elephants, elephant etc. and at least 25 percent of the share of the revenues from musk.

56. Ibid., Appendix "A", pp. 144-147.
THE FRONTIER TRACTS:

The Kachins, also called Singhpos of the Tirap Frontier, had demanded educational facilities, roads, hospitals and all that was needed for development and progress. At the same time they made it plain that they were too poor to pay any tax. They were not in favour of women's education. They did not want women doctors and the like. They would not have non-Kachins amongst themselves.57

The Ulup Gohais and Ahoms of the Lakhimpur Frontier Tract as well as the Konyaks made similar demands.

The Khampis, the Mishmis and the Abors of the Sadiya Frontier Tract went beyond the Kachins and the Konyaks and demanded representation in the Provincial legislature.

In a written memorandum to the Sub-Committee, the Khampis expressed the desire to create a separate state for themselves. They stated further that within limits of the Khampi state, all posts should be held by the Khampis alone. Similarly, the Khampis should get first preference in trade, commerce and business pertaining to their state. There should be at least one representative of the Khampis in the Provincial legislature.58

The Galongs who claimed to represent the Minyongas and others as well wanted all the tribes called Abor to be represented in the tribal Council as well as in the Provincial Assembly. Each tribe could have a separate Tribal Council but all the tribes together should be represented through a 'Kabul' or Common Council.59

58. Ibid., p. 43.
59. Ibid., p. 46.
The Minyongs and Padams demanded that their Kebang or tribal council should be recognised as the supreme authority in their territory. The officers who might be appointed in the tribal areas must act according to the wishes of the Kebang. The taxes and royalties collected within the Abor territory should be handed over to the Kebang. If there was any deficit in the budget it should be met either from the Central or Provincial revenues.

The Mishmis demanded a separate Tribal Council of their own. They also wanted schools, hospitals, roads etc. to be provided by the Provincial government.

The Cacharis of the Sadiya Frontier Tract demanded representation in the Provincial legislature through the method of separate electorates for each community, a fair share in all the grades of Provincial services, in government and other contracts, grant of land to the Cacharis, establishment of lower primary schools, and award of scholarships for young boys and girls seeking higher education.

The Bhutias and Buguns of Charduar demanded the continuation of 'posa'. They also wanted schools, roads and medical relief to be provided by the Provincial government. The Akas made a similar demand. The Khasis alone did not make any demand.

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60. Ibid., pp. 48-49.
61. Ibid., pp. 49-50.
62. Ibid., pp. 54-55.
RECOMMENDATIONS OF THE BARDOLOI SUB-COMMITTEE:

The Report of the Bardoloi Sub-Committee was presented in two volumes. Volume II is a record of the evidence before the Sub-Committee. Volume I incorporates the views and recommendations of the Sub-Committee. While making their recommendations, the Bardoloi Sub-Committee had taken into account not merely the demands put forward by the different tribal representatives but also the advice of eminent anthropologists including Dr. Guha whose evidence was recorded in particular.

Referring to the question whether the Hill Areas of North-East India should continue to be excluded or partially excluded as they might be, the Sub-Committee observed that such a question could not be decided entirely on the basis of general advancement or otherwise of the Hill people. For it was not merely a question of backwardness but also one of social and cultural exclusiveness. While a great majority of the ‘plains tribals’ had gone a long way in the process of being assimilated with the Plains people of Assam, the Hill tribes had not yet been similarly assimilated. The process of assimilation was the least in the Tiwa and the Lushai Hills. It was the view of the anthropologists that assimilation would not take place by the sudden break-up of tribal institutions and ways of life; it must be built on old foundations through a gradual process of evolution. And such evolution should come from within the community itself. At the same time contacts should be maintained with the outside world, though not in a compelling way. Thus in this regard the Sub-Committee endorsed the view of the anthropologists that the Hill areas of Assam should ultimately be integrated with the people of Assam and
of the great Indian Society but integration should take place through a gradual process of evolution and not through an abrupt imposition of an alien culture from above.

Second, as regards land, the Hill people without exception demanded that control over the use and allocation of their land should be vested in themselves. The fear of immigration and exploitation of their land by outsiders was a very genuine fear. The Sub-Committee said that this must be accepted as a reality. They, therefore, recommended that the District Councils in the Hill Areas should themselves have power of legislation over the occupation and use of the Hill people's land. "The only limitation", the Sub-Committee said further, "we would place upon this, is to provide that the local councils should not require payment for the occupation of vacant land by the Provincial government for public purposes or prevent the acquisition of private land, required for public purposes, on payment of compensation." The Sub-Committee would also exclude the reserved forests from the jurisdiction of the local councils as the reserved forests required centralised management. At the same time, the Sub-Committee said that in the actual management of the reserved forests, such as the appointment of Forest staff, and the granting of contracts and leases, the susceptibilities as well as the legitimate needs and desires of the Hill people should be taken into account.

Third, control over land should logically include control over the methods of cultivation. The Sub-Committee said that they were fully aware of the evils of 'jhum' cultivation but they would not suggest
legislative ban on it for, jhuming was considered by certain tribes as a part of their way of life and any outside interference with it was likely to be construed as a wanton act, done with ulterior motives. They, therefore, recommended that the local councils should be the proper authority to regulate the methods of cultivation including jhuming.

Fourth, the Sub-Committee recommended that the local councils should have full powers to administer their own social laws, and codifying and modifying them wherever necessary. The codes of civil and criminal procedure should normally not apply. The local councils or their courts should deal with all offences except those which might be punishable by death, or transportation for life or imprisonment for five years and above. Even in these, it should be seen that the local councils should themselves, wherever possible, apply the provisions of the criminal procedure code. All civil suits, except those arising out of personal laws should be similarly dealt with by the local courts in accordance with local customs and practice. However, in cases where non-tribals might be involved, they should be tried under the regular law and procedure and the Provincial government should make special arrangements for the expeditions disposal of such cases.

Fifth, as regards the management of primary schools, dispensaries and the like which would normally come under the sphere of local government in the Plain areas, the Sub-Committee felt that it should be difficult for the Local Councils in the Hill Areas to manage them in a similar way. The Sub-Committee recommended further that the Local Councils in the Hill Districts should exercise the powers of Local Boards in the Plains.
Sixth, in view of the Universal demand for education and in particular the demand for control of primary education, the Sub-Committee recommended that primary education where the mother tongue should normally be the medium, be left to the Local Councils without interference by the Government of Assam. But the latter would always be available for such advice and assistance as the Local Councils might require through its Education Department particularly with reference to the linking up of the primary with secondary education. As regards secondary education, the Sub-Committee thought that the Hill people in general were not in a position to look after it. It should, therefore, be left with the Provincial government. Management of secondary school could, however, be given to the Local Councils wherever possible. Similarly higher education, including technical education should be the sole responsibility of the Provincial government.

Seventh, the Sub-Committee recommended that the District Councils in the Hill Areas should elect their Chairman. The Mizo Hills and the North Cachar Hills were, however, denied of this privilege on the ground that they were comparatively more backward. In these areas, the Deputy Commissioner or the Sub-divisional officer as the case might be, should act as the ex-officio President of the Local Council for a term of six years.

Eighth, the Sub-Committee did not accept the demand of the Hill people in general that all powers of taxation within the Hill Areas should be vested in the Local Councils and the latter would make a contribution to the Provincial exchequer such sums of money as might be needed for the
administration of common subjects. Certain sections of the Hill went so far as to say that the Provincial government should make a portion of the Central grants to the Local Councils. Such a demand was based on the assumption that the Hill Areas would have enough revenues to meet with their own expenditure and also to make a contribution to the Provincial government. More than that there was the suspicion that if the Provincial government exercised the powers of taxation it might divert the revenues so realised elsewhere. The Sub-Committee argued that in the Hill districts would have all powers of taxation reserved for them, the Plain districts would not be far behind in making a similar claim. Ultimately it would lead to a breakdown of Provincial administration. Moreover, as the Sub-Committee rightly observed, "giving unregulated powers of taxation in general to small units is undesirable as it would result in different principles, perhaps unsound principles, being adopted in different places for purposes of taxation and in the absence of coordination and provincial control, chaos is more likely than sound administration." Various other questions would arise. For instance, where was the guarantee that the Local Councils would not be swayed by local pressures? In the circumstances, how could they levy and administer their taxes efficiently? Again, on what basis were they going to make a contribution to be paid to the Provincial government and so on. Therefore, the Sub-Committee recommended that the Local Councils should have those financial powers which were normally given to the Local Bodies in the Plain districts. Besides, they could have land revenue as well.
administration was handed over to them. But in all other matters, the right of the Central and Provincial governments to administer their taxes should be recognised, for that was the only way by which they could properly discharge their responsibilities.

Ninth, as regards the amount of money which the Provincial government might spend on the development of the Hill Areas, the sub-committee considered various suggestions and came to the conclusion that it should be left to the better judgement of the Provincial government subject, of course, to certain safeguards incorporated in the constitution or a statute. The suggestion that a fixed portion of the provincial revenues should be earmarked for expenditure on Hill Areas was set aside as impracticable. A natural question would be on what basis the amount be fixed. If it were population, it would be to the disadvantage of the Hill Areas for they were often sparsely populated. If it were area, it would amount to pampering the Hill Districts at the expense of the Plain Districts. Therefore, no ratio could be rigidly fixed. How the Provincial Government might spend would always remain a variable on many factors.

As to the suggestion that expenditure on the Hill Areas be made a non-vatable item in the budget, the sub-committee said it would be "distasteful to the legislature and contrary to the democratic spirit."

To allay the fears of the Hill people that their development would not be neglected, the sub-committee recommended certain safeguards. First, along with the presentation of the annual financial statement,
there should be presented a separate financial statement in respect of each Hill Area showing the revenue from it and the expenditure thereon so that the legislature would have an opportunity to detect and counter the inadequacy of financial provision, if any, in respect of any Hill Area. As an additional safeguard, the Sub-Committee recommended that the Provincial government should prepare a development programme for the Hill Areas and proceed to implement the same through liberal grants.

Tenth, the Sub-Committee observed that the needs of the Hill Districts, particularly their developmental needs could not be met entirely from the Provincial revenues. As regards development, the Hill Districts were not materially different from the Frontier Tracts for which the Government of India had been making special grants. The Sub-Committee, therefore, recommended "that financial assistance should be provided by the centre to meet the deficit in the ordinary administration of the districts on the basis of average deficit during the past three years and that the cost of development schemes should also be borne by the Central Exchequer". A suitable statutory provision to that effect should be made.

Eleventh, the Sub-Committee recommended that the Provincial government should provide such financial assistance to the Local Councils as might be required by the latter whenever their own revenues were deemed to be insufficient for the due discharge of their statutory responsibilities.

Twelfth, realising the depth of feeling on the part of the Hill people that their lands and possessions should be protected from
exploitation by outsiders, particularly non-tribals, and considered in this context their demand for retention of Chin Hills Regulations which had the effect of regulating the entry of outsiders into the Hill territories as well as expelling the undesirables, therefore, the Sub-Committee recommended that the District Councils could by a three-fourths majority vote of their members introduce regulations restricting the activities of traders and money-lenders.

Thirteenth, the Sub-Committee did not think it desirable to vest the control of mines and minerals in the District Councils. But they said that the latter should have a fair share in the revenues accruing from the exploitation of the mineral resources. According to them the best policy would be "to centralise the management of mineral resources in the hands of the Provincial Government subject to the sharing of revenue as aforesaid and also to the condition that no licenses or grants shall be given out by the Provincial Government except in consultation with the local council."

Fourteenth, the Hill people demanded that central and provincial laws should not apply to the Hill Areas except in so far as they might be approved by the Local Councils. The Sub-Committee said that this would amount to vesting the Local Councils with the power of an absolute veto on central and provincial legislature. It would also mean substituting the judgement of a higher legislative authority and subjecting everything to the limited vision of a Local Council. It would frustrate all attempts to evolve a uniform policy for the province or the country as a whole. The Sub-Committee did not, therefore, recommend
a general restriction on the applicability of Central or Provincial legislation in the Hill Areas. They had, however, conceded the right of the District Councils to apply or not to apply or apply with modification those provincial laws which might affect the social customs and laws of the tribal people.

Fifteenth, in view of the fact that in many tribal areas there were tribes other than the main tribe and in view also of the fact that these minority tribes had often organised themselves through their own sub-tribal councils besides sending their representatives to join the main Tribal Council, the Sub-Committee recommended that in addition to the District Councils there should be Regional Councils in the tribes so desired. These Regional Councils should, however, have powers limited to their customary laws and management of their land and villages. They should also be free to delegate all or any of their powers to the District Councils concerned.

Sixteenth, the Sub-Committee considered the possibility of misuse of powers or gross mismanagement by the District Councils. The fact that some of the Hill Districts were on the borders of the country would further aggravate the situation of such an emergency. The Sub-Committee, therefore, recommended the conferment of certain emergency powers on the Provincial Governor. The Governor, for instance, could have the power to declare any act or resolution of the District Council null and void if he thought that such an act or resolution threatened the safety or the security of the country. As an extreme measure, he could also dissolve the Council, subject, however, to the approval of the legislature.
Seventeenth, the Sub-Committee was of the view that there no longer any justification for the exclusion of any area, either partially or fully. They recommended that if adult franchise should be on a general basis of representation in India, there should be no difficulty in introducing the same in the Hill Areas of North East India.

Eighteenth, as regards representation of the Hill Area in the Provincial legislature, the Sub-Committee observed that while they were opposed to giving weightage of representation to the Hill Areas as a principle, they wanted the Hill Areas to be adequately represented on a liberal interpretation of the general rules of representation. While the general rule could be one representative for a lakh of population, there should be a minimum of one representative in each Hill Area. And a fraction of a lakh of population should be rounded off to one lakh for purposes of representation. Under this arrangement, the Hill people should be getting twelve representatives for a total population of about 8 lakhs and 59 thousand. The Sub-Committee recommended further that the Hill people should be entitled to a seat in the Provincial legislature as well.

Nineteenth, the Sub-Committee thought that the Hill Areas deserved representation in the Provincial Cabinet as well. "It is our considered view," said the Sub-Committee, "that representation for the Hill should be guaranteed by statutory provision, if possible. If this is not possible, we are of the view that a suitable instruction should be provided in the Instrument of Instructions or corresponding provision.

In view also of the special developmental needs of the Hill Areas, we
Governor should be in a position to appoint a special minister, who should, if possible, be from among the Hill people.

Twentieth, the Sub-Committee recommended that provision should be made for the review of developmental work in the Hill Areas periodically by a commission to be appointed by the Governor either on an ad hoc or permanent basis. The report of the Commission should enable the Government to watch the progress of the development plan and take such administrative action as might be necessary.

Twenty-first, referring to the demand made by most Hill people that the boundaries of the existing Hill Districts should be readjusted with a view to bringing the people of the same tribal stock under common administration, the Sub-Committee remarked that while they viewed the demand with sympathy, they were unable to make any specific recommendation for it was a matter which fell beyond their terms of reference, but they said that they were making an exception in the case of Barpeta and Sarupathar mauzas in the Mikir Hills. They recommended that since these mauzas were inhabited mostly by non-tribals there was no justification in excluding them but that they should be added to the regularly administered areas.

Finally, as regards the non-tribals permanently residing in the tribal areas the Sub-Committee recommended that while they should not be permitted to contest for Provincial elections through the tribal constituencies, they should be given representation in the District Councils through separate constituencies of their own provided their numbers
The recommendations of the Bardoloi Sub-Committee were processed through the Drafting Committee of the Constituent Assembly after such changes and modifications as were agreed upon, they were finally incorporated in the draft Sixth Schedule and placed before the Constituent Assembly.

THE CONSTITUENT ASSEMBLY AND THE SIXTH SCHEDULE:

The Sixth Schedule had a mixed reception in the Constituent Assembly of India. Some members, particularly Brajeshwar Prasad and Rohini Kumar Chaudhury went so far as to say that the entire Schedule should be reorganised and redrafted. Others like Jaipal Singh felt that, with all its shortcomings, the Sixth Schedule was likely to work provided the government and people of Assam exhibited a spirit of understanding and adjustment. Members of the Drafting Committee were of the opinion that the Sixth Schedule offered the only agreeable democratic solution to an otherwise difficult and complicated problem of the Hill Areas of North East India.

Those who opposed the Sixth Schedule did so for different reasons. One of them said that it placed too heavy a responsibility on the Provincial government. He argued is it right, is it safe, is it strategically desirable, is it militarily in the interests of the Government of India, is it politically advisable, that the administration of such a vast tract of land should be left in the hands of the Provincial government, especially in a province where there is no element of political stability? He, therefore, pleaded for the constitution of the Hill Areas into a Centrally administered territory. Another member proposed that the Sixth Schedule was conceived in a way which meant "a combination of government." The Hill Areas would have everything for themselves. The Provincial Government, particularly the Provincial legislature and even the Parliament would be powerless to control them.

65. Speech of Kuladhar Chaliha, Ibid., No.27, p. 1008.
Chaudhuri alleged that the persons who drafted the Sixth Schedule had no direct and intimate knowledge of the affairs of the tribal people. He, therefore, urged the constituent assembly to appoint a small committee "consisting of persons in whom we have confidence" and who would consider the question de novo. Both Kuladhar Chaliha and R.K. Chaudhuri made the allegation that there was "the British mind" and "British method" in the entire drafting of the Sixth Schedule which in effect had merely endorsed the old British policy of keeping the tribes isolated and unconnected with the people of the Plains.

The District and Regional Councils envisaged by the Sixth Schedule became the main target of attack by a few members. "I am opposed to the District Councils and Regional Councils," said Brajeshwar, "because they will lead to the establishment of another Pakistan in the country." He said further that he was one of those who desired the general well-being and development of the tribal people. But, the present step was "neither in accord with the general well-being of the tribal nor with the interests of the people of India as a whole." He added: "The responsibilities of parliamentary life can be shouldered by those who are competent, wise, just and literate. To vest wide political powers into the hands of the tribals is the surest method of inviting chaos, anarchy and disorder throughout the length and breadth of the country." Therefore, he said that he was not prepared to concede the demand of the tribals for autonomy. He remarked "I am not in favor of..."

the principle of self-determination..... I will not jeopardise the rest of India at the altar of the tribals. The principle of self-determination has worked havoc in Europe. It has been responsible for two world wars in my life time. It led to the Vivisection of India, loot, murder and the worst crimes upon women and children...."

Kuladhar Chaliha said that the District and Regional Councils would weaken the Provincial Government utterly. He went further to say, "you will thus be creating a Tribalstan just as you have created Pakistan." In a similar tone P.K. Chaudhuri remarked: "Do you want an assimilation of the tribal and non-tribal people, or do you want to keep them separate? If you want to keep them separate, they will combine with Tibet, they will combine with Burma, they will never combine with the rest of India." He contended that the Assamese people wanted to assimilate the tribal people but they were denied this opportunity deliberately. He argued further that if the tribal people should be educated in the art of self-government, they could as well be given the benefit of the Municipal Act. Therefore, he said that there was no need for autonomous Districts and autonomous Councils such as the Sixth Schedule provided.

Lakshminarayan Sahu held the view that the District and Regional Councils would not benefit anyone for the tribals had their own tribal councils for each tribe and sometimes even for each village. The District Councils would make uniform laws and these were likely to conflict with the laws and customs of small tribes and villages.

67. Ibid., Speech of B. Prasad, p. 1009.
68. Ibid., Speech of K. Chaliha, p. 1008.
the District Councils would generate a feeling of aloofness among the tribals. Therefore, he suggested that the powers vested in the Central and Provincial governments should not be delegated to the Tribal councils. The consequences of delegation would be to encourage fights among the tribals themselves and also between the tribals and the rest of the people of India.  

Prof. Shibban Lal Saksena said that while he had no objection for the creation of the District and Regional Councils, provision should be made for the absorption of the tribal areas in the provinces of Assam sometime in future. Or else, he warned that this "separation will not have a permanent character and it may lead to the division of the province itself."  

Jaipal Singh was the only member outside the Drafting committee to rise up and say that all those who criticised the Sixth Schedule need to have forgotten the efforts made by the Bardoloi Sub-Committee in getting an otherwise cynical and separatist tribal opinion agree to cooperate with a perfectly democratic device of the District Councils which would give them autonomy of the kind they desired in internal administration and bound them equally strongly to the authority of the Provincial and the Central Governments. He also pleaded that the members be somewhat circumspect in their approach to the tribal problem of North East India.

Rev. Nichols Roy said that the culture of the Hill can be as not so bad or inferior that a different culture - that of the plains.

70. Ibid., p. 1016.
71. Ibid., pp. 1012-1013.
people be forced down their throats. He contended that in certain respects the Hill people's culture was even better. He argued further that the Sixth Schedule did no more than recognise the democratic principle that a people should be allowed to grow according to their own culture and genius. It was also the Congress principle. As to the doubts expressed by some members that under the existing arrangements the Hill people might break away from Assam, he said that "this Schedule has given a certain measure of self-government to these hill areas but the laws and regulations to be made by the District Councils are subject to the control and assent of the Governor of Assam." He asked "what is more unifying than that?"

The Constituent Assembly Debates on the Sixth Schedule are revealing in certain respects. Some members from Assam want so far as not to say that they wanted to assimilate the tribal people, if necessary, by force. This is unfortunate. For, assimilation involves a total loss of the cultural identity of the group that is being assimilated and its absorption into the fold of the dominant group on the latter's terms. It may be in a bully to beat his wife to submission but such an attitude would hardly ever lead to social cohesion. On the other hand, anthropologists say that even if assimilation were desirable, it must not be imposed from outside. Its springs must develop from within. It is a process of evolution and it must be built on old foundations. In other words, cultural identities of the different groups need not be eliminated. The unifying forces could however, be strengthened. In short what one may legitimately look forward to is integration without
insisting on assimilation. Integration implies a harmony among none of which is so unimportant as to be merged with any other. To build a healthy democratic society, therefore, differences in culture need not be done away with but there should be an appreciation of the universal need for interdependence in economic and other matters.

It is precisely on the basis of this principle of integration that the Sixth Schedule was worked out. Dr. B.R. Ambedkar made a classic defence of the District and Regional Councils envisaged in the Sixth Schedule. He reminded the members to realise that there was a difference between the tribals in Assam and the tribals in other parts of India. The tribals in places other than Assam were more or less Hinduised and assimilated with the culture and civilisation of the people among whom they lived. On the contrary, the tribals in Assam had their roots in their own culture and civilisation. They did not adopt the mode of life and manners of their neighbours. Their laws of inheritance, marriage and their customs were different from those of the Plains people. In other words, the position of the tribals in Assam was somewhat analogous to that of the Red Indians in the U.S.A. as against the white immigrant there. What did the U.S.A. do for the Red Indians? They created reservations within which the Red Indians lived. They constituted a separate entity for themselves. No doubt, by the law of the United States, they were citizens. But actually they were a separate and independent people. The U.S. Government felt that their laws and modes of living, their habits and manners of life were so distinct that it would be dangerous to bring them by some abrupt decision to be "within the range of the
laws made by the white people for white persons and for the purpose of the white civilisation." Dr. Ambedkar went on to say that the District and Regional Councils for the tribal areas in Assam were conceived in the same spirit in which the United States made special arrangements for the Red Indians. At the same time, he reminded the members that in the scheme of the District Councils there were certain unifying factors which would nullify any tendency towards isolation, segregation and the like on the part of the tribals. What are those unifying factors?

First, the executive authority of the Government of Assam would extend even to the autonomous districts. This should be seen as a marked improvement over the provisions of the Act of 1935. Under this Act, the administration of the Excluded Areas was carried on by the Governor in his discretion. Under the Sixth Schedule the administration of these areas would be carried on by the Governor on the advice of the Provincial Ministry. The discretion of the Governor was done away with.

Second, the Provincial legislature as well as the Indian Parliament would have the authority to legislate for the Hill Areas in all matters excepting a few. All laws made by the Assam Legislative Assembly and the Indian Parliament would normally bind the District and Regional Councils. The Governor was, however, authorised to withdraw the application of any Central or Provincial law in the tribal areas. The burden was cast on him to show why it should be so withdrawn.

Third, tribal representatives in the Central and Provincial legislatures would have their part to play in the making of laws for the whole country including the tribal areas.
Fourth, there would be a Hill minister in the Provincial Cabinet. He would certainly have a responsible role in the decision-making, policy formulating and managerial functions of the Provincial Government.

Fifth, the Governor could in the interests of the safety of the country suspend, dissolve or supersede a District Council. Thus in this respect, the District Councils resembled the Municipal Boards in the Plain Areas.

Sixth, the laws and regulations made by the District Councils in regard to money lending etc. would be subject to the assent of the Governor.

Seventh, the Sixth Schedule modified the original recommendation that the application of the Central and Provincial laws in a tribal area should depend on the decision of its District Council. Even such a decision was taken by a three-fourths majority of members. Yet a hostile District Council might unduly prevent the application of an otherwise desirable Central or Provincial law, it was provided that the Governor should decide on the application of any such law on the advice of the ministry.

Therefore, the creation of the District Councils would not result in the disintegration of the province of Assam as some members of the Constituent Assembly feared.

Autonomous regions and Districts Councils were the answer for most Hill people to agree to extend their cooperation to the efforts made by the Central and Provincial governments towards building a strong
and stable nation. Some of the Hill areas being on the frontier and the frontier being strategically important, it was all the more necessary to keep the Hill people satisfied. Further, the Hill people expressed the desire that their culture, customs and ways of life should be preserved at any cost. The Districts and Regional Councils proved to be the only solution by which the Hill people could be satisfied in certain ways and at the same time they could be unified with the rest of the country.

There is thus ample justification for the creation of District and Regional Councils in the Hill Areas of North East India.

CLASSIFICATION OF THE HILL AREAS UNDER THE SIXTH SCHEDULE:

The Bardoloi Sub-Committee recommended that the Hill Areas of North East India shall be classified into Autonomous districts and Frontier Tracts. The Sub-Committee recommended further that an Autonomous district might be divided into Autonomous regions if there were different tribes residing in it.

The Autonomous districts were the Khasi and Jaintia Hills District excluding the town of Shillong, the Garo Hills District, the Lushai Hills District, the Naga Hills District, the North Cachar Subdivision, and the Mikir Hills portion of the Nowgong and Sibsagar District excepting the Mouzas of Barnathar and Sarupather.

72. Schedules A and B respectively of Appendix A to Part I of North East Frontier (Assam) Tribal and Excluded Areas Sub-Committee Report.
The Frontier Tracts were the Sadiya and Balipara Frontier Tracts, the Tirap Frontier Tract (excluding the Lakhimpur Frontier Tract), and the Naga Tribal Area.

The Drafting Committee approved this recommendation and the Constituent Assembly adopted it.

DELIMITATION OF ADMINISTRATIVE AREAS:

The Bardoloi Sub-Committee recommended that the Government of Assam shall exclude an Autonomous district or part thereof (from the list of Autonomous districts) when a resolution to that effect is passed by the District Council concerned. The Sub-Committee recommended further that the Government of Assam might with the approval of the Federal Government exclude a Frontier Tract or part thereof (from the list of Frontier Tracts) with a view to constituting it into an Autonomous district. The Government of Assam had thus little discretion whether to add to or substract from the list of autonomous districts.

The Constitutional Advisor to the Constituent Assembly thought that the Governor of Assam should have limited discretion in the matter. He, therefore, recommended that the Governor might include any one of the list of Autonomous districts. He said further that the Governor might create a new Autonomous district or increase the area of an Autonomous district provided, of course, that such a course of action was recommended by a commission to be appointed for the purpose. The Governor might also exclude an Autonomous district or diminish its area.

73. First draft of the Constitution prepared by the Constitutional Advisor.
provided again that such a course of action was recommended by the District Council concerned. The Constitutional Advisor had thus introduced the concept of a commission for purposes of effecting certain changes in the list of Autonomous districts.

The Drafting Committee accepted the recommendations of the Bardoloi Sub-Committee as modified by the Constitutional Advisor. When the draft of the Sixth Schedule was placed before the Constituent Assembly, the Chairman of the Drafting Committee Dr. Ambedkar moved an amendment seeking to extend further the powers of the Governor in defining and delimiting the areas of the autonomous districts. Thus moved that, among other things, the Governor should have the power to define the boundaries of any Autonomous district and also if necessary to unite two or more Autonomous districts or parts thereof so as to form one Autonomous district. He added, however, that in these and similar respects the Governor should act on the report of a commission appointed for the purpose. The original proviso that for the purpose of enlarging an Autonomous district or part thereof the Governor should act on a resolution passed to that effect by the District Council concerned was deleted as being unnecessary.

Dr. Ambedkar explained that the above changes and modifications were made by the Drafting Committee mainly with a view to achieve conformity in the procedure for defining and delimiting the administrative areas of the Autonomous districts.

In effect, Dr. Ambedkar’s amendment amounted to extending the scope of the commission envisaged by sub-paragraph(1) of paragraph 4 of the Sixth Schedule to report to the Governor on any matter which the latter might refer to it including the matter of excluding an autonomous district as a whole or in part which was originally left to the District Council of the Autonomous district concerned to decide by means of a resolution.

There was some difference of opinion in the Constituent Assembly as regards the appointment of the above commission. One member said that there was no need for a commission and the Governor should act on the advice of the Provincial Cabinet. In the alternative, he said that the composition of the commission should be so defined as to include members of the Provincial legislature.75 Another member observed that the Governor should act in his discretion or as Agent of the Crown. The entire responsibility for the administration of the tribal areas should be vested in the Central government. The fact that some of these areas happened to be on the frontier should be remembered.76

Dr. Ambedkar did not think that Chaliha’s proposed amendment was necessary. He said that the Governor under the new constitution would always be acting on the advice of the ministry and this included the matter of the appointment of the commission under paragraph 4 of the Sixth Schedule. As to the suggestion of B. Prasad, he said that it would mean that a part of the Province of Assam should be administered by the Central Government while the other part remained under the Governor.

75. Speech of Kuladhar Chaliha, Ibid., pp. 1002-1003.
76. Speech of Brajeshwar Prasad, Ibid., pp. 1003-1004.
ment of Assam. As to the frontier areas such as Balipara, Sadiya, and the Naga Tribal Area, they were included in Part II of the Sixth Schedule and they would continue to be administered by the Government agent of the Central Government.  

The position that finally emerged was that the Governor could by a public notification (a) include any area in the list of Autonomous districts (b) exclude any area from the said list (c) create a new Autonomous district, (d) increase the area of any Autonomous district (e) diminish the area of any Autonomous district (f) unite two or more Autonomous districts or parts thereof so as to form one Autonomous District and (g) define the boundaries of any Autonomous district. For the purpose of acting under clauses (c)(d)(e) and (f) above, the Governor shall consider the report of a commission appointed under sub-paragraph (1) of paragraph of 14 of the Sixth Schedule.

STRENGTH OF THE DISTRICT COUNCIL:  

The Bardoloi Sub-Committee recommended that the District Council shall consist of not less than twenty and not more than forty members, of whom three-fourths shall be elected on the basis of adult franchise. The Drafting Committee accepted the recommendation but the Constituent Assembly reduced the maximum strength of the District Council to twenty four. The Constituent Assembly felt that the original number was too large and suitable persons might not be available for election.

FORMATION OF CONSTITUENCIES:

The Bardoloi Sub-Committee recommended that for purpose elections to the District Councils, there shall be constituencies comprising of not less than 500 people each, and the constituencies should be formed in such a manner that to the extent possible, the different groups of tribals and non-tribals inhabiting the tribal areas shall elect representatives from their respective groups or communities. The Drafting Committee accepted this recommendation but the Constituent Assembly thought that the matter should be left to be dealt with when framed under the Constitution rather than by the Constitution itself.

REGIONAL COUNCILS:

The Bardoloi Sub-Committee recommended that Regional Councils might be established where an Autonomous district had distinct societies besides the main tribe. While accepting this recommendation, the Drafting Committee added further that the District and Regional Councils should be deemed to be corporate bodies with perpetual succession, capable of having the right to sue and be sued.

CHAIRMANSHIP OF THE DISTRICT COUNCIL:

The Bardoloi Sub-Committee recommended that while the District Councils in general shall elect their chairmen, the District Council of the Mikir Hills and North Cachar Hills Sub-division shall be the Deputy Commissioner or the Sub-divisional offices as the case may be.
to act as the ex-officio President of the Council for a period of 12 years from the commencement of the constitution. The drafting Committee and the Constituent Assembly accepted this recommendation.

POWERS OF THE DISTRICT COUNCILS:

The Bardoloi Sub-Committee recommended that the District and Regional Councils shall have the power to make laws within their respective jurisdictions in such matters as allotment, occupation and use of land for agricultural and non-agricultural purposes. An exception, however, made in regard to land which might be acquired by the Government of Assam for public purposes.

The District and Regional Councils shall also be responsible for the management of forests other than reserved forests, the use of canal or water courses for the purpose of agriculture, control and regulation of jhuming and other methods of cultivation, establishment of town and village councils, determination of the powers and functions of such councils and all other matters relating to village administration.

Apart from this, the District and Regional Councils shall have the power to make laws regarding the appointment of chiefs, or headmen, their succession, inheritance of property, marriage and other matters relating to social customs.

Further, the District and Regional Councils might establish their own courts for dealing with disputes not involving punishment in way of imprisonment for five years and more or death or transportation for life and also where one of the parties to a dispute happens to be
a non-tribal. The decisions of such courts shall be final. The Constituent Assembly had accepted this provision with a modification to the effect that the Provincial High Court and the Supreme Court of India shall have jurisdiction over disputes specified by the Governor from time to time.

The Drafting Committee and the Constituent Assembly accepted the recommendation of the Bardoloi Sub-Committee that the District and Regional Councils might frame rules regarding the conduct of elections, appointment of their staff etc.

The Bardoloi Sub-Committee recommended that the District Councils shall have the power to establish and manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads and water-ways and also determine the medium of instruction in the primary schools. They shall also exercise the power to regulate money lending and trading by non-tribals. The rules framed for this purpose shall be approved by a three fourths majority of the members of the District Council concerned. However, the District Council shall not refuse a licence to a money lender or dealer carrying on business at the time of the commencement of the Constitution. The Drafting Committee and the Constituent Assembly accepted this recommendation.

The Bardoloi Sub-Committee recommended that the District and Regional Councils shall have the power to assess and collect land revenue in respect of lands within their jurisdiction in accordance with the principles for the time being in force. They shall also have the power to impose taxes on professions, trades or callings and employment...
tax also on vehicles, animals and carts, tolls, a tax on market a,
ferry dues, cesses for the maintenance of schools, dispensaries, and
to roads. Accepting this recommendation, the Drafting Committee added fur-
ther that the District and Regional Councils shall have the power to
collect taxes on buildings, tolls on persons residing within their juris-
diction, a tax on entry of goods into markets for sale, tolls on en-
gines and goods carried by ferries. The Constituent Assembly accepted this
recommendation.

THE DISTRICT FUND:

The Bardoloi Sub-Committee recommended that there shall be a
District Fund or a Regional Fund which shall be administered by the Dis-
trict and Regional Councils as the case might be by rules framed by them-
selves and approved by the Comptroller of Assam. The Drafting Commit-
tee laid down that the rules framed by the District or Regional Councils
shall be subject to the approval of the Governor and not of the Compt-
roller of Assam. The Constituent Assembly accepted this decision.

MINES AND MINERALS:

The Bardoloi Sub-Committee recommended that the Government of
Assam shall not grant any licence or lease either to prospect or to ex-
tract minerals within an Autonomous district except in consultation of
the District Council concerned. The District Council shall be paid a share in
the royalties accruing from mines and minerals on such basis as agreed
agreed upon between the Council and the Government of Assam. In case of
disagreement between the two authorities concerned, the matter shall be decided by the Governor in his discretion and his decision shall be final. The Drafting Committee and the Constituent Assembly accepted the recommendation.

REPRESENTATION IN THE PROVINCIAL LEGISLATURE:

The Bardoloi Sub-Committee recommended that the Hill area should be given adequate representation in the Provincial legislature. The Drafting Committee did not think that such a provision should be included in the Sixth Schedule.

APPLICATION OF UNION AND STATE LEGISLATION:

The Bardoloi Sub-Committee recommended that in all matters in which the District and the Regional Councils shall have the power to make laws including matters connected with the consumption of any non-distilled alchoholic liquor, no Act of the Provincial legislature shall apply to the Autonomous regions. But a District or Regional Council might on its own volition apply any Provincial Act within its jurisdiction with such exceptions and modifications as it might introduce. In other words, the Provincial legislature shall not have the power to make laws on any subject earmarked for the District and Regional Councils in respect of their jurisdiction.

The Drafting Committee added further that in matters not covered by the above provisions, the Governor might by a public notice
choose not to apply or apply any Act of Parliament or of the Provincial legislature to any Autonomous region or regions and with such modifications and exceptions as he might decide. The Constituent Assembly accepted this addition.

FINANCIAL ACCOUNTS:

The Bardoloi Sub-Committee recommended that the receipts and expenditure pertaining to an Autonomous district should be shown separately in the annual financial statement of the Government of Assam. This did not imply that the receipts and expenditures pertaining to tribal areas could not be discussed in the legislature. On the other hand, the idea was to facilitate a more useful discussion by all concerned. The Drafting Committee modified this provision to the effect that in the financial statement of an Autonomous district be presented to the Provincial legislature, it should first be placed before the District Council concerned for discussion. The constituent Assembly accepted this as the provision.

APPOINTMENT OF A COMMISSION OF ENQUIRY:

The Bardoloi Sub-Committee recommended that the Government at any time appoint a Commission to enquire and report on the administration of the tribal areas in general or with particular reference to any matter concerning the progress made in education, medicine, communication, etc. The report of the Commission should in every case be placed before the Provincial legislature together with a note by the concerned minister.
on the action taken or proposed to be taken by the Government of Assam.

In the Constituent Assembly an amendment was moved to the effect that the Commission should also enquire and report, if so required by the Governor, on any matter relating to the creation of an Autonomous district, increasing or diminishing the area of any Autonomous district or joining two or more Autonomous districts or parts thereof to form one Autonomous district. The amendment was accepted. Thus the scope of the Commission of enquiry was widened.

CONTROL OVER THE DISTRICT COUNCIL:

The Bardoloi Sub-Committee made a special provision for the Mikir Hills and the North Cachar Hills whereby the District officer concerned shall act as ex-officio chairman of the District Council for a period of six years. The Sub-Committee recommended further that the District officer shall have the power, subject to the control of the Government of Assam, to annul, or modify any resolution or decision of the District Council or to issue such instructions to it as he may consider appropriate. The Drafting Committee and the Constituent Assembly accepted this recommendation.

As regards the District and Regional Councils of other Autonomous Hill regions, the Bardoloi Sub-Committee recommended that the Governor of Assam might, in his discretion, amend or suspend any act or resolution of a District or Regional Council and take such other action as he may consider necessary including the dissolution of the Council and taking over its administration, should he think that any such act or resolution
endanger the safety and security of India. In so far as the Governor was directed to act in his discretion, it appeared that he might assume a position similar to that existed under the Government of India Act 1935. But the Sub-Committee added that the Governor shall as soon as possible, place the matter before the Provincial legislature and the legislature might confirm his action or set it aside. Thus it is the legislature and not the ministry which was supposed to be exercising a restraining influence over the Governor. The Constituent Assembly did not envisage the Governor to be acting in his discretion. Subject to this, it went further than the Bardoloi Sub-Committee to lay down in the Constitution that the Governor, while suspending or modifying an act or resolution of a District or Regional Council or dissolving the Council itself so as to prevent it from committing acts prejudicial to the safety of the country, might issue an order to that affect which shall be in force for a period of twelve months unless otherwise revoked by the Provincial legislature. Again, if the legislature approved the action of the Governor, the order could be continued to operate for a further period of twelve months.

The Bardoloi Sub-Committee recommended further that the Governor might on the report of a Commission appointed for the purpose dissolve a District or Regional Council and direct fresh elections to be held for the reconstitution of the Council. Subject to the approval of the legislature he could also assume the administration of the area under the Council directly by himself or place it in the hands of a suitable way or Commission for a period not exceeding twelve months. In case w...
the latter course, an opportunity should be given to the District or Regional Council concerned to place its views before the legislature. The Drafting Committee accepted this recommendation.

TRANSITIONAL PROVISIONS:

The Bardoloi Sub-Committee recommended that until the first constitution of the District and Regional Councils, the Governor should carry on the administration of the autonomous regions as under Article 246 of 1935. The Constituent Assembly modified this provision to say that the Governor should in the matter be acting as the Agent of the President.

The Bardoloi Sub-Committee recommended further that for the first constitution of the District and Regional Councils, the Governor should make rules for the conduct of elections etc. in consultation with the existing tribal councils or such other representative tribal organisations. The Drafting Committee went a step further to say that rules so framed by the Governor shall remain in force until the District and Regional Councils framed their own rules in this regard.

The idea behind the scheme of the District and Regional Councils incorporated in the Sixth Schedule was to ensure to the tribal people of North East India a system of administration which was at once simple and inexpensive and which afforded them maximum autonomy in the management of their affairs including their land and social customs of which they were extremely sensitive. To allay the fears of the tribal people and satisfy their legitimate aspirations became especially necessary in view
of the geopolitical significance and strategic importance of the areas inhabited by them.

At the same time it was made abundantly clear and definite provisions were laid down to the effect that the tribal areas were an integral part and parcel of the Province of Assam and in no case their administration should be allowed to derogate with the unity and integrity of the country. In other words, the tribal people were given autonomy in the matter of their peculiar customs and ways of life but the exercise of such autonomy should not derogate with the unity of administration at the higher levels and also the general responsibility of the provincial and the Central governments to secure to the tribal people the benefits of a progressive and liberal administration.

During the interim period between the adoption of the new Constitution and the formation of the District Councils, Tribal Advisory Councils were set up in five out of the six Hill Districts. Though these Advisory Councils had no statutory basis, they were treated as equivalent to the District Councils.

The first general election to the District Councils was held in 1952. Accordingly five District Councils - one each for the Bara Hills, the United Khasi and Jaintia Hills, the Mikir Hills, the Cachar Hills and the Mizo Hills were set up in 1952. No District Council could be constituted in the Naga Hills District as the Naga Regional Council demanded complete independence and boycotted all elections. In 1953, a Regional Council was constituted for the Pawi-Lakher region in
the south-eastern part of the Mizo District. A Commission appointed by the Governor of Assam in August 1963 recommended the establishment of a separate District Council for the Jowai Sub-division of the United-tribal and Jaintia Hills District inhabited mainly by the Jaintias. The new District Council came into existence on 1, February 1966. In 1972 by amendment to the Constitution, District Councils were established for the Pawis, and Chakmas in Mizoram and for certain other tribals in West Bengal. Thus District Councils were instituted in all but the Naga Hills District.