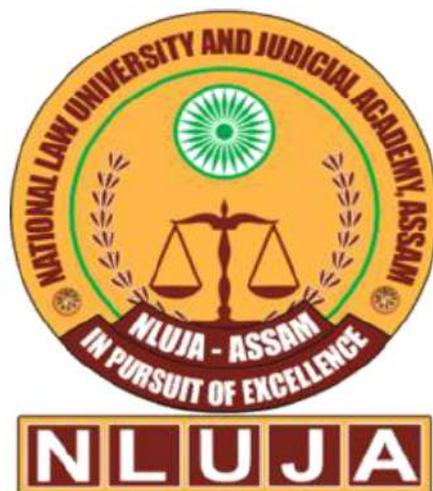


KARBI ANGLONG AUTONOMOUS COUNCIL UNDER THE CONSTITUTION: A TRIBAL
RIGHTS AND AUTONOMY PERSPECTIVE

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Dissertation submitted to National Law University and Judicial Academy, Assam
in partial fulfilment for award of the degree of
MASTER OF LAWS – LLM (Hons)



National Law University and Judicial Academy, Assam
Session – 2022-2023

CERTIFICATE

This is to certify that SARKORIM TERON MILIK has completed his dissertation titled “KARBI ANGLONG AUTONOMOUS COUNCIL UNDER THE CONSTITUTION: A TRIBAL RIGHTS AND AUTONOMY PERSPECTIVE” under my supervision for the partial fulfilment of ONE YEAR LL.M (HONS) DEGREE PROGRAMME at National Law University and Judicial Academy, Assam.

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DECLARATION

I, SARKORIM TERON MILIK, do hereby declare that the dissertation titled “KARBI ANGLONG AUTONOMOUS COUNCIL UNDER THE CONSTITUTION: A TRIBAL RIGHTS AND AUTONOMY PERSPECTIVE” submitted by me for the award of the degree of ONE YEAR LL.M (HONS) DEGREE PROGRAMME at National Law University and Judicial Academy, Assam is a bonafide work and has not been submitted, either in part or full anywhere else for any purpose, academic or otherwise.

Date: *30/06/2023*

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TABLE OF ABBREVIATION

1.	A.I.R	All India Reporter
2.	Adv.	Advertisement
3.	I.P.C	Indian Penal Code
4.	Art.	Article
5.	Ibid.	Ibidem
6.	No.	Number
7.	Pvt.	Private
8.	Pet.	Petition
9.	R.I	Rigorous Imprisonment
10.	SC	Supreme Court
11.	Sec.	Section
12.	SCC	Supreme Court Cases
13.	SCR	Supreme Court Report
14.	Supl.	Supplementary
15.	K.A.A.C	Karbi Anglong Autonomous Council
16.	N.C HILLS	North Cachar Hills
17.	C.E.M	Chief Executive Member
18.	E.M	Executive Member
19.	M.A.C	Member of Autonomous Council
20.	M.L.A	Member of Legislative Assembly
21.	M.P	Member of Parliament
22.	C.O.I	Constitution of India
23.	C.O	Constitutional Order
24.	FRs	Fundamental Rights
25.	G.O.I.A	Government of India Act

26.	G.O.I	Government of India
27.	H.C.W	High Court Writ
28.	I.O.R	India Office Records
29.	U.P.D.S	United People's Democratic Solidarity
30.	A.S.D.C	Autonomous State Demand Committee

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CHAPTER 1:- INTRODUCTION

The “Karbi Anglong” district is governed by the “Autonomous Council”, which was set up in accordance with the Sixth Schedule of the Indian Constitution. A notable political advancement in India has been the establishment of District Councils in the hilly regions of Assam, as mandated by the Sixth Schedule of the Indian Constitution. This type of local self-governance became essential due to the underdevelopment of the local population, making it challenging to govern them effectively using the existing government system implemented in the plains¹. Furthermore, the indigenous tribal people take great pride in their unique cultures. Such circumstances demand for a unique sort of administration that is more basic in character than that which is to be used in the plains' more developed regions. Through a special local institution known as the "District Council," an attempt was made for the first time in independent India's history to integrate the illiterate and backward tribals of Assam's hill districts into the contemporary system of government.

Therefore, the District Council is a distinct administrative tool created to administer the hill people of then-undivided Assam or modern-day North-East India in particular. Therefore, it is important to examine the constitutional growth and evolution of the Council, which was established amid the untamed terrain of the remote hills and was never previously subject to a direct modern political system of government. There is a clear need for an examination of the current polity and the reasons behind the compulsive desire to depart from it when, for nearly 50 years, pet public issues like education, healthcare, and unemployment do not figure in the electoral narratives. Instead, the demand for statehood dominates across the political spectrum. There is a need to look for solutions and try to understand why they have not yet been found, if after 75 years of Independent India, the feelings of dissatisfaction and insecurity in the lives of those who live of Assam's hill regions have not subsided and waves of conflict continue to fill their future decade after decade. In order to analyse and comprehend why Karbi Anglong is still stuck on the course it has set for itself and unable to take a step and move on, this dissertation

¹ Jangkhongam Doungel, *Autonomy Movements and the Sixth Schedule in North East India* (1st edn, spectrum publications 2016).

makes a modest effort. Significant inquiries are being raised in the political discussions regarding whether the provisions of the Sixth Schedule adequately address the concerns of the tribal communities residing in Karbi Anglong and North Cachar Hills. There is also deliberation on whether the decision to remain within the State of Assam instead of joining the Autonomous State of Meghalaya during the reorganization process in 1969 was the appropriate decision. These are among the key questions being contemplated. Whether the original autonomy of the Sixth Schedule has been dwindled and compromised; and whether the changes to the Sixth Schedule's original autonomy brought about by agreements signed with the Union and State governments at various points in time have improved the autonomy of the Assam's hill people or hold any promise for their secure futures².

It would be useful to thoroughly explore each of these issues. Although more thorough considerations would have done the work justice, this is the purpose that guided the composition of the dissertation, which in some ways attempted to examine the concerns brought up. But if the readers' thoughts are stimulated to engage in more in-depth thought processes on the topic as a result of this modest effort, then the modest amount of work put in through this dissertation to generate this dissertation will have been duly compensated. Without the unwavering support and inspiration provided to me by my friends, some intellectualists, and political leaders of those time, whose persistent prodding propelled me to finish the task, I would not have been able to write this dissertation. My appreciation also extends to friends and families who, as a symbol of their devotion and love for me, agreed to do the corrective reading, cover design, and work setting at no cost to them. Finally, I would like to express my gratitude to Dr. Dharamsing Teron for their effort in supporting me to complete this work of dissertation.

1.1 STATEMENT OF PROBLEM

The problem of this dissertation is to address the century old ethnic identity crisis of the hills Karbi tribe of Assam. Since from the time of their settlement in the region, the hills Karbi traditionally depends on the nature and they produces their fruits, crops, rice through traditional shifting/jhoom

² Ibid

cultivation. The existing political framework, which includes the constitutional mechanism of the “Sixth Schedule” and the Autonomous Council under the Indian Constitution, aimed at safeguarding and preserving the distinctive ethnic identity, is experiencing gradual changes and a significant decline. This decline can be attributed to the inadequate policy-making system implemented by the elected leaders of the Karbi Anglong Autonomous Council (K.A.A.C), as well as unnecessary interference by the State government, which hampers the decision-making process regarding tribal development policies. Additionally, political pressure exerted by the ruling government at the Centre further contributes to this situation.

The intended purpose of granting inclusive autonomy to the K.A.A.C, as provided in the “Sixth Schedule of the Indian Constitution”, was to empower the Karbi and other tribes residing in the hilly regions. This autonomy was meant to facilitate their social, educational, political, economic, and cultural upliftment. However, it is regrettable that the true essence of this objective, as emphasized by the founding fathers of our constitution, has not been effectively protected for the indigenous Karbi hills tribe of Assam. Autonomy with the limited role of K.A.A.C and the discretionary powers vested to the “state governor’s” has made the implementation machinery to a very perplexed state of the real autonomy of the “Sixth Schedule to the Constitution of India”. It is vividly clear that the autonomy of the “Sixth Schedule” are not fully empowered to the Autonomous Council through the LEGISLATIVE, EXECUTIVE and JUDICIARY powers as its inherent subject of the autonomy given under the Constitution of India. The governor’s being the guardian and protector of the Sixth Schedule hardly give their approval on the laws passed by the Autonomous Council for its implementation also another deadlock for the protection, preservation and safeguarding the very unique traditional systems of customary laws and their ethnic identity. In order to preserve and protect the very sole object of the Sixth Schedule Autonomy given by the founding fathers of our Constitution during the constituent assembly debate, this dissertation intends to evaluate the engagement and role that the Governor’s, State government and Centre that needs to look into the isolated and unreachable facts for Sixth Schedule Autonomy preservation.

1.2 REVIEW OF LITERATURE

- **Justice B.L. Hansaria**, in his book **Sixth Schedule to the Constitution** provides an overview of the Sixth Schedule provisions and its constitutional mechanism about the autonomy of the District Council. The book also gives many provisions, paragraph and sub-paragraph of the “Sixth Schedule to the Constitution of India”. The author also describes the autonomy of the Regional Council, District Council, Autonomous Council and Territorial Council whose constitutional powers are within the ambit of the Constitution of India. Finally, the author, from looking at the legal justifications also provides brief about how the Tribal of the hills region of North Eastern states can be protected through this Sixth Schedule autonomy under the Constitution of India.
- **Rupsing Tisso**, Joint Secretary, Legislative Department, Karbi Anglong Autonomous Council, in the official book of **The Assam Autonomous Districts (Constitution of District Council) Rules, 1951** provide a comprehensive and thorough description of the Rules and Regulation for the conduct of business in the Autonomous Council. The book also divided into Part IV. Part I deals with the Preliminary section. Part II deals about the District Council – Composition, Officers and Executive Committee. Part III deals with related to the Conduct and Procedure of Business. Part IV deals with the Elections of the Autonomous Council with General provisions such as nomination of candidates, voting at elections, counting of votes, conflict and disputes in the the validity of election, corrupt and illegal practices, electoral offences, disqualification etc. In this book, the rules of the conduct of business are precisely describe with para and sub para wise.
- **Elwin Teron**, in his book **Slogans, Guns and the Sixth Schedule** provide a comprehensive information about the origin of the Sixth Schedule and its makeovers by the later O.M, M.O.S 1 and M.O.S 2. The book also provide information on how the real autonomy of the Sixth Schedule are transform into a less Autonomy Council. This book also provide information on the rise of Statehood demands by the irate youths of Karbi Anglong for protection of their ethnic identity and culture, political and social rights, educational and economic

rights etc. The book are divided into VI Chapters. Chapter I deals about the historical part. Chapter II deals with the attempt at wielding autonomy by the K.A.A.C's. Chapter III deals with accords and function of the entrusted subjects of K.A.A.C's. Chapter IV deals on the remodeling of the Sixth Schedule through the MoU. Chapter V deals with the Armed movement and outcomes. Lstly, Chapter VI deals with the revenue sources of the K.A.A.C's.

- **Jangkhongam dougel**, in his book “**Autonomy Movements and the Sixth Schedule in North East India**” provides an overview and brief detailed about the “Sixth Schedule autonomy” of the North East India by giving reference on various “Regional Council, District Council, Autonomous Council and Territorial Council”. The books has a total of 25 chapters. The book also describes about the various function of autonomy, armed movement and the struggle for more autonomy by the hills tribal. The book also comprises of various writers, authors, professors for the collective purpose to impart Sixth Schedule powers and function on the educated society.
- **Samaraditya Pal**, in his book **India's Constitution Origins and Evolution** provides information and data about the pre independence status of our Constitution. This book also provide information on how the founding fathers of our Constituent Assembly has drafted the Constitution after two years, eleventh months and eighteenth days of debates. This book also provide the formation of the Sixth Schedule Council. This book also give information about how the Constituent Assembly members questioned and challenged each other on the proposed Articles in the Drafting Committee for consideration by the Constituent Asembly.

1.3 RESEARCH QUESTIONS

- Is the Autonomy promised by the Constituent Assembly (founding fathers of CoI) and outlined in the “Sixth Schedule to the Indian Constitution” eroding with time?

- What has caused the political turmoil in Assam hills tribal region, particularly Karbi Anglong and Dima Hasao over the past 40 years while supporting for an Autonomous State under Article 244A of the Indian Constitution?
- Are the citizen of Karbi Anglong and Dima Hasao at peace and content after signing the M.O.U and M.O.S?
- Is the Governor's role as the Sixth Schedule guardian really favourable to the Autonomous Council of the Sixth Schedule?

1.4_AIMS AND OBJECTIVES OF THE STUDY

In light of the brief summary and problem description, the researcher intends to comprehend the Autonomy of the "Sixth Schedule Council under the Constitution of India" through the current study.

The following objectives may be highlighted in light of these objectives –

- To search out whether the Autonomy of “Sixth Schedule” under the “Indian Constitution” autonomous enough to protect the interest of the “hills tribal of Assam”.
- To analyze the role of the Governor's as a guardian of the Sixth Schedule.
- To analyze the nature and extent of the power of the Sixth Schedule Autonomous Council in Assam.
- To analyze whether the State government are fair enough to the Autonomous Council.

1.5 SCOPE AND LIMITATION

This analyze will largely examine the strength and autonomy of the "Sixth Schedule" of Karbi Anglong Autonomous Council, with a particular stress on the underlying theoretical provisions. It aims to give insight into the operation of the “Sixth Schedule Autonomous Council” through a in-depth analysis. It will also investigate the significance of limiting the “Autonomous Council's” powers in respect to the "constitution," taking into account both explicit and implicit . Furthermore, the study will also analyse the transformation and evolution of "Sixth Schedule" autonomy in Karbi Anglong, as well as its application inside India's "legal system."

1.6 RESEARCH METHODOLOGY

The research methodology of this research was carried out on doctrinal method to examine the K.A.A.C under the “Sixth Schedule to the Constitution of India”. Here researcher has focused on material available in various books, articles, journals available in hard and soft formats. Further in order to enhance this research project, researcher has used the analytical approach, where few philosophical and comparative inquiries are made in relation to the research topic. Hence, this research is exclusively a doctrinal research as the sources used will be both primary and secondly sources.

1.7 CHAPTERISATION

The dissertation work based on Karbi Anglong Autonomous Council under the Constitution: A Tribal Rights and Autonomy Perspective has been divided into seven chapters:- Chapter 1; ‘Introduction’ deals with the introduction of the research topic. It also covered the Statement of problem, Hypothesis, Research questions, Scope and limitations, Aims and objectives, Literature review, Research methodology, and end with chapterisation.

Chapter 2; titled ‘Status before independence and post independence’ this chapter basically focused on the historical background and origin of the Sixth Schedule Autonomous Council.

Chapter 3; titled ‘Using Autonomy within constitutional framework’ mainly deals with the constitutional powers of the Autonomous Council in relating to the inherent subjects of the council.

Chapter; 4; titled ‘Struggle for real autonomy’ this chapter basically focused on the struggles made for ethnic identity, culture, tradition and language protection by the Karbis.

Chapter 5; titled ‘Autonomy transformation in Karbi Anglong’ it deals with numbers of armed struggle for more autonomy and the settlement of agreement signed between these insurgencies that led to the transformation of power and function in the autonomy of the Council

Chapter; titled ‘Revenue sources understanding in relation to extended function’ this chapter deals with the revenue sources how the Autonomous Council are getting their revenue specially in the inherent subjects of the Council. It also analyse how the Autonomous Council generating its revenue through the available resources.

Chapter; titled ‘Conclusion and Suggestions’ deals with the conclusion remarks of the paper backed by the suggestions.

CHAPTER 2:- HISTORICAL BACKGROUND

2.1 ANCESTRAL LAND OF THE KARBIS

The titles "Arleng," "Mikir," and "Karbi" have been used here at random whenever it is considered suitable to describe them in a given context, time, event, or scenario. It must be made clear from the outset that they all pertain to the same tribe. For instance, "Mikir Hills" may be referred to as "Karbi Anglong" or vice versa, with the word "Anglong" standing in for "Hill" in English. Similarly, a Karbiman may refer to himself as "Arleng" in conversation. However, the Karbis have never been referred to as "Mikirs" in any traceable instances of government records. Sir Charles Lyall in his book "The Mikirs" said that the tribe called themselves "Arleng" and belonged to the "Tibeto-Burmese" group of languages, more akin to the Naga-Kuki group. The tribe has been among the most numerous hill tribes of the North-East and has mostly been described as peaceful and inoffensive. "Sir Robert Reid," one of British Assam's most famous Governors, had stated that "the Mikirs are even more backward, a quiet, inoffensive tribe who have never given any trouble." I'm worried they've been overlooked because they're so innocuous and silent."

The Ahom Buranji contains the first mention of the tribe in any written document when it talks about the need to send a military expedition as punishment for their refusal to pay tribute to the Ahom king. This passage is quoted here because it's fascinating to gain an understanding of the brutal way in which powerful rulers subdued neighboring communities at will in those days without considering the natural rights of others - "In the month of Dinkao (Shravan), The King despatched the Nyaisodha Phukan of the Jalambala family on land near Chapanala on the day Khutcheu against the Mikirs who were not paying tributes. The Dayangia Rajkhowa of the Handikaj family was also transported in boats by the Kopili. The Rajkhowa marched against the Mikirs and proceeded to ascend the Nakenaramshi hill. The Nyaisodha Phukan also came at and climbed Nakenaramshi hill³. The two groups of men gathered on the hill of Nakenaramshi and set fire to the Mikirs' homes and granaries. They collected a considerable quantity of daggers, cups, hoes, spears, goats, and other prizes. Afterward, they returned and stopped at Raha. Subsequently,

³ Elwin Teron, Slogans, Guns and the Sixth Schedule Autonomy Makeovers in Karbi Anglong (1st edn, Centre for Karbi Studies, Diphu Karbi Anglong).

the Mikirs descended upon Raha in a united manner, bringing numerous offerings as tributes and requesting peace. The Nyaisodha Phukan and the Dayangia Rajkhowa held discussions and conveyed this information to the King. Upon receiving the news, the King commanded the Nyaisodha Phukan and the Dayangia Rajkhowa to present gifts to the Mikirs and resettle them in their former villages. In accordance with the King's orders, they presented gifts to the Mikirs and restored them to their original locations. The incident is also mentioned by "Edward Albert Gait" in his book "A History of Assam" (Second edition, 1926, p. 187) as having occurred in the hills of Chapanala in the month of July 1765⁴. When British officers conducted a study on tribes, they discovered the Karbis in numerous locations in the Northeast. There are mentions of their settlements spread across the "central part of the mountainous region, ranging from the Garo hills area up to the Patkai hills", including the lower hills and nearby plains. However, due to confrontations with unfriendly tribes, they were forced to relocate to their present-day residence in the Mikir hills". The Karbis, also known as the "Mikir Hill tract" throughout history, were a homogeneous population living in the highlands of the former British districts of Sibsagar and Nowgong. Apart from residing in the Mikir Hills located in Sibsagar and Nowgong, the Karbi community was also found in the Khasi and Jaintia hills. Additionally, they inhabited the northern bank of the Brahmaputra in the Darrang District. It is believed that they migrated to this region around 1868 and engaged in activities such as animal husbandry and boat building.

Nevertheless, the majority of them dwelled in the divisions of "Ryngkhang (Rongkhang)," "Jynthong (Chingthong)," and "Mynri (Amri)" within the "Jaintia Hills," as well as the "Mikir Hills of Nowgong and Sibsagar." These three sizable Karbi settlements, being geographically adjacent and located in the hilly region, should have been governed by a unified administrative body. It is important to note that during the British era, the "Province of Assam" was divided into three divisions for census reporting purposes. The 1901 census report provides detailed descriptions of the "Brahmaputra Valley," the "Central hill range," and the "Surma Valley⁵." The 1931 Census Report of the Government of India, which is worth mentioning, clearly acknowledges that the "Mikir Hills," along with the "Naga Hills," "North Cachar Hills," "Khasi

⁴ Ibid

⁵W.W Hunter, The Statistical Account of Assam (Vol 1, pp-1160)

Hills," and "Garo Hills," belong to the "Central Hill range" division. However, there is one crucial aspect that, in my opinion, the previous census reports have not adequately taken into consideration. During that particular period, the "Mikir Hills," a vast and secluded mountainous region spanning over "8000 square miles," were situated in the heart of the "Brahmaputra Valley"⁶. From an administrative standpoint, this hill cluster was divided between the districts of "Nowgong and Sibsagar." The section located in Nowgong was referred to as the "Nowgong Mikir Hills," while the portion in Sibsagar was known as the "Sibsagar Mikir Hills." The "Dhansiri and Kopili river valleys" acted as natural boundaries, separating this hill group from the main "Assam Range." Logically, this block of hills should have been recognized as a distinct sub-division within the "Hills Natural Division" for census purposes. However, due to various boundary disputes, this classification was never implemented in previous censuses. Prior to the advent of British rule, the Karbis had endured significant hardships. According to Pakyntein's Census Report from 1961, before the arrival of the British, the Mikirs led a precarious existence. One faction was under the rule of the "Ahom Chief" in Raha, another group was oppressed by the Naga people and led by "Tularam Senapati" in "Moudanga," while a third section was under the dominion of the "Jaintia King." The fourth group, located between "Golaghat" and "Dimapur," staunchly opposed the Nagas and remained independent, owing no allegiance to anyone. With the arrival of the British and their conquest of various ruling tribes, the Mikirs were automatically liberated and brought under British administration. Pakyntein noted that the Karbis received a certain level of respect from the Jaintia rulers due to the appointment of their own leader, Thong Nokbe, as the General of the Kingdom's army, which resulted in his family inheriting the throne of Rongkhang. The Karbis, being peaceful jhumias (shifting cultivators), did not pose a threat to the authority that could have necessitated direct management. In contrast, the British had to establish posts at Shamugating (1867) to control the Nagas, at Tura (1868) to manage the Garos, and at Jowai (1835) to deal with the rebellious Jaintias. Therefore, for administrative convenience, the British accessed the Mikir area as needed through the Kopili and Dhansiri river routes, as the road network was virtually non-existent at that time. It was also convenient to label these areas under the Deputy Commissionerships of Nowgong, Sibsagar, Khasi Hills, and Jaintia Hills⁷. Throughout British

⁶ Major P.R.T Gurdon, *The Khasis* (Reprint 20210, pp-62)

⁷ Government of India, *Census Report 1931 (Distribution and Movement of Population)*

administrative history, the Karbi region was referred to as the "Mikir Hills Frontier Tract," the "Mikir Hills Backward Tract," and the "Mikir Hills" Partially Excluded Area, designating them as separate ethnic entities under the Assam Frontier Tract Regulation of 1880, the "Government of India Act of 1919", and the "Government of India Act of 1935", respectively. Therefore, it was logical to consider the unity of the three districts predominantly inhabited by the Karbis when the idea of creating a distinct administrative subdivision for them was proposed, providing them with a political identity and a sense of security in Independent India. The inclusion of the Mikir administrative subdivision within the post-independence Assam administrative structure was merely a matter of time⁸.

2.2 CONTEMPLATION ON REORGANISATION OF TRIBAL AREAS BY THE BRITISHERS

Under the given provisions of the 1935, Act the lands inhabited by the Karbis were classified as a Partially Excluded Area. Due to their remote and inaccessible nature, the regular administration did not extend to the tracts in Nowgong and Sibsagar. The majority of Karbi communities residing in the "United Khasi and Jaintia Hills" were fully covered by regulations for Excluded Areas. In "1945", the government intended the establishment of a distinct local self-government tradition in the hills. To accomplish this, P.F. Adams, a government officer, was tasked with devising a plan to establish and nurture local self-government among the hill people. The objective was to ensure peaceful and "progressive administration", foster a democratic spirit among the communities, and equip the hill people to contribute effectively to any broader associations they may become part of. After consulting with local authorities and officers, Adams put forward several proposals, including those for the Lushais, Kukis, Semas, and the creation of a Village Council led by a recognized Chief and supported by elders. He suggested that the Village Council for tribes with elected elders should consist of Gaonburas and elders chosen according to customary practices. In "North-East India," it was proposed by Hutton and Parry, the respective Deputy Commissioners of the "Naga Hills and the Lushai Hills", to unite the hill districts on both sides of the border and form a province called the "N.E Frontier Province". In 1945, J.P. Mills, the governor's advisor for tribal affairs, deliberated on the future of the hill regions. He presented three options for consideration: incorporating all the hills into Assam, including only certain hills in Assam, or excluding all the hills from Assam.

⁸ Pakyntein, E.H (1965).

2.3 BORDOLOI COMMITTEE AND THEIR ROLE

Subsequently, the "Cabinet Mission" put forth a proposal to establish an "advisory committee" focusing on the civil rights of citizens, minorities, tribal members, and excluded areas. Sir "Stafford Cripps" emphasized the need for a powerful committee to provide recommendations for the governance of tribal areas. In line with the "Cabinet Mission" Statement of January 24, 1947, the Constituent Assembly formed the Advisory Committee. This committee established the N.E Frontier (Assam) Tribal and "Excluded Areas" Committee, with "Gopinath Bordoloi", the first premier of Assam, serving as its chairman. The committee was tasked with conducting research and making policy recommendations for the government of tribal lands and the protection of tribal interests. During the proceedings, the Bordoloi Committee received testimony from numerous witnesses who presented various suggestions for the reorganization of tribal areas. Each representative from the hill districts, including the "Khasi Hills", "Naga Hills", "Lushai Hills", "Mikir Hills", "North Cachar Hills", "Garo Hills", and "N.E Frontier Area", put forward distinct proposals, plans, or suggestions for the establishment of a suitable administration in the hills that would cater to the needs of the local inhabitants⁹.

2.4 BIRTH OF UNITED MIKIR HILL'S AND NORTH CACHAR HILL'S SIXTH SCHEDULE DISTRICT

During the visit of Governor Sir "Robert Neil Reid" to the "Mikir" region in October and November 1940, a memorandum was received from the Mikir people at Mohendijua on October 28. Similarly, Governor Sir "Andrew Clow" later met a delegation from the "Karbi A-Dorbar" and received a memo in March 1947 at Lanka. It was during these encounters that the British administrators were first introduced to the concept of the Mikir Hill administrative district. The memorandum at Lanka identified the "Karbi A-Dorbar" as the representative body of the "Mikir people".

The formation of a "territorial Assembly Constituency" for the "Partially Excluded Areas", which

⁹ Constituent Assembly Debates Official Report, (6th Reprint, Jainco Art India 2014).

included the “Mikir Hills tract”, enabled the amalgamation of the “Karbi-dominated” regions in “Sibsagar” and “Nowgong districts” for the first time. The GoI Act, 1935, introduced by the British Parliament, provided for native involvement in governance through elections. In the 1937 election, “Khorsing Terang” was elected to the “Provincial Assembly”, with “village headmen” and “mouzadars” serving as the electorate since “adult franchise” had not yet been implemented.

Governor Reid visited the Mikir people in September 1940 to assess the state of the tribe's participation in the election process and representation in the Provincial Assembly. However, he was disappointed that he couldn't meet them during his tour as traders from the plains region spread rumors of impending bombings wherever Governor Reid went, causing the Mikir people to avoid him. Governor Reid considered the Mikir tribe to be extremely primitive and felt they were treated unfairly. During the tour of the Mikir Hills, Governor Reid was accompanied by Samsonsing Engti, a well-educated young Mikir¹⁰. Later, Samsonsing Engti led the “Karbi A-Dorbar” delegation to the “Bordoloi Committee” of the British government. In response to the Karbi people's request for consolidation under a single administrative unit, the Provincial government showed a positive response. This was necessary because, during the British era, the Karbi people had to live under various district administrations for reasons beyond their control.

A plan was initiated to bring together all “Karbi regions” and establish the “Mikir Hill” subdivision. The Karbi people simply desired the right to coexist in Assam and benefit from development. The memorandum advocated the political unity of all Mikir people, forming a distinct district comprising the Partially Excluded parts of Sibsagar and Nowgong districts, along with adjacent Mikir-populated territories and Mikir areas of the United Khasi and Jaintia Hills. Despite challenges in geographical unification, leaders like Chatrasing Teron argued for administrative consolidation to ensure the safety of the entire Karbi population in independent India¹¹.

Several individuals appeared before the Bordoloi Committee, including Sarsing Teron, Chatrasing

¹⁰ V.R. Trevedi, Documents on Assam (Vol 1, pp-17)

¹¹ Ibid

Teron, Soi Soi Terang, Barelong Terang, Bonglong Terang, and others. In March 1947, Samsonsing Engti called for the Mikir Jatiya Mahasabha at Hawaipur Bazar, which was attended by over 2000 people. Subsequently, the Karbi A-Dorbar was formed, with Khorsing Terang as the President and Samsonsing Engti as the General Secretary, as news of the British departure resonated through the hills of the Mikir people. Both Samsonsing Engti and Khorsing Terang, who were from the Golaghat region, were later appointed as members of the Bordoloi Committee, representing the Mikir tribe. The Bordoloi Committee presented a report to the Constituent Assembly, reflecting the circumstances, sentiments, and the process of unification among the Karbi people. The report highlighted that the Karbis were considered the least advanced tribe during that period. It described the challenges they faced, stating, "The uncharacteristic shape of the area makes administration from external the area inconvenient, which is why the 'district' had to be divided into two separate plains districts¹²." The region had not been designated as a distinct district due to its relatively low population density of less than 50 people per square mile and limited means of communication, with only a railway passing through it. The provincial government was considering a plan to divide the entire Mikir Hills area into distinct subdivisions.

Based on the recommendations of the "Bordoloi Committee" to the "Constituent Assembly", the hilly regions were suggested to be divided into autonomous and non-autonomous districts. The "Garo Hills", "Lushai Hills", Naga Hills, "North Cachar sub-division of Cachar district", and the "Mikir Hills" area of "Nowgong and Sibsagar" districts were proposed as autonomous districts, along with the "Khasi and Jaintia Hills", excluding Shillong. The other hill regions, such as "Sadiya, Balipara" border Tract, "Tirap Frontier Tract", and the "Naga Tribal Areas" of the border tracts, were recommended to be non-autonomous districts¹³. Consequently, the report of the "Bordoloi Committee" and its approval by the "Constituent Assembly" played a decisive role in establishing a separate district for the "Mikir tribe". Once the "Indian Constitution" came into effect, the Government of Assam took steps to establish a separate administrative unit for the Mikir people. To facilitate this, a Commission was formed through Department "Notification No. TAD/R/31/50" on October 3, 1950, with the task of determining the areas that would constitute the "Mikir Hills district". Based on the Commission's recommendation, a portion of the "Khasi

¹² Ibid

¹³ Ibid

and Jaintia Hills”, referred to as "Block I & II," was excluded from the “K&J Hills”. This exclusion was enacted through Department “Notification No. TAD/R/31/50/148” on April 13, 1951, while a subsequent “Notification, No. TAD/R/31/50/149”, issued on the same day, included the area as part of the newly formed Mikir Hills district.

The areas chosen from the Jaintia Subdivision largely aligned with those identified by Major PRT Gurdon in his ethnography as belonging to the Bhoi region, specifically the Jinthongs, Mynris, and Rynghongs. Gurdon had proposed divisions among the Khasi tribal groups, such as the Syntengs or Pnars into Syntengs proper, Nongtungs, and Kharwangs, the Wars into War proper and War Pnar, and the Bhois into Jinthongs, Mynris, Rynghongs, and Khasi Bhois. Importantly, Gurdon clarified that the Jinthong, Mynri, and Rynghong subdivisions of the Bhoi Division were not Khasi but Mikirs. Therefore, it becomes evident that when the idea of establishing a separate district for the Karbi tribe was proposed, this specific location would inevitably become a part of that district¹⁴.

Likewise, sections of the Nowgong and Sibsagar Districts that were previously recognized as the Mikir Hill tract, predominantly inhabited by the Mikir tribe, were reconfigured to be included in the newly established district. This adjustment was described in Notification No. TAD/R/31/S0/149, dated April 13, 1951. Specific areas like “Duarbaguri Mouza”, “Duardikharu Mouza”, “West Rengma Mouza”, “Duardisa Mouza”, “Naga Rengma Mouza”, “East Rengma Mouza”, and “Borjan Mouza”, which had a significant “Mikir” population, were incorporated from the “Sibsagar District”.

However, after considering the Commission's Report, which was examined in Departmental Notification No. TAD/R/31/50 on October 3, 1950, certain lands that were previously part of the Mikir Hill Tract in the “Nowgong” and “Sibsagar” districts were not included in the new district. These lands, namely Lanka, Gobha, Lunding, Sarupathar, Barapathar, Marangi, and parts of Duarbagori and Duarsalona mouzas, are listed in Notification No. TAD/R/S50/150, dated April 13, 1951¹⁵. Ultimately, the boundaries of the Mikir Hills District were defined by Notification No. TAD/R/31/50/151, dated April 13, 1951.

¹⁴ Ibid

¹⁵ Robert Neil Reid, *Years of Change in Bengal and Assam* (pp-138).

On November 17, 1951, the Assam “United District of Mikir and North Cachar Hills” (Administration) “Regulation 195”, known as “Regulation No. X of 1951”, came into effect. This regulation was published in the Gazette through Notification No. TAD/R/31/50/190 on August 27, 1951. It was promulgated by Assam Governor Jairamdas Daulatram, based on a notification issued on November 3, 1951, in Shillong. This Regulation outlined the administrative framework for the Mikir Hills District.

The meaning of ‘Mikir Hills’

(a) The areas known as "Partially Excluded Areas of the Mikir Hills" in the Nowgong and Sibsagar Districts, as designated by the Government of India (Excluded and Partially Excluded Areas) Act, 1935, were considered excluded prior to the commencement of the Constitution.

(b) The tribal lands of the Mikir Hills, referred to in paragraph 20 of the Constitution's Sixth Schedule, are applicable for the period following the enactment of the Constitution and before the specified day.

(c) The Mikir Hills Autonomous district, including the tribal regions defined in Notification No. TAD/R/31/50/151, dated April 13, 1951¹⁶, is applicable for the period complying with the specified date.

Before President of India, Dr. Rajendra Prasad, gave his assent to the Regulation on August 21, 1951, in New Delhi, the Governor issued it on July 24, 1951, utilizing the authority granted by clause (b) of sub-paragraph (1) of paragraph 19 of the Sixth Schedule to the Constitution of India. The district is situated approximately between latitudes 24° 54' and 26° 41' N and longitudes 92° 8' and 93° 53' E, covering an area of 5,883 square miles or 5,237.0 square kilometers. As per Notification No. TAD/R/50/190 of August 27, 1951, the North Cachar Hills Subdivision was transferred from the Cachar District to become a part of the United District Mikir and North Cachar Hills District. A small number of non-Karbi people, mainly from other tribes such as the Khasi-

¹⁶ V.V Rao, A Century of Tribal Politics in North East India 1874-1974 (p-170)

Jaintia, Kuki, Dimasa, Tiwa, and Rengma, resided in the areas taken from the United Khasi and Jaintia Hills, Nowgong, and Sibsagar districts to form the United Mikir & North Cachar Hills. Finally, on November 8th, 1951, under the power granted by Sub-section (1) of Section 3 of the Assam United District of Mikir and North Cachar Hills (Administration) Regulation, 1951 (Regulation No. X of 1951), the Governor of Assam declared the constitution of an administrative district known as the United District of Mikir and North Cachar Hills¹⁷.

In order to maintain harmony among the Dimasa, Mikir, and other tribes in the North Cachar Hills, the "Mikir Hills District" underwent a name change and became the "Karbi Anglong" District in 1970, following a government notification as part of an appeasement policy. Consequently, the district was split into two separate entities: the Mikir Hills District and the North Cachar Hills District. On February 2nd, 1970, the inauguration of the newly formed North Cachar Hills District took place, with Chatrasing Teron, the Tribal Area Minister, presiding over the ceremony. Additionally, the Karbi Anglong District was further divided into the West Karbi Anglong District, with its headquarters situated in Hamren. Deba Kumar Nath assumed the role of the first deputy commissioner of the newly established district on February 11th, 2016¹⁸.

2.5 KARBI ANGLONG OVERVIEW

Presently, Assam has only three hill districts: Karbi Anglong, West Karbi Anglong (formerly known as Mikir Hills), and its counterpart, Dima Hasao (formerly N.C. Hills). These districts hold significant importance as they bridge the two valleys formed by the Brahmaputra and Barak rivers. Their strategic location in the center of Assam and geographical continuity contribute to their significance. The initial proposal by the Bordoloi Committee recommended granting autonomous districts to the Khasi and Jaintia Hills, Garo Hills, Lushai Hills, Naga Hills, North Cachar, and Mikir Hills. Currently, the only surviving members of the original Frontier Tracts of 1880, Backward Tracts of 1919, Excluded and Partially Excluded Areas of 1935, and Tribal Areas of 1950 are Dima Hasao and Karbi Anglong. These two districts were initially referred to as the

¹⁷ Ibid

¹⁸ Ibid

"United Mikir and N.C. Hills District" when they were formed on November 17, 1951, with Diphu as the district headquarters (Mikir Hills) and Haflong as the sub-divisional headquarters (N.C. Hills). Subsequently, on June 23, 1952, the Mikir Hills District Council was established with its headquarters in Diphu. However, on October 24, 1976, the district's name was changed from "Mikir Hills" to "Karbi Anglong," and accordingly, the council was renamed as the "Karbi Anglong District Council." While there are other tribes residing in Karbi Anglong, the Karbi community constitutes the majority of the population. The district is also home to various ethnic groups such as Bodos, Kukis, Garos, Rengma Nagas, Hmars, Khasis, and different Kuki sub-tribes, contributing to its diverse tribal population¹⁹.

¹⁹ Jangkhongam Doungel, *Autonomy Movements And The Sixth Schedule in North East India* (1st edn, Spectrum Publication 2016)

CHAPTER 3:- USING AUTONOMY WITHIN CONSTITUTIONAL FRAMEWORK

3.1 AUTONOMOUS COUNCIL IN ITS EARLY STAGES

The Mikir Hills and North Cachar Hills were two of the six areas identified by the Bordoloi Committee where district councils were to be established. However, during their visit to the region, the committee observed that the members of the tribes were not capable of independently managing the councils due to their perceived degeneracy²⁰. As a result, a special plan was devised for these districts. It was decided that the Deputy Commissioner for Mikir Hills and the Sub-divisional Officer for North Cachar Hills would serve as the Chairmen of the respective districts for an initial period of six years. These districts remained under the control of the Government of Assam, which retained the authority to revoke or modify any resolutions or decisions made by the district councils. Each district council consisted of 16 members, including four members nominated by the governor. The founding members of the Mikir Hills District Council included C.S. Booth, the Deputy Commissioner of United Mikir and North Cachar Hills, who served as the Ex-officio Chairman of the Mikir Hills District Council. Other members included Khorsing Terang, Chief Executive Member; Harsing Engti, Executive Member; Soi Soi Terang, Executive Member; Janardhan Pathak, Deputy Chairman; Nihang Rongphar, M.L.A. & M.D.C.; Nihang Tokbi; Sarsing Habai Teron; Horimol Borah; Lobchandra Maibongsa; Longsing Tisso; Moniram Engleng; Reverend Hondrowel Millick; Khowembe Rengma; Langtuk Engti; Raidang Engti, and Chandrasing Teron²¹.

There is a lack of available records regarding the first general election of the Mikir Hills District Council, which was held in 1952 alongside the general election. However, it is known that the Tribal Advisory Council for Mikir Hills was established by the government on the day the Indian Constitution came into effect, specifically on November 26, 1949. It can be inferred that the initial members of the District Council were likely members of this advisory council and that they were subsequently re-elected during the first general election. The Government had established Tribal Advisory Councils for all of the hill districts, which were thought of as the temporary district

²⁰ Justice BL Hansaria's, Sixth Schedule to the Constitution of India (4th edn, pp-302)

²¹ 4th Session of the Mikir Hills District Council, 18th and 19th March (1953)

councils, in order to ensure that tribal leaders were involved in the governance of the autonomous districts even before the district councils were officially established. Since the district council had only been established on June 23, 1952, the fourth session of the district council, which was held on March 18 and 19, 1953, included the presentation of the budget for the fiscal year 1953–1954 and may have been the first comprehensive budget presentation. Due to the fact that there were eight spending heads and no person in charge of finances, the Executive Committee members presented requests for their respective subjects that read as follows: (1) General Administration, demand moved by CEM Khorsing Terang - Rs 86,890/-, (2) Land revenue, demand moved by CEM Khorsing Terang - Rs 45,221/-, (3) Primary Education, demand moved by EM Harsing Ingty - Rs 27,180/-, (4) Rural Water Supply, demand moved by EM Harsing Ingty - Rs 30,000/-, (5) Rural Communication, demand moved by CEM Khorsing Terang - Rs 1,18,428/-, (6) Rural Health, demand moved by EM Soi Soi Terang - Rs 67,216/-, (7) Agriculture, demand moved by EM Harsing Ingty - Rs 65,640/and (8) Forest, demand moved by EM Soi Soi Terang - Rs 6250/- .So, the total initial budget could be added up to Rs 4,46,825/²².

In response to a question, the Chief Executive Member Khorsing Terang made it clear that because the Council lacked its own set of regulations, it would essentially follow the ones that the State Government was already following. The State Government also had to approve expenditures, and the Council paid bills, including TA Bills, through resolutions approved in council session. During the first six years, the “Deputy Commissioner of the District” served as the “Ex-officio Chairman” of the “district council” in Mikir Hills, in accordance with the procedure established in the Constituent Assembly. During that initial period, the District Council's Secretary was S. C. Daulagupu, who performed admirably as can be seen from the records that are available in the Council Library. C.S.Booth, a Jaintia man from Jowai, assumed the position as the first “Ex-officio Chairman” before being succeeded by an Assamese man, G. C. Phukan, ACS. In 1958, C.S. Booth had the honour of completing the second term of the “Ex-officio Chairman” of the “District Council” while continuing to serve as the Deputy Commissioner. He gave the chairmanship to Chatrasing Teron²³, who was regarded as the most educated politician at the time. The District

²² Proceeding of the Mikir Hills District Council Session held on 25-11-1958

²³ Robert Reid, *The Excluded Areas of Assam* (Vol-103 1944)

Council chose its first Chairman at the session on 25 November 1958, which was presided over by C.S. Booth, IAS, Deputy Commissioner of “United Mikir and North Cachar Hills”, and thus marked the end of the Ex-officio Chairmanship era. Due to the fact that Chatrasing Teron had filed two nomination papers on that day, the election was just ceremonial. Before transferring control, C.S. Booth made a brief address that began, "I would like to mention the fact that you have now realised your desire to have your own elected Chairman like the District Council of other Autonomous Districts. I am happy to have the opportunity to carry out this crucial task because I am aware that you have been waiting for this day for a very long time. As the one who began and ended this chapter in the history of the “Mikir Hills District Council”, I can say with confidence that the District Council has been established in the “District in accordance with the provisions of the Sixth Schedule of the Constitution” during the “last six years” of my “Ex-officio Chairmanship” of the “District Council”. The “District Council in Mikir Hills” had a shaky start with many changes of leadership. The Exofficio Chairman, who was tasked with leading the District Council during its formative years, was replaced three times in a period of six years. Similar shifts were seen on the political front as well. Samsonsing Engti, who had to follow the creation of the Mikir Hills district closely, was not able to see it come into being because he passed away in 1948 from a disease he is said to have contracted while he was busy representing the Karbi tribe at Bordoloi Committee meetings. When the Mikir Hills District Council was established in 1952, Khorsing Terang, a young MLA with 15 years of experience, assumed control of the Mikir leadership and became the first Chief Executive Member (CEM). However, he too passed away after a few years, on November 28, 1955. The office of the CEM was quickly transferred from Khorsing Terang to Nihang Rongphar, followed by Chatrasing Teron and Chandrasing Teron over the course of six years²⁴. But by the time the Khorsing Terang family took over as the ruling dynasty, the political power of the Karbi people was heavily leaning towards family dominance and nepotism. Khorsing Terang was the first MLA among the Karbi people and, as such, had the advantage of being personally acquainted with the leadership at the provincial level.

However, Sir “Robert Neil Reid” (the “Governor of Assam” at the time Khorsing first became MLA) had a very low opinion of Khorsing's intelligence: "The poor Mikir member knew hardly any English a." In the context of ignorance and socioeconomic isolation, it was natural that

²⁴ Ibid

the responsibility of leadership would weigh heavily upon. The family also had the good fortune to have the first generation of Karbi leaders as sons-in-law when "the most capable person," Chatrasing Teron and Chandrasing Teron, wed the daughters of Khorsing Terang. This added to the benefit of holding the office of an MLA. Even after Khorsing Terang passed away, the family continued to control the political fortune of the Karbi people thanks to its sons-in-law, with SoiSoi Terang, Khorsing Terang's stepbrother, succeeding him and maintaining the position of the political patriarch over the ensuing decades. The family had maintained its monopoly on access to the highest levels of government for many decades, and in later years, this privilege would "play a crucial role" in determining the fate of the Karbi polity during the turbulent years that followed the passage of the Assam Official Language Act, 1960²⁵. Therefore, it was understandable why the family had to deal with accusations of corruption and nepotism from Council members very early on. Khorsing Terang was charged with favouritism of members of his family in the awarding of contracts without adhering to the norms controlling them in the Council's 4th Session. According to him, since there were urgent tasks that needed to be finished, he was compelled to assign the contracts to those who could complete the work because there were currently no rules for contract allocation and the Council would have to establish them appropriately in the future. When accusations of giving contracts to members of his family preferential treatment, he defended himself by claiming that there was no law prohibiting him from doing so. Even in the early years of the Karbi polity, it was evident that morality and appropriateness in behaviour were not considered important factors in thought.

3.2 KAAC'S LEGISLATIVE EXPERIENCES

The Karbi Anglong Autonomous Council has found it difficult to perform the duty of legislating. "According to the design of the Sixth Schedule" as intended by the "Constitution's" founders, district councils are permitted to pass legislation on the subjects assigned to them as long as they do so under the close supervision of the Governor, who will only take action on the advise of the State Cabinet. The "discussion in the Constituent Assembly" on the legislative authority of district councils is quite fascinating to read. While leaders like "Gopinath Bordoloi" and "Rev. JJM Nichols Roy" astutely believed "not only" in the strength of the democratic traditions of the tribal

²⁵ Ibid

society, but also in their sensitivity to equality and justice, the debates showed the attitude of some Assamese members who had myopic views on the capabilities of the tribal people to make laws for themselves and pressed for the State to make laws suitable for the tribal people instead²⁶. Despite the Bordoloi Committee members' expressed faith in the State, a strong sense of the State's ascendancy of authority has prevailed to make district councils liable to the State's full will. As a result, the State's approval is now required for any legislation that a district council may be considering. The "Assam Autonomous District (Constitution of District Councils) Rules, 1951", the interim constitution of the "district council" created by the State Government pursuant to paragraph 2, subsection 6, of the Sixth Schedule, tightened the guardianship mandate by requiring the district council to submit every bill it intended to enact for State review before putting it up for the district council's consideration. According to the Rules of 1951, the legislative process therefore dictates that after a bill has been produced by the relevant department, it must be presented to the Executive Committee, which then refers it to the legislative department for further action. Following compliance with Rule 73(3)(a) of the Rules of 1951, the "Secretary of the District Council", or the "Legislative in charge", transmits the "bill" to the "Deputy Commissioner" for forwarding to the "Governor" for his approval before it is placed on the agenda for the Council session. The bill then moves from one concerned department to the next until the Government is satisfied that it does, in fact, accord to their will, at which point the Governor sends it to the Government for advice. Clarifications regarding the bill's contents may be requested from the district council via the Hill Area Department (HAD) several times during the course of the relevant government department's review, before the bill ultimately finds its way to the Home and Political Department, where it receives the Chief Minister's approval, before the HAD is instructed to inform the Governor of the Government's final advice²⁷. The Council then publishes the measure in the State Gazette one month before it is scheduled to be discussed in the Council Session after receiving the Governor's permission. This is done for the benefit of the general public. After three readings during the district council meeting, the law may now be passed and returned to the governor for his final approval²⁸. The "Executive Committee" (EC) of the "district council" and the Government are both sent a copy by the Governor after that in order to receive their input. The

²⁶ Proceeding of the Mikir Hills District Council Session (18-03-1953)

²⁷ Ibid

²⁸ Ibid

EC's opinion is merely a formality to complete the requirements of para 20BA of the Sixth Schedule, but the Government may conduct additional review before advising the Governor to grant his assent. The measure is published in the State Sazette to become effective after the Governor gives his or her approval. The endorsement of organisations beyond the purview of the legislative body is given more weight under this method, which really weakens the democratic spirit. The district council, an elected body mandated by the Constitution, has the right to determine whether or not a measure needs to be filed as law. The presiding officer typically determines when a measure may be brought to the house, and the house, not the nominal head of state, grants permission to introduce the bill. This is the system that our Constitution uses. As part of the legislative process, the elected representatives read the bill several times in order to scrutinise it. After the legislative body has studied and approved the measure, the Governor's assent is requested as part of the check and balance system. Following that, the decision on whether to approve or review the bill would be made. Therefore, the practice of obtaining the Governor's approval for introducing a legislative bill in a constitutionally elected body of legislators is a procedural irregularity that goes against the principles of parliamentary democracy. This anomaly has been a recurring issue in the legislative history of the Karbi Anglong Autonomous Council and should be rectified. Initially, the district council was granted various legislative powers under the Sixth Schedule, including land management, forest regulation (excluding reserved forests), water use for agriculture, regulation of jhum cultivation, establishment of town or village committees, village or town administration concerning public health and sanitation, appointment or succession of chiefs or headmen, inheritance of property, and matters relating to marriage, divorce, and social customs.

However, the council faced the challenge of establishing rules and regulations to govern its functioning. The Mikir Hills District Fund Rules of 1952 were the first set of rules that the nascent district council had to develop or adopt in order to commence its operations. This was an essential step for the council's initial functioning. Additionally, the council had to address the issue of funding its administration. Although Paragraph 8 of the Sixth Schedule mentions the authority to collect revenue, it required an enabling regulation to grant the council the power to collect money. Furthermore, the council had to navigate the lack of adequate office infrastructure and staff to carry out its activities effectively.

In light of these challenges, the Mikir Hills District (Revenue Assessment) Regulation No. II of 1952, one of the council's early legislative enactments under the guidance of the Deputy Commissioner, was introduced to enable tax collection. The first Chief Executive Member, Khorsing Terang, affirmed its approval, marking a significant milestone for the council. As per the law, the district council was authorized to collect taxes and tolls at the same rates as the State Government prior to the establishment of the district council, in accordance with Paragraph 8 of the Sixth Schedule. The responsibility of tax collection was assigned to the office of the Deputy Commissioner, which already possessed the necessary administrative and human resources. Once collected, the taxes would be deposited into the district council's fund account, and the Deputy Commissioner would deduct the proportionate expenses incurred for revenue collection at the rate determined by the State government in consultation with the district council. In a way, this marked the initial transfer of powers under the Sixth Schedule, which occurred in the same year it was created.

To administer land and facilitate revenue collection, the council adopted the Assam Land and Revenue Regulation Act of 1886 and enacted the Mikir Hills (Land and Revenue) Act of 1953 (Mikir Hills Act No.1 of 1953). Subsequent amendments to this Act were made in 1958, 1960, 1965, 1973, and 1975. However, the Act did not consider the customary land tenure system followed by the Karbi and other tribal societies. Section 2 of the Act simply stated that it is subject to any amendments applicable in other areas of the State of Assam. The Act can be seen as an extension of the land tenure system prevailing in the rest of the state, and it was authenticated by S.K. Datta, the Chief Secretary of Assam, rather than any district council authority. In contrast, the Khasi Hills District Council passed an identical Act on November 13, 1953, with Section 3 of the United Khasi-Jaintia Hills District (Land and Revenue) Regulation, 1953 clarifying its application in respect to the assessment and collection of land revenue.

The phrase "mutatis mutandis" and the specific mention of its use in relation to land revenue assessment and collection were significant. The Act received the approval of F. War, Chairman of the District Council. The Khasi-Jaintia Hills District Council recognized the land held under the "British Dolloiship" and the land held under the "Raid" custom, which refers to a subdivision of the Syiemship, Dolloiship, Lyngdohship, Sirdarship, or Wahadarship comprising one or more

villages. Twenty-five Syiemships and thirty-one Sirdarships have been recognized since British times, and the District Council upholds these recognitions²⁹. Consequently, the District Council applies the same rules, with necessary modifications, as the state's laws for revenue assessment, collection, and forest management. In the Garo Hills District, the "Aking" land owned by the Nokmas is acknowledged and respected, and the District Council only allocates land in areas that are not encompassed by the "Aking" land.

The customary authority prevailing in most of the district council areas serves to limit the authority of the Khasi and Garo district councils over land, ensuring the protection of tribal people's customary rights to their traditional landholding system. While the Karbi Anglong Autonomous Council has administrative authority over the allotment, use, and setting apart of land, the customary rights of the Karbi tribe over their land remain unaffected. Therefore, our understanding of landholding rights is dual in nature.

On one hand, a tribe member continues to assert ownership over their ancestral land holdings known as "Rit-Ram" in the hilly regions. The traditional system of allocating village areas is maintained, with the clan head of a village known as "Rong Asar" or "Sarthe" overseeing the community land within the defined village area, where they allocate plots for residence or cultivation (jhuming) to individual families. Consequently, a village is typically named after the governing family, and each family still requires permission from the Sarthe, the clan chief, to settle in the village.

However, the district council authority, empowered by the Sixth Schedule, disregards the clandestine exercise of customary land rights by tribe members and imposes a "Sarkari Gaonbura" as the village headman. This undermines the authority of the village's traditional system, causing dissatisfaction among the Rong Asar. The use of "Sarkari Gaonbura" seems to have its roots in the British Raj era. In 1905, after the establishment of the Province of Eastern Bengal and Assam, the government ordered a survey of settlement and land revenue. The resulting report on the survey

²⁹ The United Khasi-Jaintia Hills Autonomous District (management and control of forest) Act, 1958, Appendix I, II and III.

and settlement operations in Eastern Bengal and Assam for the year ending on September 30, 1906, mentioned the revenue administration system in the plain districts of Assam, where Mouzadars and Gaonburas played crucial roles in revenue collection.

In these plain districts, each Gaonbura was chosen by the deputy commissioner based on a two-thirds majority vote of the villagers. However, the survey did not cover the feudal states and hill districts, such as the Mikir areas in Nowgong and Sibsagar districts, Jaintia Dolloiship, Khasi Syiemship, and the North Cachar Hills, where the Sarkari Gaonbura system was in place. Following the creation of the Mikir Hills District, the system from the plain districts, which constituted the majority of the Mikir Hills, was adopted for the rest of the Mikir area, and the villagers subsequently received their Sarkari Gaonbura.

The government regulation governing the status and responsibilities of the Sarkari Gaonbura, as described in the survey study, stated that the Gaonbura's responsibilities would largely remain unchanged. As the village's elder and spokesperson, his role entails representing the interests of his fellow citizens and guiding them in projects that benefit the community. He has various responsibilities, including safeguarding public wells and water storage tanks, ensuring clear rights of way, and reporting any breaches in embankments. Additionally, he is entrusted with the task of ensuring the proper maintenance of the village schoolhouse and promoting student attendance. Encouraging immunization is also among his important duties.

He assists the Tahsildar, also known as the Mouzadar, in collecting land income on behalf of the government, and collaborates with the mandal to maintain survey markings and make yearly updates to the village map and records. He provides critical information to the Mouzadar or mandal regarding incidents such as animal-related fatalities, epidemic outbreaks among both humans and livestock, and significant crop destruction. Moreover, he facilitates the provision of supplies, labor, and transportation to touring officers in exchange for compensation.

To aid in the dissemination of important notices, particularly those related to mutation procedures, he is responsible for maintaining a notice board that the government will establish at his home, with the associated expenses falling on him. In criminal cases, he fulfills the obligations outlined

in Section 45 of the Criminal Procedure Code for village headmen. He assists the police in investigating crimes that occur within his jurisdiction and can report them verbally, in writing, in person, or through a messenger, employing the most practical means available to him. He will fall under the jurisdiction of the Revenue department, not the Police Department, and it is strictly prohibited for him to wear any type of uniform³⁰. However, this approach deviates from the customary tradition of the Karbi people, in which the position of Gaonbura is hereditary and not elected, and the villages are named after the Gaonbura. Consequently, the coexistence of the traditional Gaonbura and the Government-appointed Gaonbura (Sarkari) often leads to uncertainty and conflicts between the two village administrators.

After the establishment of the District Council in Karbi Anglong, the Sarkari Gaonbura is chosen by the District Council instead of the Deputy Commissioner. This decision is based on the Sixth Schedule regime, which grants the district council responsibility for managing land and revenue. The government is obligated to support its own appointees on any matter related to the villages. This significantly differs from the status of tribal customs and traditions in tribal states such as Nagaland, Mizoram, or Meghalaya. In fact, in the State of Assam, even the landholding rights of the Sarthe (Karbi traditional headman) could be denied by the district council, highlighting the disparity between tribal customs and the actions of the council. Consequently, the traditional tribal system is being treated unfairly rather than being safeguarded. Some of the laws regarding land created by the district council have faced scrutiny from the judiciary. The authority of the district council to pass laws on land reform and transfer has been upheld as long as they maintain ownership of the land. To protect the interests of the local population, the "Mikir Hills District (Transfer of property) Act, 1959" (Act No. 1 of 1959) was enacted, providing a legal framework for the management and control of property transfers. On June 1, 1959, the bill received approval from the Assam Governor.

Similarly, the United Khasi and Jaintia Hills District Council introduced a similar bill, but it was invalidated by the Supreme Court of India in the case of "Sitimon Sawian v. District Council of

³⁰ Reports on the survey and settlement operations in eastern Bengal and Assam, Reports from N.D Beatson Bell, Director of land records, Eastern Bengal and Assam, Reports for the year ending 30th September, 1906, para 93

United Khasi and Jaintia Hills³¹." The Supreme Court clarified that the district council's role in land matters is limited to issues such as allotment, occupation, use, or setting apart of land, as the absence of terms like "transfer" or "alienation" indicates. This suggests that the creators of the Constitution intended to restrict the district council's lawmaking authority to the specific matters stated in the Sixth Schedule. According to the Supreme Court, unlike the Union or the State, the district council lacks the power to enact laws related to subjects assigned to it, thereby prohibiting the passage of laws governing the sale of land.

The Gauhati High Court³² employed a similar argument in 1989 to invalidate the Mikir Hills (Land Reforms) Act of 1979. The court ruled that the district council does not possess the authority to enact such legislation since the terms "paikas" and "mortgage" used in the Act pertain to the "transfer of land" rather than mere land usage. In light of these realities concerning the safety and security of tribal people over their ancestral land, the leaders of the Autonomous State Demand Committee (ASDC) in charge of the Karbi Anglong Autonomous Council (KAAC) emphasized the inclusion of the provisions of Item 18 of List II of the Seventh Schedule within the jurisdiction of the KAAC during the tripartite negotiations with the Union Government and the State Government of Assam. Item 18 covers rights in or over land, land tenures, landlord-tenant relationships, rent collection, transfer and alienation of agricultural land, land improvement, agricultural loans, and colonization.

The primary argument presented was that while other hill tribes, such as the Khasi, Garo, Mizo, and Nagas, are governed by tribal state governments, ensuring the security of their "land" in the future, the Karbis and Dimasas face a constant threat of their territory being encroached upon by non-tribal immigrants in the hill autonomous districts. To safeguard the safety of the hill tribal people and their land within Assam State, it was essential to grant the autonomous council constitutional power over "Land" as a whole, as specified in Item 18 of List II, under the Karbi Anglong Autonomous Council (KAAC). The provision of "land alienation" from Item 18 would be placed under the authority of the Autonomous Council, as outlined in sub-paragraph "o" of

³¹ District Council of United Khasi and Jaintia Hills v Sitimon Sawian (1971)3SCC 708: AIR 1972 SC 787: 1972) 1 SCR 398

³² Tarani Kanta Das vs Karbi Anglong District Council, 1989 (1) Gau LR 147

Paragraph 3A of the Sixth Schedule, subject to the Government's consent.

This argument was reiterated during the second phase of tripartite negotiations involving the United People's Democratic Solidarity (UPDS), representing the Karbi tribe of Karbi Anglong, the Union Government, and the State Government of Assam. These negotiations started in 2002 and concluded on November 25, 2011, with the signing of a tripartite agreement. However, this agreement proved to be insufficient in protecting the ancestral land of the hill tribal people.

Eventually, the Government consented to include the phrases "land and revenue, land reforms"³³ within the jurisdiction of the KAAC. These have been listed for amendment of the Sixth Schedule by the 125th Constitutional Amendment, 2019, which has already been introduced in Parliament and reviewed by the Parliamentary Standing Committee chaired by Anand Sharma, MP. It may be necessary for a judicial review to determine the extent of the district council's authority over the topic of "Land" after the proposed amendment to the Sixth Schedule comes into effect. This is because the proposed amendment specifically excludes the phrase "that is to say, rights in or over land, land tenures, etc." found in Item 18 of List II of the Seventh Schedule.

³³ Item 25 of clause 2.6 of the Memorandum of Settlement, 2011

CHAPTER 4:- STRUGGLE FOR REAL AUTONOMY

4.1 DEMANDS FOR ETHNIC IDENTITY AND ROMAN SCRIPT

Almost immediately after the district councils were established, a meeting of the district council leaders was called at Shillong on June 16, 1954, to “discuss things of mutual interest”. During this gathering, the idea of splitting Assam's plains and hills into distinct states was initially proposed. The focus of the discussion centered around the establishment of the "Eastern Hill State" and the revision of the "Sixth Schedule"³⁴. Elected leaders from the district councils of the Garo Hills, Khasi and Jaintia Hills, Lushai Hills, and North Cachar Hills attended the meeting. However, the absence of leaders from the Karbi Anglong district council was noticeable.

The second gathering, organized by Captain Williamson Sangma, the Chief Executive Member of the Garo Hills District Council and the leader of the Garo National Council (GNC), took place in Tura on October 6, 1954. V. V. Rao, known for his left-leaning views, was also in attendance. One of the key decisions made during the meeting was for the district councils to submit a memorandum to the State Reorganisation Commission (SRC). In 1955, when the joint memorandum was presented to the Commission in Shillong, it highlighted that the autonomy provided under the Sixth Schedule was insufficient and called for the establishment of the Eastern Hill State. This was seen as an opportunity to enable the hill tribes of Assam to thrive in their own distinctive manner. The district leaders of Mikir Hills did not actively participate in this collaborative effort, but they sent a memorandum to the SRC through the Mikir National Council, expressing their opposition to the creation of a Hill State and instead advocating for greater financial and administrative independence for the district council³⁵.

Although the demand for a Hill State had initially emerged under the leadership of Wilson Reade, Chairman of the Khasi National Durbar, it gained momentum under the leadership of Capt. Sangma. In the 1957 State general election, the EITU, UMFO, and GNC won 10 out of 11 seats in the hill district, driven by the demand for a Hill State. The ruling Congress party in Karbi

³⁴ Rao, V.V, A century of tribal politics in North-East India (1874-1974) pp-336

³⁵ Ibid

Anglong managed to secure only one seat, held by Chatrasing Teron for the West Mikir Hills Assembly seat. Independent candidate Soi Soi Terang emerged victorious in the East Mikir Hills Assembly seat. According to B.B. Lyngdoh³⁶, the passage of the Assamese Official Language Act by the Assam Legislative Assembly on October 24, 1960, served as a catalyst for the prolonged and violent hill state movement, ultimately leading to the successful attainment of self-determination through the formation of states across the hills of the North-East. This paradigm is passionately debated in the Mikir Hills, as is evident as the novel progresses, sparking a domino effect that led to numerous modifications to the Sixth Schedule. In reality, the government's efforts to quell the hill people's demand for their own state—one that would be totally or at the very least completely autonomous from Assam—have more to do with why the KAAC has been given more executive and legislative authority than with its own accomplishments. When the Hill States demanded that Assam remain united prior to its reorganisation in 1969, the Indian government, led by Prime Ministers Jawaharlal Nehru and Indira Gandhi, put forth a number of plans, the first of which was the Nehruvian concept of "largest autonomy within the framework of Assam³⁷," and the second of which was the Federal Plan. After the demise of Jawaharlal Nehru on March 16, 1965, the responsibility of formulating recommendations for the Nehru Plan was assigned to the Commission on the Hill Areas of Assam, also known as the Pataskar Commission. The commission was comprised of Chairman Shri H. V. Pataskar, Member Shri Shankar Prasad, and Member Shri G. S. Raju. The Nehru Plan, as mentioned in the Prime Minister's response to Starred Question No. 431 in Parliament on May 4, 1962, rejected the proposal for a Hill State but recognized the need for significant reforms in the administration of the hill regions. The plan proposed three key changes:

Language Choice: The Hill State demand originated from opposition to the Assam official language act, so the plan suggested that the hill areas should have the freedom to choose their preferred language.

Legislative Matters: The plan recommended adopting the Scottish Pattern, wherein a "hill area

³⁶ Lyngdoh, B.B The seeds of the hills state movement

³⁷ V.R Trivedi, Documents on Assam (vol-1, pp-150)

committee in the State Assembly" would be established to address issues of importance to the hill areas. This committee would have the authority to examine legislative matters.

Majority Representation: The plan proposed that the Assembly should only pass laws if a majority of the representatives from the hill areas supported them.

Initially, the Assam Pradesh Hill Leaders' Conference (APHLC) agreed with the Nehru Plan and expressed its support in a resolution dated April 17, 1964³⁸. While acknowledging that the creation of a separate hill state would be the ideal solution, the APHLC agreed to give the offer of full autonomy a fair trial. However, they also stated that they reserved the right to reject the recommendations if the final report of the Commission fell short of the Prime Minister's commitment to providing full autonomy and other assurances. The Pataskar Commission was able to be appointed thanks to this resolution and their subsequent meeting with Prime Minister Lal Bahadur Shastri on December 11th, 1964. The Patashkar Commission had said at the outset of its investigation that its scope was restricted to evaluating the feasibility and potential of putting the Nehru Plan's features of increased autonomy into practise. As a result, it lacked an open mind to consider the Hill State demand issue impartially. That the examination would not lead to a recommendation for the "political and territorial" reorganisation of the "State of Assam" was clear from the start. The Patashkar Commission identified four key components of the idea of "maximum autonomy" at the conclusion of their examination, among other things. The first was the appointment of the Minister for Hill Areas, whose selection from among the MLAs from those areas was entirely at the Chief Minister's discretion. The second was the establishment of a "Standing Committee in the State Assembly" made up of Members from the hill districts, which would evaluate all legislative proposals pertaining to the hill areas and eventually became Article 371B of the Indian Constitution. The third was the expansion of the district councils' administrative and executive responsibilities by giving them control and direction over some development departments that were previously under their direct jurisdiction. To that purpose, specific budgetary provisions would be listed in the State's general budget, and the amount of funds allocated would be on par with what was granted to the neighbouring States of "Manipur and

³⁸ Ibid

Tripura". The fourth was the creation of the Hill Area Council, which included the CEMs, the Hill Area Minister, the Finance Minister, the MPs, and MLAs from the hill areas as members. There would be a District Development Council at the district level, with the Deputy Commissioner serving as the Chairman and the CEM in question serving as the Deputy Chairman. These Councils would determine the amount of funding needed, set development priorities, and approve projects to be carried out in the hilly areas. The recommendations came with a few conditions, such as that the district councils not be given more taxing authority, that a subordinate panchayat be established for rural development rather than the traditional village councils being strengthened, and that the Governor be given the authority to revoke or suspend any acts passed by the district councils. Additionally, it was indicated in the report that the Governor hold the district council election in accordance with the current election procedures.

The APHLC leadership rejected the Commission's final recommendation, which it believed fell well short of the earlier-proposed Nehruvian model. This was due to the Commission's submission of that recommendation on March 31, 1966. The APHLC was forced to continue its agitation for the Hill State claim, according to B.B. Lyngdoh. Thus, the leadership began preparing for direct action, and to that end, recruiting of young and enthusiastic volunteers had commenced, alarming the authorities. Governor Vishnu Sahay had stated his concern that the country might see a major deterioration of law and order that could jeopardise the safety and security of the country unless an early resolution on the Hill State demand issue was reached. In a tense environment of agitation, he had anticipated that the moderate group of hill leaders may cede control of the agitation to the militant element, which could then be a severe source of concern. The Mizos no longer collaborated with the APHLC group, and the "Mikir and North Cachar Hills" would not trust the "Khasis and the Garos", according to him, making the Nehru Plan and the Pataskar Commission report unconstitutional as well as the construction of a "single State for all the tribes". B. B. Lyngdoh and V. V. Rao claim that Governor Sahay expressed his concerns to the Central leadership even as the APHLC leaders were getting ready to start the "direct action" agitation. On December 27, 1966, Prime Minister Indira Gandhi made the decision to travel to Shillong and give a speech in front of the public. More than a thousand people gathered to hear the new prime minister speak as the hills were abuzz with anticipation: "We have fully understood your aspiration. We will reorganise Assam to give the hill people the necessary status and dignity." (B.

Lyngdoh). Prior to this, Prime Minister Indira Gandhi approached the issue of the Hill State demand very seriously and established a 6-member Cabinet Committee, with Home Minister Gulzarilal Nanda serving as the Chairman. The Committee had been to Shillong on January 29 and 30, 1966, to meet with various dignitaries. The Prime Minister's visit to Shillong marked a new beginning in the negotiations when she extended an invitation to the APHLC leaders to meet with her in New Delhi for more discussion. The Government of India proposed the renowned Federal Plan to address the Hill State demand issue a fortnight later, on January 13, 1967. The Chief Minister of Assam, Kuladhar Chaliha, who was present in New Delhi when the APHLC leaders were debating the issue with the Union Government, initially agreed with the decision. The hill people mostly embraced the Federal Plan, and when the APHLC group arrived from New Delhi they were greeted as heroes.

The government of India's declaration on January 16, 1967, included the following passage regarding the proposed Federal Plan:

"Extensive discussions have taken place between the leader of the APHLC and the Prime Minister and Home Minister. In response to the political aspirations of the hill region of Assam, the Indian government has decided to reorganize the State of Assam. The Home Minister, in consultation with the APHLC leaders, proposed a federal structure as the foundation for this reorganization, with equal status among federating units rather than a hierarchical relationship. This approach takes into consideration the geography, security concerns, and the need for coordinated development of the region as a whole. The Federal Plan suggests delegating a limited number of crucial subjects of shared interest to the regional federation, while allowing the federating units to handle other state activities. Each federating unit would have its own Legislative Assemblies, Council of Ministers, and so on. A commission, comprising representatives from all relevant stakeholders, would be formed within six months to work out the details of the program, including the allocation of subjects to the regional federation. Furthermore, other administrative units in the eastern region may also have the opportunity to join this regional federation. As per the Federal Plan, Assam would be reorganized into a federation, with the individual hill district councils serving as federating entities and enjoying equal status with the rest of

Assam”.

While the federating units would handle the remaining state matters, there would be a unified federal legislature responsible for addressing common concerns. Each federating entity would have its own separate Council of Ministers, as well as legislative and executive branches. In practice, this arrangement led to the establishment of multiple functional states with equal status, politically connected only through the federal legislature, instead of a single Hill State.

Concerned about potentially losing control over the hill regions, the Assam Pradesh Congress Committee (APCC) strongly criticized the Indian government's Federal Plan, considering it "a risky and harmful experiment." On May 20, 1967, the APCC passed a resolution rejecting the plan and advocating for the implementation of the Patashkar Commission's recommendations within the framework of the Sixth Schedule, with some modifications. To oppose the Federal Plan, the APCC organized an all-party conference in July and issued a statement reiterating their resolution from May 20, which called for the adoption of the Patashkar Commission's recommendations. In the interest of maintaining the state's integrity and the unity of the people of Assam, the July statement also urged all citizens and Congress members to support the APCC's stance. The elected Karbi leaders, most of whom were members of the Congress party, except for Raidang Engti, decided to align themselves with the APCC's position rather than pushing for a Hill State.

Subsequently, in August, the APCC introduced its own version of a political settlement by modifying the Federal Plan into the "Autonomous Council" plan, which operated similarly to the Federal Plan but within the framework of the Sixth Schedule. The APCC emphasized that while fulfilling the genuine aspirations of the hill people to protect their interests and develop according to their unique character, the integrity and unity of the State of Assam should be safeguarded at all costs. This was stated in the introduction of the APCC's Resolution on the Details of the Administrative Set Up of the Hill Areas of Assam, issued on August 21, 1967. During a joint meeting in New Delhi on July 8, 1967, the Indian government recommended the formation of the Asoka Mehta Committee to find a solution. The committee consisted of representatives from various political parties in Assam and was given until August 31 to deliberate. The alternative proposed by the APCC involved establishing autonomous areas with autonomous councils

empowered with 49 state subjects, in addition to the inherent subjects of the Sixth Schedule. Each Autonomous Council would be led by a Chief Executive Councillor, with a minimum of 20 and a maximum of 40 members. The legislature of the Autonomous Councils would be headed by a Chairman and Deputy Chairman.

However, the leaders of the APHLC declined to participate in the Mehta Committee discussions and insisted that the Central Government adhere to the Federal Plan or establish a separate hill state. In contrast, leaders in Karbi Anglong opposed the idea of separating the plains from the hills and instead supported the APCC's proposal. Chatrasing Teron, who represented the Mikir Hills in the Committee, argued that each Autonomous District should have its own autonomous council because they differed from one another in various aspects.

4.2 REJECTION OF AUTONOMOUS STATE

In order to ascertain the genuine position of the Karbi people as a whole with regard to the proposition of creating a Statehood incorporating all the independent hill districts, the general election of 1967 was necessary. The Mikir Hills and North Cachar Hills district councils might choose to join the new tribal state of Meghalaya if its members voted in favour of it by a two-thirds majority, according to the Assam Reorganisation Act, 1969. The ground effect could have been that Assam would have remained just in the Brahmaputra Valley as the Barak Valley would have been geographically isolated if the Karbi and Dimasa leaders had supported their joining the proposed independent State. The Assam Congress leadership took two crucial actions in order to protect the territorial integrity of the Brahmaputra Valley and the Barak Valley because it was already through the point of preventing the political division of the hills and the plains. They first stopped the Mikir Hills district council election, which was already scheduled, and then convinced the Dimasa leaders to unite with the Karbi leaders. Although the old governing family was against it and want to continue acting in accordance with the Assam leadership, the Karbi populace in the rural was bursting with anticipation for the hill state.

The State Assembly Election results of 1967 revealed the significant support the pro-hill state force received in that election, demonstrating the widespread influence of the hill people's

desire for independence from Assam among the populations of the six autonomous districts as well as the Karbi and Dimasa people: Raidang Engti secured 6015 votes in Bokajan, Barelong Terang 5271 votes in Howraghat and Longsordar Katharson 4291 votes in Baithalangso which were quite substantial considering the highest vote getter, Minister Chatrasing Teron, could muster only 12876 votes; that too with the absolute support of the non-tribal voters. The district council constituencies, whose majority seats were distributed among the tribal concentration areas, would not have been significantly influenced because the non-tribal voters were concentrated in mass at only a few areas. It was obvious that the State Congress leadership may lose its control in the Mikir and North Cachar hills if the district council elections took place. As the State of Assam and the Union Government were both controlled by the same Party, namely the Congress, the State leadership was aware of the outcome and made an earnest effort to win the support of the elected officials. The Mikir Hills District Council was made up of the people listed below at the time, which meant that the State Assam leadership had their complete support. Five non-Karbi members, namely Hanuram Mech, Fulsing Lalung, Khawamsing Barman, Resullo Rengma and Deben Shyam; four from the ruling family, namely Dhaniram Rongpi, Joising Doloi, SoiSoi Terang and Mohansing Teron; and finally, Sar Rongpi and Sar Bey were already roped in with the posts of Executive Member and Deputy Chairman respectively. Jobindra Hanse and Raidang Engti, the two remaining members, lost importance. Therefore, even though the Mikir Hills district council's term had already ended by 1967, it was better for the State to prevent risk and postpone conducting the election.

But to Raidang Engti's credit, there was a feigning of resistance as the need for elections grew increasingly obvious when the Autonomous State plan was revealed and it became clear that the district council's opinion would be vital in determining the future course of the community. In the 73rd session of the district council, which was held from the 20th to the 26th of June 1969, Raidang Engti thus moved a resolution calling for the election of the district council. Four months earlier, on January 17, 1969, a massive march was conducted in Diphu to demand that elections for the Council be held before any decisions were made regarding the option that would be presented to the Karbi and Dimasa people. In a memo sent to the Governor of Assam, Nagaland, Manipur, and Tripura, Shri B. K. Nehru, on April 12, 1972, in Shillong, the President of the Mikir Hills Nationalist Organisation, Sarsing Terang, made note of this and stated that "when the Mikir Hills

and North Cachar Hills district (were) given the option, the people of Mikir Hills demanded that it be exercised after a new District Council election and on the issue. On January 17th, 1969, the people organised a large procession in Diphu to express their demand. Knowing that the electorate would turn back to the council members who chose Meghalaya, the District Council's existence was extended till the end of the scheduled deadline for option³⁹. As a result, the supporters of the Hill State were anxiously awaiting Engti's decision, and the leaders had gathered in the gallery area to watch the proceedings. He had two resolutions listed as Nos. 10 and 11, but they weren't discussed until the very final day, when there wasn't much time left to do so before the resolutions expired. Raidang Engti withdrew Resolution No. 10 to free up discussion time for Resolution No. 11, the election resolution. Since the choice made at this specific session marked a significant turning point in the history of the Mikir Hills District Council, a portion of the proceedings from the final day are reprinted below⁴⁰:

(Date: 26/06/1969. In the Chair was Longsing Tisso, Chairman)

Raidang Engti, MDC: (Moving the Resolution said), Mr Chairman Sir, every time District Council election is held together with the MLA election, but this time it has not happened. Election should be held in time, because this House belongs to the people. If election is held, it will give opportunity to newly educated persons to come to the House and it will be good for the administration of the district. Chairman: The Resolution has been moved. Will any member speak on the matter?

Dhaniram Rongpi, CEM: In a democratic country it is the people's representatives that rule. The term of our representatives is only five years. Because of various difficulties the election could not be held. New constituencies need to be created and have not been created yet. After completing all the process election will be held. Mr Engty's resolution calls for election within the winter. For the delimitation work, Select Committee has been set up. Once the Committee submits its report we will bring the bill to the Council Session. That is why we will not hold election during winter. In view of this it will be better for the mover to withdraw the resolution.

(Agitated voices were raised disrupting the proceeding of the House, after which the CEM again

³⁹ Borsing Rongphar, *Karbi Anglongor Rajnitik Itihas* (pp-335)

⁴⁰ Proceeding of the 73rd session of KAAC

rose to speak) Dhaniram Rongpi, CEM: In order to prevent disruption of the proceeding of the House like this in future, I will speak to the Deputy Commissioner.

Raidang Engti, MDC: Election should be held every five year, This has nothing to do with the delimitation process. I will not withdraw the resolution.

(After that, a voice vote was taken to reject the Resolution),

The support of all the MLAs from the two hills was sealed by offering personal political benefits. Chatrasing Teron and Jaybhadra Hagjer were made Cabinet Ministers, Soi Soi Terang was made Deputy Minister, and Dhaniram Rongpi was made to play the crucial role of CEM without having to stand for election. This was done, obviously, to prevent pro-hill state elements from joining the district council and prevent holding the district council election. On the other hand, it became apparent that the district council leaders of North Cachar Hills were lingering with the APHLC leadership, necessitating the need to provide Minister Joy Bhadra Hagjer a political handle in order to maintain the unity of his followers. This was achieved by separating the North Cachar Hills from the United Mikir and North Cachar Hill District and creating a new, distinct district for the region. P.S.Datta writes that the district's inauguration on February 2, 1970—just a fortnight before the key vote on the option—"was obviously done as part of the appeasement policy to keep them in Assam"⁴¹. Before the crucial voting required by the Assam Reorganisation Act, 1969, which was scheduled for February 20th, the inauguration ceremony in Haflong provided the State Congress leadership with the ideal cover to meet behind closed doors with the Karbi-Dimasa leaders. The Assam Pradesh Congress Committee (APCC) President B. C. Bhagavati, the Acting Chief Minister Mohendra Mohon Choudhury, and all of the politicians from the two hill areas were present for the inauguration, which was carried out by the Tribal Area Minister Chatrasing Teron. The top Assam leadership of the State "strongly persuaded" the Karbi Dimasa leaders not to exercise option in favour of joining the "Autonomous State of Meghalaya" but to "remain in Assam in which case they would be given equal facilities as the Meghalaya sub-State, especially in development matters", at a formal meeting of the leaders held at the Congress Bhawan the day after the district inauguration on February 3. The proceedings of that important meeting went as

⁴¹ PS DUTTA, *Autonomy Movement in Assam* (documents, pp-14)

follows⁴².

“Proceedings of a Combined Meeting of the D.C.C. and C.P.P. held on 3-2-70 at Congress Bhawan, Haflong.

The special invitees who attended the meeting were Sarbasree, M.M.Chowdhury, Acting Chief Minister, B.Bhagavati, President APCC, C.S.Teron, Minister,TAD, J.B.Hagjer, Minister Education, S.S.Terang, Deputy Minister, TAD; Sar Rongpi, EM, District Council Mikir Hills and Sar Bey, Deputy Chairman, District Council Mikir Hills. In the discussion, the reorganisation of Assam was thoroughly explored. All of the points and implications relating to the Re-organization were clarified by the Acting Chief Minister and the President APCC. Additionally, they guaranteed that the District Councils that remained in Assam would be granted legislative and executive responsibilities based on Ashoka Mehta's recommendations, allowing for rapid growth of the Hill Areas. The members unanimously decided on to exercise their option to stay in Assam at the District Council Session scheduled for February 20, 1970 because they were pleased with the clarifications and assurances provided by the acting Chief minister and the Congress President.

The district council session hall was set up for an urgent session to discuss what would happen to the Karbi Anglong district in light of the foundation of the new sub-state on February 20th, 1970. Since the political decision had already been made at Haflong, it was really a formality. However, the decision made that day marked a significant turning point in the “history of the Karbi people” as a whole. The following is an excerpt from the proceeding:⁴³

[20/02/1970 at 11 AM: In the Chair: L.S.Tisso, Chairman)

Members present: L.S.Tisso, Chairman, Dhaniram Rongpi, CEM, Joising Doloi, EM, S. Rongpi, EM, C.S.Teron, MDC, S.S.Terang, MDC, M.S.Teron, MDC, F.S.Lalung, MDC, J.Hanse, MDC, H.R.Mech, MDC, K.S.Burman, MDC, R.Rengma, MDC, D.Shyam,

⁴² Ibid

⁴³ Proceeding of the emergency session of the Mikir Hills District Council (20/02/1970)

MDC, Siva Kanta Tisso, MDC, Raidang Engti, MDC.

(The Hon'ble Chairman took his seat at 11 am and conducted the day's business.)

Chairman: Members, let us begin today's business. There is no question in today's session. Let us take up the next item, Official Resolution No.1 of 1970. Let the resolution be moved by Sri D.R.Rongpi, CEM.

(Official Resolution No.1 of 1970 supplied to the Members:

“The Official Resolution No.1 of 1970 to be moved by Sri D.R.Rongpi, Chief Executive Member, Mikir Hills District Council, Diphu in the Emergency Session of the District Council to be held on the 20th Day of February, 1970.

Whereas the Central Government in the Ministry of Home Affairs by their Notification No GSR 76, dated the 12th January 1970, as published in the Assam Gazette (Extraordinary) dated the 17th January 1970 issued under sub-section (2) of Section 3 of the Assam Reorganisation Act, 1969 have fixed the 23rd Day of February 1970 as the date within which the District Council for the Autonomous District of the Mikir Hills may pass a resolution by a majority of not less than two-thirds of the Members of this District Council expressing a desire that this Autonomous District shall form part of Meghalaya. It is hereby resolved in the Emergency Session of the District Council of Mikir Hills held this Twentieth Day of February, Nineteen Hundred and Seventy that the Autonomous District of Mikir Hills shall not, repeat, shall not form part of the Autonomous State of Meghalaya.

Sd/

Chief Executive Member

Mikir Hills District Council, Diphu”

Sri D.R.Rongpi has formally moved the Resolution)

Chairman: Resolution is already moved. Members may now participate in the discussion.

MDC Sri R. Ingty Mr. Chair I'd want to say a few things about the resolution, sir, and I'm from the opposition. We now have a choice as to whether Mikir Hills will join Meghalaya or stay with Assam, thanks to the central government. Resolution relates to Mikir Hills' exclusion from Meghalaya. The growth of the District should be our shared priority. The "District Council" has been around for "five years". It is therefore necessary to revisit the issue. We haven't yet spoken about the Act in great length. However, the Central government has not provided us with any of this "matter," and it is true that Meghalaya's economic status is not very good. But Meghalaya State will endure just like a toddler does when it is with its mother and does not ask for food. We will gain from this if we participate; we will advance in many different ways. One day, Meghalaya will be a full-fledged state. Therefore, we shouldn't discuss the resolution and let it sit on the table.

Sri H.R.Mech, MDC: I support the resolution. I express my opinion that all fellow tribes of Mikir Hills should not join Meghalaya. This opinion has been reflected in the resolution. Therefore, everyone should cordially accept the resolution.

Chairman: Will anyone speak or not? CEM please reply to this.

CEM: The resolution speaks about the State of Meghalaya. I Have expressed the wishes of the people of Mikir Hills through the resolution. And accordingly, I have moved the resolution. According to the Meghalaya Act whether we want to go with Meghalaya or not we should inform the Government.

Chairman: Honourable Members, a member has spoken in support of the resolution and another in opposition. Therefore, the resolution will be put to vote. Therefore, members who are in support of the resolution will please rise at their seat.

(Fourteen members stood in support of the resolution and only one member i.e. Raidang Ingty walked out of the House)

Sarkorim Teron: Chairman: Honourable Members, it is seen that Government (nominated?) member has also voted in favour of the resolution. No one has opposed the resolution. Therefore, the resolution is considered as adopted. Honourable members, there is no other business for the day. (deciphering difficult...) The House is adjourned. Authenticated -

L.S. Tisso

Chairman, Mikir Hills District Council

20/2/70

Dhaniram Rongpi was a remarkably loyal Congressman who was rewarded suitably by the State Congress leadership, making him the Chief Executive Member without having to contest election. He steered the State Congress Party's interests through the district's political unrest brought on by the Karbi Anglong Hill State Demand Movement until it was ensured in 1970 that the "Mikir Hills and North Cachar Hills" would "remain" outside of the "Meghalaya State". Only after the 'Option Resolution' had been approved with success was an election held in 1970 for him to run again and keep his position as CEM. He appeared to have followed the State Congress high-command's instructions to the letter, and history will decide whether the action taken at the time by the Karbi leadership to keep Karbi Anglong out of Meghalaya during Assam's reorganisation was right or wrong. He was a devoted Congressman. This account, however, would fall short if the opinions and ideas of the elected officials who served during that time, led by the four now serving MLAs, Jaybhadra Hagjer, "Chatrasing Teron", "Soi Soi Terang", and "Dhaniram Rongpi", were not remembered. Their unified statement, "Re-organization of Assam - Injustice done to Mikir and North Cachar Hills District," which they released, roughly captures their feelings. Without sugarcoating it, they pointed out the grave injustice done to the Karbis and the Dimasas by giving them the choice of joining Meghalaya or remaining in Assam, both of which they deemed to be unfavourable. Meghalaya was unfavourable due to the cultural and religious differences that existed between the Khasi-Garo combine, which was primarily Christian and followed a matriarchal system, and the Karbi-Dimasa combine, who They stated that, in comparison, using population and literacy figures, the proposed unification under Meghalaya would be like "the dwarfs making friends with plants," as the Karbi-Dimasa combine were less literate and had a lower population than the Khasis and the Garos. As a result, they would not get along with them. They bemoaned the fact that despite their constant support for the Congress and opposition to Hill State, the Karbis and Dimasas are not granted the benefits of an autonomous state since they "have been loyal boys." They stated in the statement that "a section of the people inside the district" will

continue the autonomous struggle if they persisted in remaining within Assam. The declaration concluded that "the only way the problem of the Re-organisation of Assam can be fully, morally, and pragmatically resolved is by giving the Mikirs and the Dimasas that which is proposed to be given to the Garos, the Khasis, and the Mizos." Therefore, the leadership of the time made it clear in so many words that they desired autonomous statehood as well, but separately and without being associated with the Khasis and the Garos. They ended up opting to keep their ministerial positions under a more developed, populous, and culturally diverse Assam society, permanently pushing the Karbis and the Dimasas to the margins of politics, society, and the economy when the Re-organization took place. The Meghalaya Autonomous State, which in a few years evolved into a full-fledged State as if to fulfil Raidang Engti's prophecy made during the option debate, no longer included the two hill districts as a result of the option exercised by both the "Mikir Hills District Council and the North Cachar Hills District Council". With the creation of the State of Assam, the Karbis and Dimasas' fates were set in stone. The modification in circumstances might be seen as the first agreement between the two hills and the State of Assam, and it changed the way district councils operating under the Sixth Schedule in Assam operate today.

4.3 BETRAYAL OF AUTONOMY COMMITMENT AND RISE OF STATEHOOD DEMANDS

The Assam Reorganisation (Meghalaya) Act, 1969 (Act 55 of 1969) was enacted to bring about changes to the Sixth Schedule, which pertained to tribal autonomy in the hills of Assam. The provisions of the Act, outlined in paragraph 74 of the Fourth Schedule, allowed for amendments to the Sixth Schedule. However, it can be observed that these amendments were made without the involvement of the primary stakeholders, the district councils. While one provision was completely redrafted to enable the transfer of executive functions from the state to the district councils, the decision-making authority of several provisions in the Sixth Schedule remained unchanged. One example is sub-paragraph (7) of paragraph (2), where the district council's power to enact rules is now limited by the requirement to obtain the governor's consent. The original clause stated that "The District Council or Regional Council may make rules with regard to the matter specified in sub-paragraph (6) after its first constitution," but after the amendment, it now reads: "The District Council or the Regional Council may make rules with regard to the matter specified in sub-paragraph (6) after its first constitution (with the approval of the Governor)".

Despite the reassurances made in the Ashoka Mehta Committee Recommendations, only one aspect in subparagraph (1) related to "divorce" has granted increased legislative authority to the District Council under paragraph (3) of the Sixth Schedule. The specific designation of the High Court and the Supreme Court as the appellate courts for judgments of the district council courts has been removed from sub-paragraphs (2) and (3) in paragraph (4). Now, the Governor has the power to approve any other court, including the High Court, as the Court of appeal. The original power granted to the District Council in sub-paragraph (2) of paragraph (7) of the Sixth Schedule to adopt rules for the management of the District Fund has been eliminated, with the Governor assuming responsibility for this task. Furthermore, through the addition of sub-paragraphs (3) and (4) to the paragraph, it is explicitly stated that the government's involvement in fund management has increased. The district council's authority to create rules for tax collection has been limited in sub-paragraph (4) of paragraph (8), requiring the governor's consent. Initially, the Sixth Schedule stated: "A Regional Council or a District Council, as the case may be, may make regulations to provide for the levy and collection of any of the taxes specified in sub-paragraph (2) and (3) of this paragraph." Following the amendment, the sub-paragraph now includes the phrase "and every such regulation shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect."

The State Government now has the power to assume the district council's responsibilities at any time, as a result of a complete overhaul of the provisions for mid-term dissolution outlined in paragraph 16. The district council's ability to defend itself in the State Legislature has also been eliminated. In the original version of the Sixth Schedule, the Governor had the authority to establish a Commission and assume control of the district council's duties, but only with prior consent from the State Legislature. However, the amended version introduces a new clause that allows the Governor to take over the district council's operations if he is satisfied that the administration cannot be carried out as per the Schedule, without giving the district council an opportunity to express their views. This amendment includes the addition of sub-paragraphs (2) and (3) and renaming the original paragraph in sub-paragraph (1). The district council's right to defense, previously provided in the second proviso to paragraph (16), has been removed.

Therefore, it is evident that the actual autonomy granted by the Sixth Schedule falls far short of what was promised in the Nehru Plan, Patashkar Commission, and Ashoka Mehta recommendations, which advocated for "maximum autonomy" under the Sixth Schedule as an alternative to a separate Hill State. Instead, the district council remains completely under the control of the State Government. It appears that the Karbi-Dimasa leaders of that time did not fully consider these implications before deciding to remain in Assam, trusting the State Congress leadership, and subsequently feeling deceived and misled.

In practice, the consequential actions included the introduction of Article 371B into the Constitution, which established a Hill Area Committee in the State Assembly to represent the interests of the hill area, where the hill MLAs hold a negligible minority⁴⁴. Additionally, subparagraph (2) was added to paragraph 6 of the Sixth Schedule, which entails the transfer of certain executive powers of the State to the district councils on specific subjects. The district council was expanded with the addition of 30 seats, including a maximum of 4 nominated members.

However, it should be emphasised that the phrasing of Article 371B was significantly different from what the Patashkar Commission had suggested. Patashkar had stayed true to the Nehruvian goal of creating a separate Standing Committee for the MLAs from the hill areas so that their number disadvantage in the Assembly would not be worsened. According to the Commission's suggestion, the Assembly was to transmit all legislative initiatives pertaining to the hill areas to the hill Standing Committee. The Governor would certify a bill if there was any doubt about whether it affected the hill areas or not. Normally, the Assembly would accept the Standing Committee's proposal; but, in the event of a disagreement between the Assembly and the Standing Committee on a topic, the Governor would then be consulted and would make the final decision⁴⁵. The wording of the eventual constitutional provision of the concept, inserted in the Indian Constitution as Article 371B, in which the clause "and such number of other members of that Assembly as may be specified in the order" was added, makes it clear that this concept has been

⁴⁴ VR Trivedi, Important events of Assam (pp-252)

⁴⁵ V.V Rao, A century of tribal politics in North-East India(1874-1974, pp-403)

diluted with the hegemonic interest of the State. Only "members of that Assembly elected from the tribal areas specified in Part I of the Table appended to paragraph 20 of the Sixth Schedule"—i.e., from Karbi Anglong and North Cachar Hills—are permitted to serve on the Committee. The Bodoland Territorial Areas Districts were later added to this group by the Sixth Schedule to the Constitution (Amendment) Act, 2003, making the MLAs from hill areas a body of absolute minority in this supposed Committee as well. The Assembly has never used this constitutional provision, and even if it were used today to create the Standing Committee, the legislation's intended goal would be tragically undermined. This indicates that the process of delegating State responsibilities to the district council would be necessary to satisfy the promise of "maximum autonomy."

4.4 FIRST OFFICE OF MEMORANDUM BY THE ASSAM GOVERNMENT

On June 1, 1970, the Government of Assam released an official Office Memorandum No. TAD/R/153/70, from Shillong. This memorandum delegated various functions to the Mikir Hills District Council, including agriculture, minor irrigation, soil conservation, animal husbandry, dairying and milk supply, forest management, fisheries, welfare, cottage industries, and community development programs, including panchayat. This memorandum served as the primary reference for subsequent improvements in the following years.

The conditions included several key points as follows:

- All schemes, both plan and non-plan, were transferred to the district council, except for highly technical schemes or those requiring centralized control across multiple districts.
- The district council had the authority to provide administrative and financial support for the transferred schemes, subject to funding limitations.
- Technical tenders of a specific nature needed to be reviewed and accepted by the relevant technical officers in line with the existing procedures outlined in departmental manuals.
- When allocating work at the district level, departments were encouraged to prioritize local businesses and individuals.
- Monthly funds would be provided as an advance under the category of "Head T-Deposits

& Advance-Pt-III-Deposits not bearing interest Departmental Advance-Special Advance" to enable the district council to finance its expenditures.

- The district council was required to submit separate and detailed accounts for each monthly expenditure to the Accountant General. This allowed for necessary adjustments to be made by debiting the appropriate account in the State Budget.

The district council was required to obtain prior approval from the State before transferring funds from one account to another. However, they had the authority to transfer funds from one scheme to another within the same account. In order to ensure accountability, the Principal Secretary and Secretaries would be accessible to the Public Accounts Committee (PAC) of the State Assembly for inspection. The district council had the responsibility of reporting to the State Legislature on all funds provided by the State Government for the transferred departments. Any unused Plan funds had to be returned to the Treasury by March 15th and could not be carried over to the following year.

Furthermore, the District Council would receive funding to cover the salary of the Principal Secretary, as well as the wages of three senior Secretaries from the State Government who would be assigned to the District Council. Similarly, the district council would have administrative control over the services of district-level officers, their subordinates, and the staff involved in the transferred subjects. The necessary funds would be provided to the district council to cover the wages of these personnel. The district council is prohibited from using the available funds to hire new employees without prior approval from the State Government. The council has the responsibility to design and propose recommendations for the officers' annual confidential reports (ACR). They also have the authority to transfer officers within their respective districts, but not between different districts. However, when it comes to technical control and supervision of the officers assigned to the district council, the Heads of Department retain complete authority and accountability.

Furthermore, the officers and employees would continue to be involved in the implementation of State Government projects that have not yet been transferred to the district council. The second Office Memorandum (OM), issued under No. TAD/R/65/75/110 on February 3rd, 1976, transferred the responsibilities of the Department of Cooperation's Plan and Non-Plan

schemes. This included plan schemes related to agriculture, food processing (excluding factories and large processing units), marketing, farming (both agricultural and non-agricultural), consumer goods, industries, forest labor cooperatives, and handloom development schemes. The third OM, No. TAD/R/65/75/153, dated August 25, 1976, transferred Plan scheme functions for Sericulture and Weaving, which encompassed the growth and development of the eri silk industry, mulberry silk industry, muga silk business, tasam silk industry, as well as initiatives for expanding the weaving program and promoting handloom fabrics.

During a joint meeting on November 15, 1977, the two district councils expressed their dissatisfaction with certain conditions imposed on them by the OM and requested the government to modify the terms according to their proposals. In response, the government formed a committee under the guidance of the Development Commissioner for Hill Areas, as per Notification No. HAD/218/787/23, dated November 28, 1977, to review the plans of the district councils⁴⁶. The Committee convened on January 23, 1978, with the participation of members such as P. N. Rao, IAS, Development Commissioner, Hill Areas; G. C. Langthasa, Chief Executive Member, N. C. Hills District Council; Joysing Doloi, Chief Executive Member, Karbi Anglong District Council; L. K. Baruah, ACS, Principal Secretary i/c NC Hills; J. N. Gohain, JAS, Principal Secretary. The Committee put forward several recommendations, including the payment of administrative fees to district councils for implementing entrusted schemes, the release of funds every six months as an advance to be used by the district councils on a debit basis, the establishment of the district council's own Public Accounts Committee (PAC), the authority of the district council to modify departmental rules to suit local conditions, and the acceptance of the district council's suggestions. After incorporating some of the recommendations put forth by the Committee, the Government issued a revised Office Memorandum (OM) under the number HAD/218/77/155, dated November 14, 1979. The amended OM specified that the State Government would provide administrative fees to the district council, funds would be released to the district councils every six months in advance, non-government officials could retain their positions as secretaries, and the district councils would be granted limited jurisdiction over reserved forests.

⁴⁶ Borsing Rongphar, Karbi Anglongor Rajnitik Itihas (pp-385)

4.5 STRIDE TO MOU OF 1995

However, the challenge in the years that followed, and which persists to this day, was whether Article 371B could effectively represent the MLAs from the hill area so that they did not feel marginalised in the State Assembly, and secondly whether the Councils could easily exercise the executive function on the subject entrusted to them in accordance with the Ashoka Mehta Recommendations so that the Council could effectively guide the development of the subject. After the crisis was resolved, the State leadership made the deliberate choice to become inert and put off carrying out the agreements made in Haflong, which caused the Karbi leadership to become desperate because they were unable to convince the public that the position they had taken during the crucial stages of the State's reorganisation was, in fact, the correct one. There was no doubt that the leaders on both sides of the line would become agitated. The guarantees of autonomy made by the State leadership were thwarted, according to Datta, by the imposition of Assamese as the official language of teaching in all educational institutions of the State immediately following the Re-organisation in 1972. After several meetings, the leaders and educators of Karbi Anglong and NC Hills, along with one MLA and 15 District Council Members, held a joint conference on February 18, 1973 at 1 PM at Diphu Club, which formed the "Action Committee of the Mikir & NC Hills Leaders Conference." These protests against the imposition of Assamese language were loud and took place on January 16, 1973, February 14, 1973, and February 18 at Diphu. The involvement of political officials who had previously been devoted Congressmen may be related to the Assamese leadership's steady decline in support. In response, the Leaders Conference demanded a Separate State for the two hill regions in a Memorandum that was delivered to the Prime Minister in June 1973.

Despite the constitutional provisions made in Article 371B, the provision was never implemented, and the hill area MLAs have continued to be voiceless in a brute majority milieu of the State Assembly. Any thought of implementing the provision is met with a fear-mongering campaign of anti-hill-area forces who refer to the provision as a "oversight provision" intended to stifle the functioning of the Autonomous Council. Despite the Patashkar Commission's clarifications that the Sixth Schedule "gives to the district/regional councils law making authority on certain subjects and the legislative competence of the State Assembly in respect of these

subjects has been ousted...we therefore confine our attention to the provisions of the Sixth Schedule...."⁴⁷. On the other hand, as the State continued to maintain parallel schematic functions in the line departments, frictions had gradually grown between the State and the Council regarding the exercise of executive authority. These frictions had to do with delays in the release of funds and the control over government employees placed under the Councils' administrative controls. Later, the 2nd Administrative Reforms Commission (ARC) added the following observation: "Even though some Departments stand legitimately moved to the Councils under the "Sixth Schedule", the State Governments have been slow in transferring related executive powers and control over the corresponding departments to them. The State Governments have kept their own control over a parallel development and administrative infrastructure. Conflicts between the States and the District Councils have resulted from the functional overlap that has occurred⁴⁸. On two occasions, the 'functional overlap' could be seen: Initially, the officers and personnel were still under to departmental management solely with regard to technical matter for all other duties, they were expected to adhere to district council directives. The officers employed their instinct to move through the dual authority to obtain the most for themselves from both ends because there was no Standard Operating Procedure (SOP) in place. As a result, control and monitoring were unclear. Secondly, despite the fact that the OM allowed the district council to spend the allocated amount via debit, the Treasury, which is not a "transferred subject," typically followed the State-wide SOP. This meant that a "letter of credit" (LoC) from the State Finance Department was necessary for every expenditure made, and the departmental authority's expediency came into play. Release of funds using the instrument of a LoC then occurs following the overall balancing of state revenue and expenditure, which typically delays the actual release until the final days of the fiscal year. Each year, it was claimed that funds were credited to the Diphu Treasury after March 15th, leaving no time for the expenditures. The district departmental office would then go into a frenzy, and the officials and select contractors would work through the night to create files that would reflect expenditure of the planned amount in order to prevent refund of the plan fund before the end of the financial year. Then, with the active complicity of businessmen, officials, and political executives, every effort would be made to withdraw the money within the allotted time. This would

⁴⁷ V.R Trivedi, Documents on Assam (1995, pp-252

⁴⁸ Second Administrative Reforms Commission, Fifteen Report(2009, pp-188)

set off a carnival-like atmosphere that is often referred to as "March-ending," with offices open around-the-clock and an endless supply of tea, biscuits, and, more often than not, wining and dining. The fund that was still available for withdrawal would be transferred into the district council PL account as "savings," which created a ready supply of liquid funds that the authority could use as needed. Due to the circumstances, two things happened: first, the expenses listed on the paper were "made up" and, as a result, did not follow departmental regulations. More crucially, they had no real-world impact. Secondly, the evaluation would consistently reveal under-use of budgetary resources, which would cause funding to stagnate in the budgeting exercise of succeeding years. Development has slowed down and poverty continues to exist. Because the availability of economic opportunity in the neighbouring States is attributed to the achievement of separate statehood, this inevitably resulted in a perceptible and widening disparity of development and availability of economic opportunity as compared with the neighbouring tribal states of Nagaland and Meghalaya, causing heartburn among the population and eventually inspiring the movement for separation from Assam. The two district councils of Karbi Anglong and North Cachar Hills, respectively led by Chief Executive Members Bidyasing Engleng and K. K. Hojai, sent a joint memorandum to the Prime Minister on November 24, 1980, appealing the implementation of Article 244(A) of the Constitution of India as Assam was in turmoil under the anti-foreigner agitation under the leadership of the All Assam Students' Union (AASU)⁴⁹. Following their 1970 rejection of it in favour of adhering to Assam State, the two district councils made this their first explicit demand for the execution of this constitutional provision. The two district councils' blunder from 1970 was, in fact, realised here.

The two CEMs entered politics during the Janata wave that toppled the Congress government in Assam, and their decision to do so was a result of their frustration with the challenging relationship they were forced to maintain with the State Government regardless of the parties in power. Not to be overshadowed, a delegation of Congress leaders from Karbi Anglong and North Cachar Hills met with Prime Minister Rajiv Gandhi on January 18, 1982, and demanded full-fledged Statehood for the two hill regions. They were operating under the banner of The Central Committee of the Karbi Anglong and North Cachar Hills State Demand Committee. It is interesting to note that Dhaniram Rongpi, MLA, who pioneered the option to remain with Assam in 1970 as the CEM of

⁴⁹ P.S Dutta, *Autonomy Movement in Assam: Documents* (pp-50)

the erstwhile Mikir Hills District Council, was one of the Memorandum's signatories, indicating major political significance⁵⁰. The demand for Statehood was subsequently put down again when the State's Janata government fell and Congress returned mid-term. However, the Congress reorganised to raise the Statehood question after losing in Dispur to the Assam Gana Parishad (AGP). Dissatisfaction grew as public expectations continued to be disappointed, not only as a result of ongoing administrative conflicts with the State Government but also because, in the altered administrative environment with multi-regulatory authority and the absence of new and appropriate departmental SOP, the officials frequently with the cooperation of the political bosses were enjoying a free run of aggrandisements seriously impairing the provision of public service and potentially compromising public safety. A mass movement demanding separation from Assam State's administration by implementing Article 244 (A) eventually erupted in 1986 due to the officials frequently having a free run of aggrandisements with the cooperation of the political bosses, seriously impairing public service delivery and probity in public life. This long-simmering public unrest eventually reached a boiling point. The formation of the Autonomous State Demand Committee (ASDC) on May 17, 1986 was not only intended to put the Statehood demand before the Government, but was also exacerbated by the rage to challenge the leadership of the traditional Congress leaders whose opportunistic apathy had angered the youth, particularly the educated section. The youth were upset with the traditional Congress leaders' flip-flop on the issue of Statehood demand, their mood directly reactive to their political fortune, and On February 10, 1987, a pro-Congress team of seven members led by MLA G. C. Langthasa used their influence with the Congress high command at the Centre to meet with Prime Minister Rajiv Gandhi and present a memorandum demanding the implementation of Article 244 (A) in order to advance the cause. Unfortunately, this trend of political one-upmanship over the issue was started at this time. With frequent bandh calls and demonstrations, the environment was tense as a result of the mass movement, which caused law and order to completely collapse throughout the hill areas. The general population had faith in the new generation of leaders who had united themselves with them after forgoing lucrative professions like State Civil Services, Engineering Services, Medical Services, and even Executive Officers of a major firm. To be able to lead the new generation of Karbis, Holiram Terang was the first to walk away from his position as first class Executive Officer with the National Thermal Power Corporation (NTPC). Dr. Dharamsing Teron (ACS,

⁵⁰ Ibid

Class I), Monsing Rongpi (ACS, Class 1), Dr. Jayanta Rongpi (Medical Officer), Dr. Sarsing Terang (Medical Officer), Pator Phangcho (Assam Engineering Service), and numerous others who left stable government jobs to join the movement for an autonomous state came after him. Telltale marks of struggle and agitation were everywhere on display and every conceivable space — walls, buildings, culverts and bridges — were smeared with painted slogans of which the more conspicuous were: “NO AUTONOMOUS STATE NO REST, DARE TO FIGHT DARE TO WIN, INDIAN REPUBLIC IS NOT COMPLETE WITHOUT AUTONOMOUS STATE, ASDC/KSA/KNCA LONG LIVE, IMPLEMENT ARTICLE 244 (A)”.

The State Government was forced to start a lengthy negotiation process between the Government and the movement leaders as a result of the dialogue because protest meetings were held every other day for months on end, keeping the administration on edge. As a result, instead of the creation of an Autonomous State as demanded, the outcome of the dialogue was the establishment of a Confederated State instead was created. In the form of a Memorandum of Understanding (MoU) signed on April 1, 1995 by the Union Government, the State Government, and the leadership of the movement's protagonists—the Autonomous State Demand Committee (ASDC), the Karbi Students' Association (KSA), and the North Cachar Hills Students' Federation (NCHSF)—another attempt was made to strengthen the Nehruvian plan of "largest autonomy within the framework of Assam." The movement leaders raised a number of arguments to support their contention that the provisions of the Sixth Schedule were no longer adequate to accommodate the political, social, and economic aspirations of the hill people in pursuing their destiny. These arguments were made in order to justify the demand for an autonomous state under the provisions of Article 244(A) of the Indian Constitution. They echoed many of the views in the memorandum that the Mikir and North Cachar Hills Leaders' Conference had earlier submitted when it was delivered to Prime Minister Rajiv Gandhi on May 18, 1987. The leaders of Assam put a lot of pressure on the slow fulfilment of the promises they made to the people of the two hills when Assam was being reorganised in the Memorandum of the Leaders' Conference that was given to Prime Minister Mrs. Indira Gandhi in June 1973. The memorandum stated that the hill leaders had been convinced to stay out of the new Meghalaya State, where they would receive the same benefits as the new State. The memorandum lamented that nothing fresh was done to develop their neighbourhoods once the pledges were quickly forgotten. The increased requirement for

Assamese in educational institutions added to this sense of disappointment, and the hill people's estrangement from Assam was the proverbial "last straw"⁵¹. This feeling was further strengthened in the memorandum that the ASDC and KSA conveyed to Prime Minister Rajiv Gandhi on May 18, 1987, along with a few additional issues⁵². The memorandum emphasised that the attitude of the plain people's condescension prevented the hill people from growing, and it stated that the hill people's cry was to be given the freedom to "develop and nurture their genius in their own way and win the respect of the larger Indian communities." Assam's successive governments' "suppressive language policy" was something they no longer wanted to put up with, and the establishment of the hill state would protect their distinctive linguistic, traditional, and cultural heritage. They expressed concern at the way that the hill areas had become a haven for an excess of outside job seekers, contractors, and business people, stifling their ability to provide for their young people through employment. According to the memorandum claimed, outsiders conspired with government officials, the majority of whom were from the plain areas, to seize 95% of contract jobs and businesses, as well as over 90% of government and semi-government employment positions. The memorandum also noted that the tea industry's anti-native orientation and its indiscriminate exploitation of bamboo, mineral resources, and water resources were responsible for a population influx and the marginalisation of the tribal people in their own land. Due to several stipulations attached to the transfer, which essentially reduced the district council authority to the status of a "dignified cashier," the transfer of State subjects and the entrustment of their tasks to the district council did not increase the autonomy of the hill people as promised. According to the memorandum urged, Article 244(A) of the Indian Constitution, the memorandum advocated that the State Government's undue influence over the district council be ended by establishing an Autonomous State.

4.6 TALKS THAT LED TO M.O.U

The ASDC and the KSA, which mostly represented the hill people's youth, quickly took control of the political landscape and narrative in the hill district. Because the State Government was

⁵¹ P.S Dutta, *Autonomy Movements in Assam: Documents* (pp-27)

⁵² Ibid

unable to step up to the surface, the narrative of the Sixth Schedule's inadequate protection and promotion of the hill tribes was underlined, and the demand for the implementation of Article 244(A) of the Constitution acquired credibility and importance. The ensuing political movement, which involved everyone and notably the youth segment, knocked the society out of gear and eventually forced the government to accept reality and invite the movement leaders to negotiations in August 1987. On August 28, 1987, the representatives of the ASDC and the KSA and the Home Minister Bhrigu Kumar Phukan signed an agreement pledging their commitment to resolving the conflict via dialogue. A Sub-Committee made up of representatives from the Government of Assam, the ASDC, and KSA would be formed to continue the discussion. The ASDC and the KSA chose their delegates to the SubCommittee with the following members by Resolution No. 3 of the Joint Executive Meeting held on September 4, 1987: (1) Borsing Rongphar, General Secretary, KSA, (2) Bibison Engti, President, KSA, (3) Babu Rongpi, Convenor ASDC, (4) Elwin Teron, Spokesman, ASDC and (5) Jayanta Rongpi, Spokesman, ASDC.

The Commissioner, Home and Political Department of the Government of Assam called the Sub-Committee together and presided over it. In addition to him, the Government was also represented by the Commissioner, Finance, and the Commissioner HAD. The discussion consequently focused on several functional issues that the district council in connection to the State Government. Round after round, the Sub-Committee had studied why the ASDC and KSA resorted to the call for the creation of Autonomous State. The AGP government was struggling to survive in the face of increasing pressure from the Bodo and ULFA movements, and negotiations in the Sub-Committee continued but made little progress. The 1991 general election became a focal point for the ruling party and was also essential for the survival of the discussions on an autonomous state⁵³. The ASDC was acting much more aggressively towards the ruling party as it moved to put together an ineffectual Opposition front with the Indian People's Front (IPF) and the Sanyukta Loka Parishad (SLP). This eventually marked the ASDC's turning point from the "straightforward Autonomous State Demand movement" to a serious ideological quest, which ultimately explained previous aggression towards the AGP to the point where the Chief Minister's trips to Karbi Anglong. The talks were understandably overshadowed by the election process, and the AGP Government-sponsored Talks with the ASDC members were no longer necessary once the

⁵³ Elwin Teron, *Slogans, Guns and the Sixth Schedule* (pp-101)

Congress won the election and installed Hiteswar Saikia as chief minister. However, Dr. Jayanta Rongpi's election as a Member of Parliament gave rise to a chance to begin a fresh front of negotiations at a higher level. At the state level, repeated bandhs, violence, high-profile kidnappings, and anti-social actions associated with the Bodo and ULFA movements that severely disrupted public order presented Chief Minister Hiteswar Saikia with enormous hurdles. Therefore, he was eager to settle conflicts over politics and bring about peace, even if it meant taking a chance by working with Dr. Jayanta Rongpi. Therefore, he used the Congress Government at the Centre to handle all movement issues, including the Karbi Anglong Autonomous State issue, with the direct involvement of the Central Government rather than continuing with the Subcommittee established by the AGP Government. He made a commitment to submitting a new proposal to the Union Government soon for giving the Tribal Areas of the State autonomy within a month at a meeting called by Union Minister of State for Home M.M. Jacob on March 27, 1992, in the presence of Dr. Jayanta Rongpi, MP, and his colleagues. Within a month, he had not accomplished what he set out to do, but he had started the process⁵⁴.

While after concluding meetings with different organisations in the month of April, he declared in May that his strategy would be to grant the Karbi Anglong Autonomous as much autonomy as possible without compromising the geographical integrity of Assam in order to resolve the Karbi Anglong Autonomous State issue. To attain this objective, he formed a committee with two members, namely HAD Minister G. C. Langthasa and MP Dr. Jayanta Rongpi. The Committee's aim was to develop strategies for realising Assam's aspiration of total autonomy, which was a nod to the Nehru Plan that the hill people rejected in the 1960s. The Government of Assam presented specific proposals to the Centre for giving maximum autonomy following a number of tripartite meetings including the Government, the ASDC/KSA, and the Government⁵⁵. The Memorandum of Understanding (MoU), which was signed on 1 April 1995 in New Delhi, was the culmination of the tripartite engagement. Because of the agreement's contribution to a deeper understanding of the contentious issues within the Sixth Schedule provisions and how maximum autonomy within the framework of the State's territorial boundaries may not be possible without the State distributing some of the control it still retains, this was the legacy the ASDC

⁵⁴ V.R. Trivedi, *Important Events of Assam* (pp-238)

⁵⁵ *Ibid*

movement would be proud to leave in the history of Karbi Anglong and its people.

4.7 ASSIGNMENT OF MORE POWER TO THE DISTRICT COUNCIL

The Memorandum of Understanding (MoU) achieved its significant milestone with the official approval by a resolution passed in the State Legislative Assembly on April 12, 1995. The resolution, adopted by the Assembly, expressed its endorsement of the MoU signed on April 1, 1995, in New Delhi, in the presence of the Union Home Minister. The signatories of the MoU included the Chief Minister of Assam, the Autonomous State Demand Committee, Karbi Students' Association, North Cachar Hills Students' Federation, and Dimasa Students' Union. The resolution further declared that the departments and subjects outlined in Annexure-I of the MoU would be delegated to the jurisdiction of the Karbi Anglong Autonomous District Council and the North Cachar Hills Autonomous District Council for the exercise of executive authority. These Councils would retain executive authority over the State to the extent specified in the resolution. The resolution aimed to establish a sense of permanency in the transfer of executive powers, preventing the State executive authority from altering the power transfer at their convenience. In total, 30 departments were transferred to the district councils as part of this resolution.

Subsequently, the Government of Assam issued Notification No. HAD/57/95/63-64 on June 29, 1995, granting and delegating the aforementioned 30 departments to the "Karbi Anglong Autonomous District Council." This notification was officially published in the Assam Gazette (Extraordinary), No. 149 on July 14, 1995, at Dispur. Notably, unlike previous assignments that only involved schematic functions of government subjects or departments, this time the district council was granted complete executive authority over the subject or department. The executive jurisdiction of the district council was further expanded through a subsequent Official Memorandum (OM) issued on December 31, 1996, under the number "No. HAD.57/95/316," from Dispur. This expansion remains in effect at the time of this dissertation's publication.

The expansion of the district councils' legislative authority represents the second significant aspect of the Memorandum of Understanding (MoU). It is important to note that the district council's legislative powers are still restricted by the provisions outlined in the Sixth Schedule, as previously

mentioned. In order to uphold the Nehruvian principle of "maximum autonomy" within the state of Assam, the Ashoka Mehta Committee's recommendations, which formalized proposals put forth by the Assam Pradesh Congress Committee (APCC) in response to Prime Minister Indira Gandhi's Federal Plan, advocated for the transfer of both executive and legislative functions of the state in as many as 49 subjects.

However, through a constitutional amendment introduced by the Assam Reorganisation Act of 1969, the only new subject added to Sub-paragraph (i) of Paragraph 3 of the Sixth Schedule was "divorce." In contrast to this limited addition, the Memorandum of Understanding (MoU) included a groundbreaking clause granting the power to legislators to pass laws on up to 15 subjects. To accommodate this transfer, the 1995 Constitutional amendment introduced Paragraph 3A to the Sixth Schedule. According to the order specified in the Constitution, the subjects listed in Paragraph 3A outline the additional powers granted to the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council for legislative purposes.

It has always been advocated that the authority over land, encompassing not just "the allotment, occupation, or use, or the setting apart," but also the powers stated in Entry 18 and Entry 45 of List II of the Seventh Schedule, should be transferred to the legislative jurisdiction of the district council. This is primarily because the hill tribes of the North-east have an inseparable connection to their ancestral land. Despite consistent opposition from the Assam Government during discussions with stakeholders, two crucial land-related functions, namely "land reform," which was added to the list of 30 executive subjects transferred, and "alienation of land," which was placed under the legislative authority of the district council, were relinquished by the State Government during the negotiations leading to the signing of the MoU.

4.8 DISCRETIONARY POWERS OF GOVERNOR

Another significant change in the Accord was the choice to provide the Governor discretionary authority under paragraph 20BA with regard to key elements of the Sixth Schedule in an effort to reduce State Government influence over the district council. Conceptually, it was a return to the system used and upheld by British administrators in the years before independence, when the tribal

regions were referred to as "frontier tracts" by the "Assam Frontier Tract Regulation of 1880", "backward tracts" by the "Government of India Act of 1919", and finally "Excluded" and "Partially Excluded" areas by the "Government of India Act of 1935". The 'wild', 'barbaric', and 'primitive' tribal races were to be protected against the exploitation and dominance of outsiders, and the British imperial sensibility had taken on the burden of this obligation. When acting as the Governor General of India's agent, the Governor had the discretion to manage the tribal areas and to prevent the application of laws and regulations elsewhere unless the Governor General felt that the tribal areas needed to be subject to those laws and regulations, with or without modification.

The Constituent Assembly replaced this specific obligation or "discretionary power" of the Governor with a special provision for the governance of the areas included by the Sixth Schedule in the newly approved Constitution after Independence. Dr. B. R. Ambedkar clarified the role of the Governor in the matter during a debate on the district council's legislative authority under the "Sixth Schedule" by saying that the laws passed by the district council "will be approved by the Governor as advised by the Ministry of Assam, because in all this scheme, we are dropping the words "in his discretion"⁵⁶." Anywhere the word "governor" appears, it refers to a "governor acting in accordance with ministry instructions". The promise of "maximum autonomy" to the hill tribes who sided with the State of Assam during the reorganisation of Assam in 1970 has been hindered over time by this interpretation of the role of the Governor in his relationship with the district council.

The term "maximum autonomy" denotes that the "district council" has complete authority to adopt laws on subjects listed in the "Sixth Schedule", and the Governor must give his or her approval unless the laws are incompatible with other articles of the Constitution. However, in practise, passing legislation becomes incredibly difficult and time-consuming unless the State Government is happy and satisfied with the nature and content of the proposed bill, and the Council of Ministers takes decade and decades to consider the bill, effectively killing the spirit of autonomy that was supposed to be provided to the tribal people under the "Sixth Schedule". The movement leaders wanted the district council "executive committee" (EC) to help and advise the Governor as the Council of Minister would under the provision of "Article 163 of the Constitution", which the

⁵⁶ Vijay Hansaria, Sixth Schedule to the Constitution of India (fourth edn, pp-383)

State Government representatives vehemently opposed. As a result, this was the main topic of discussion with the government. In order to comply with the Sixth Schedule changes that was made with the addition of Paragraph 20BA, a compromise was reached that grants the Governor the discretionary right to decide on specific areas of the Sixth Schedule provision. According to this provision, the Governor is not required to follow the Council of Minister's recommendations but instead has the discretion to make decisions regarding the following: “sub-paragraphs (2) and (3) of paragraph 1” (divide the area, “include any area”, “exclude any area”, “create new autonomous district”, “increase the area”, “decrease the area”, “unite two or more districts”, “alter the name”, and define the “boundaries of the district”); “sub-para (1) of paragraph 2” (determining the composition of district council); sub-para (6) of paragraph 2 (making rules for composition, delimitation of constituencies, qualification for voting, term of office, matter connected with election or nominations, “procedure and conduct of business”, appointment of officers and staff); sub-para 6A of paragraph 2 except the first proviso (length of tenure for elected and nominated members); sub-para (7) of paragraph 2 (enactment of rules for matters under subpara (6), “formation of subordinate local councils or boards”, “all matters relating to transaction of business pertaining to the administration of the district”); “sub-para (3) of paragraph 3” (assent of the Governor on bills passed by district council); sub-para (4) of paragraph 4 (“making of rules regulating constitution of village councils and courts”, procedures to be followed by them, procedure for district council courts, enforcement of orders of village and council courts, all ancillary matters related with establishment of village and council courts); “paragraph 5 (conferment of powers under Code of Civil procedure, 1908” and “Code of Criminal Procedure, 1898” on the “district council courts and judicial officers”); sub-para (1) of paragraph 6 (making regulations for establishment, “construction and management of primary schools”, “dispensaries”, “markets”, “cattle pounds”, “ferries”, “fisheries”, “roads”, “road transport and waterways” in the district); subpara (2) of paragraph 7 (making of rules for “management of district fund”, “concerning payment”, “withdrawal of money”, “custody of moneys and other ancillary matters”); sub-para (4) of paragraph 8 (making regulations to provide for the “levy and collection of taxes”); sub-para (3) of paragraph 9 (direction as to the share of “royalties of minerals” to be made over to the “district council”. The actions that the Governor must take to use his discretion are outlined in paragraph 20BA. In order to make a decision, he would first and foremost consult the district council's Executive Committee and Council of

Ministers. After obtaining their advice, he would then use his judgement to come to a decision and inform the district council of it. Theoretically, this arrangement appears to be a compromise between granting the district council the exclusive authority granted to the “Council of Ministers” by “Article 163” of the Constitution to "aid and advise" the “Governor” and preventing the “Council of Ministers” from imposing its will on the “administration of the district council”. In reality, however, this system adds more time to the process of obtaining the governor's approval needed for governmental actions in our parliamentary democracy. To begin with, the governor's office now needs to wait for the opinions of the “Executive Committee” of the relevant Council as well as the Council of Ministers, which are both required before the governor can proceed to apply his judgement. Previously, the Governor was merely required to wait for the “Council of Ministers” recommendation and may choose whether or not to consult the “Executive Committee” before he gave his consent. Second, the system heavily depends on a person's moral character and understanding of tribal people and their problems, and governors typically like to keep good relations with state governments, especially when the same party controls both the Union government and the states. On the other hand, the “Governor shall reserve the bill” for the consideration of the “President of India” in the enactment of laws under paragraphs 3 and 3A if the subject pertains to “List III of the Seventh Schedule”. The President shall then declare whether he grants his assent to the bill or withholds it, “provided that the President may request” the Governor to send the bill back to the “Autonomous Council for reconsideration” and the law will once again be referred to the President for his consideration after being passed by the “autonomous council” with or “without amendment”. These subjects would cover, among others, agriculture, forestry, wildlife protection, divorce and marriage, social security, employment and unemployment, education, “trade and commerce in the production”, “supply”, and “distribution of foodstuffs”, “livestock feed”, “raw cotton”, and “raw jute”. The elevation of the Chief Executive Member's (CEM) official status to that of a Cabinet Minister of the “State under the control of the Autonomous Council”, as has already been mentioned elsewhere in this Dissertation, was one of the cosmetic aspects of the MoU agreement. It appears that this was done to satisfy the tribal leaders ego and arrogance by giving them a fictitious sense of political accomplishment without having to grant them autonomy. The CEM then made history by officially hoisting the national flag at Diphu on national holidays like Independence Day and Republic Day in place of the State Cabinet Minister, who had previously been designated by the Government as the deputy to do the

honours. This task was started during the CEM's of Jotson Bey's administration in 1996 and is still being carried out today. However, it should also be noted that the land mass thrust of the current Hojai District at Lunding separates the Council's geographical sectors, specifically its eastern and western sectors, and so the CEM's official standing amusingly changes as he moves across the State. There have been instances in the past in Nowgong District where aggressive police officers have stopped the vehicles of the CEM and the EMs to mockingly remind them of their status in the plain districts. As a result, the chance of an unpleasant meeting with police officers used to give Karbi Anglong's "VIPs" a bad feeling in the back of their heads, forcing those who wanted to avoid it to turn off their beacons at the border. This problem has been solved by the general removal of the beacon lights by judicial order from the VIP vehicles. The protocol issue, however, was eventually resolved by Dr. Himanta Biswa Sharma's Cabinet, which decided to formally recognise the CEM's status as a Cabinet Minister throughout the State and to grant him access to all the benefits that come with the position across the nation. The CEM has nevertheless continued to deal with this issue at every State-level meeting. Dr. Tuliram Ronghang is the first CEM to hold this post as a result.

CHAPTER 5:- AUTONOMY TRANSFORMATION IN KARBI ANGLONG

5.1 ARMED MOVEMENT AND EFFECTS ON KAAC's AUTONOMY

The “Expert Committee on Planning” for the “Sixth Schedule Areas” (and “those areas not covered by Part IX and IXA of the Constitution”) and the Second Administrative Reforms Commission (ARC), both of which placed their reports in September 2006 and April 2009, respectively, conducted in-depth studies of the “Sixth Schedule for the Government of India” in the years following the implementation of the Memorandum of Understanding. The first mainly addressed the Council's finances and the implementation of initiatives. It was observed that beginning with the 10th Finance Commission, money had been set aside for “local body” grants to go to “States” that are not protected by “Part IX of the Constitution”⁵⁷.

The Expert Committee fervently advocated for the Council to have complete control over all of the departments and subjects that were delegated to it, as well as full authority over all matters over which it has legislative authority. The “autonomous district council” areas in particular and the tribal areas of the North-east in general fell into a massive funding trap at the time Part IX of the Constitution was passed, more specifically the 73rd Constitutional amendment, as rural funding for development was channelled through the Panchayati raj institutions⁵⁸. The traditional tribal bodies decided not to participate in the panchayat system because they were concerned that the implementation of the Panchayati raj would weaken or even eradicate the centuries-old traditions of the tribal people. This concern was voiced during the pre-legislative talks with the stakeholders. In consideration of this viewpoint, the government decided to add a specific provision to the legislation, known as Article 243-M, that would exempt the scheduled and tribal territories from the legislation's application. Aside from other tribal areas of the States of “Nagaland”, “Meghalaya”, and “Mizoram” and the “Gorkha Hill Council” areas of Darjeeling in West Bengal, clause (1) of this Article stipulates that the “Panchayati raj system” would not apply to the areas specified in clauses (1) and (2) of Article 244 of the Constitution. The Fifth Schedule and Sixth Schedule Areas are mentioned in Article 244 clauses (1) and (2), respectively. Similar

⁵⁷ Report of expert committee, Planning for the Sixth Schedule Areas (and areas that are not covered by chapter IX and IXA of the Constitution) (2006, pp-20)

⁵⁸ Ibid

to this, Article 243-ZC has been included to the Municipality system of self-government in urban areas created by the 74th Constitutional Amendment, 1992, to ensure that the Municipality act would not apply to the aforementioned tribal territories. Due to the lack of the local bodies required by the Panchayat and Municipality Acts in KAAC, “no funds were allocated by the Union Government for the region”, and there was a severe lack of funding flowing into rural areas. For the reasons already mentioned, the State Finance Commission established by the aforementioned Acts was unable to recommend the type and amount of funding for Karbi Anglong to the Finance “Commission of India” in accordance with Article 280. Therefore, the State Government's only option was to distribute to the Sixth Schedule tribal areas the funds that the Finance Commission of India provided to the State for the Panchayats and Municipalities that were created in accordance with the 73rd and 74th amendments. As a result, the State Government set aside 20% of these funds, 12% for Bodoland, and 7 1/2% each for “Karbi Anglong and Dima Hasao”. In Karbi Anglong, the meagre allocation is distributed to Block Panchayats and District Panchayats through the district council, but there is absolutely no funding for the villages because there are no Gaon Panchayats. Over 85% of people who reside in rural areas have regressive impacts in their socio-economic lives due to the natural lack of funding flow in these areas, which caused a decline in rural income. While this was going on, the tribal states of “Nagaland”, “Meghalaya”, and “Mizoram” made use of the clause in Article 243(M), clause (4), which permitted these State Governments to design their own mechanism to ensure that the “73rd and 74th amendments” were applied and that funds was flowing into the States.

Karbi Anglong and Dima Hasao are the only hills districts still experiencing a finance shortage as they implemented their own methods and money continued to flow in these tribal States. Economic disparity at the borders soon became more severe, and among the youth, because of unemployment and a lack of opportunities for decent jobs, resentment, anxiety, and anger began to surface. This led to the crystallisation of the sentiment against the Sixth Schedule system in Assam's failure to provide job opportunities and economic uplift, and the obvious comparison with the obvious prosperity of the neighbouring tribal states became everyday discourse. The youth came to feel that without achieving Statehood, the people of Karbi Anglong and Dima Hasao would never be able to reach the standard of advancement attained by the tribes of the neighbouring States because the MoU signed in 1995 had failed to make any difference on the economic front.

A group of young people who had become disillusioned with the ASDC's peaceful democratic mass movement and turned to armed insurrection in the middle of the 1990s quickly became seen as signals of hope for the people and gained significant public support, especially in rural areas, where they were viewed as national heroes. The two armed insurgent groups, the Karbi National Volunteer (KNV), thought to be supported by the ULFA, and the Karbi People's Front (KPF), supported by the NSCN (IM), joined forces to form the "United People's Democratic Solidarity" (UPDS), and their influence spread to the majority of the districts, paralysing governance and the economy. Even though a significant leadership portion rejected the offer of discussions, the Government eventually signed a "ceasefire" contract with the UPDS in 2002, which was later transformed to a suspension of operation pact (SoO) to start peace negotiations. Though tired of the tension and violence, the general people, represented by political parties as well as social and student organisations, supported the peace initiative and pushed the insurgents to engage in talks with the government. The UPDS was represented by General Secretary Horensing Bey, Joint Secretary Kangjang Terang, and Home Secretary Surjya Rongphar in the negotiations that followed beginning in 2004. Dr. Mansing Rongpi, Dr. Dharamsing Teron, and George Millik spoke for the civil society. Despite the UPDS Team's insistence that the establishment of an autonomous state would provide a "long-term solution" to the socio political issues in "Karbi Anglong and North Cachar Hills", both the Centre and the State clung to their long-standing position established by the Patashkar Commission that a solution must be found within the parameters of the Sixth Schedule. The "talks" remained deadlocked until 2009, when the UPDS leadership was forced to call for a public meeting at the Inglongcherop Community Hall to decide whether to return to the bush or accept the Government's offer of a peace agreement within the parameters of the Sixth Schedule. Delegates from all the social, cultural, religious, and student organisations as well as representatives of political parties, including elected members from both the government and opposition camps, participated in the consultative conference in large numbers. Overwhelmingly, the representatives at the meeting urged the armed groups to find a "honourable solution to the peace talks" rather than rekindle hatred and violence, even if the solution has to be found within the constraints of the Sixth Schedule, having already been traumatised by a series of senseless and brutal inter-tribal conflicts that resulted in the deaths of hundreds of innocent people and the displacement of several thousand more since 2004.

honours. This task was started during the CEM's of Jotson Bey's administration in 1996 and is still being carried out today. However, it should also be noted that the land mass thrust of the current Hojai District at Lunding separates the Council's geographical sectors, specifically its eastern and western sectors, and so the CEM's official standing amusingly changes as he moves across the State. There have been instances in the past in Nowgong District where aggressive police officers have stopped the vehicles of the CEM and the EMs to mockingly remind them of their status in the plain districts. As a result, the chance of an unpleasant meeting with police officers used to give Karbi Anglong's "VIPs" a bad feeling in the back of their heads, forcing those who wanted to avoid it to turn off their beacons at the border. This problem has been solved by the general removal of the beacon lights by judicial order from the VIP vehicles. The protocol issue, however, was eventually resolved by Dr. Himanta Biswa Sharma's Cabinet, which decided to formally recognise the CEM's status as a Cabinet Minister throughout the State and to grant him access to all the benefits that come with the position across the nation. The CEM has nevertheless continued to deal with this issue at every State-level meeting. Dr. Tuliram Ronghang is the first CEM to hold this post as a result.

CHAPTER 5:- AUTONOMY TRANSFORMATION IN KARBI ANGLONG

5.1 ARMED MOVEMENT AND EFFECTS ON KAAC's AUTONOMY

The “Expert Committee on Planning” for the “Sixth Schedule Areas” (and “those areas not covered by Part IX and IXA of the Constitution”) and the Second Administrative Reforms Commission (ARC), both of which placed their reports in September 2006 and April 2009, respectively, conducted in-depth studies of the “Sixth Schedule for the Government of India” in the years following the implementation of the Memorandum of Understanding. The first mainly addressed the Council's finances and the implementation of initiatives. It was observed that beginning with the 10th Finance Commission, money had been set aside for “local body” grants to go to “States” that are not protected by “Part IX of the Constitution”⁵⁷.

The Expert Committee fervently advocated for the Council to have complete control over all of the departments and subjects that were delegated to it, as well as full authority over all matters over which it has legislative authority. The “autonomous district council” areas in particular and the tribal areas of the North-east in general fell into a massive funding trap at the time Part IX of the Constitution was passed, more specifically the 73rd Constitutional amendment, as rural funding for development was channelled through the Panchayati raj institutions⁵⁸. The traditional tribal bodies decided not to participate in the panchayat system because they were concerned that the implementation of the Panchayati raj would weaken or even eradicate the centuries-old traditions of the tribal people. This concern was voiced during the pre-legislative talks with the stakeholders. In consideration of this viewpoint, the government decided to add a specific provision to the legislation, known as Article 243-M, that would exempt the scheduled and tribal territories from the legislation's application. Aside from other tribal areas of the States of “Nagaland”, “Meghalaya”, and “Mizoram” and the “Gorkha Hill Council” areas of Darjeeling in West Bengal, clause (1) of this Article stipulates that the “Panchayati raj system” would not apply to the areas specified in clauses (1) and (2) of Article 244 of the Constitution. The Fifth Schedule and Sixth Schedule Areas are mentioned in Article 244 clauses (1) and (2), respectively. Similar

⁵⁷ Report of expert committee, Planning for the Sixth Schedule Areas (and areas that are not covered by chapter IX and IXA of the Constitution) (2006, pp-20)

⁵⁸ Ibid

to this, Article 243-ZC has been included to the Municipality system of self-government in urban areas created by the 74th Constitutional Amendment, 1992, to ensure that the Municipality act would not apply to the aforementioned tribal territories. Due to the lack of the local bodies required by the Panchayat and Municipality Acts in KAAC, “no funds were allocated by the Union Government for the region”, and there was a severe lack of funding flowing into rural areas. For the reasons already mentioned, the State Finance Commission established by the aforementioned Acts was unable to recommend the type and amount of funding for Karbi Anglong to the Finance “Commission of India” in accordance with Article 280. Therefore, the State Government's only option was to distribute to the Sixth Schedule tribal areas the funds that the Finance Commission of India provided to the State for the Panchayats and Municipalities that were created in accordance with the 73rd and 74th amendments. As a result, the State Government set aside 20% of these funds, 12% for Bodoland, and 7 1/2% each for “Karbi Anglong and Dima Hasao”. In Karbi Anglong, the meagre allocation is distributed to Block Panchayats and District Panchayats through the district council, but there is absolutely no funding for the villages because there are no Gaon Panchayats. Over 85% of people who reside in rural areas have regressive impacts in their socio-economic lives due to the natural lack of funding flow in these areas, which caused a decline in rural income. While this was going on, the tribal states of “Nagaland”, “Meghalaya”, and “Mizoram” made use of the clause in Article 243(M), clause (4), which permitted these State Governments to design their own mechanism to ensure that the “73rd and 74th amendments” were applied and that funds was flowing into the States.

Karbi Anglong and Dima Hasao are the only hills districts still experiencing a finance shortage as they implemented their own methods and money continued to flow in these tribal States. Economic disparity at the borders soon became more severe, and among the youth, because of unemployment and a lack of opportunities for decent jobs, resentment, anxiety, and anger began to surface. This led to the crystallisation of the sentiment against the Sixth Schedule system in Assam's failure to provide job opportunities and economic uplift, and the obvious comparison with the obvious prosperity of the neighbouring tribal states became everyday discourse. The youth came to feel that without achieving Statehood, the people of Karbi Anglong and Dima Hasao would never be able to reach the standard of advancement attained by the tribes of the neighbouring States because the MoU signed in 1995 had failed to make any difference on the economic front.

A group of young people who had become disillusioned with the ASDC's peaceful democratic mass movement and turned to armed insurrection in the middle of the 1990s quickly became seen as signals of hope for the people and gained significant public support, especially in rural areas, where they were viewed as national heroes. The two armed insurgent groups, the Karbi National Volunteer (KNV), thought to be supported by the ULFA, and the Karbi People's Front (KPF), supported by the NSCN (IM), joined forces to form the "United People's Democratic Solidarity" (UPDS), and their influence spread to the majority of the districts, paralysing governance and the economy. Even though a significant leadership portion rejected the offer of discussions, the Government eventually signed a "ceasefire" contract with the UPDS in 2002, which was later transformed to a suspension of operation pact (SoO) to start peace negotiations. Though tired of the tension and violence, the general people, represented by political parties as well as social and student organisations, supported the peace initiative and pushed the insurgents to engage in talks with the government. The UPDS was represented by General Secretary Horensing Bey, Joint Secretary Kangjang Terang, and Home Secretary Surjya Rongphar in the negotiations that followed beginning in 2004. Dr. Mansing Rongpi, Dr. Dharamsing Teron, and George Millik spoke for the civil society. Despite the UPDS Team's insistence that the establishment of an autonomous state would provide a "long-term solution" to the socio political issues in "Karbi Anglong and North Cachar Hills", both the Centre and the State clung to their long-standing position established by the Patashkar Commission that a solution must be found within the parameters of the Sixth Schedule. The "talks" remained deadlocked until 2009, when the UPDS leadership was forced to call for a public meeting at the Inglongcherop Community Hall to decide whether to return to the bush or accept the Government's offer of a peace agreement within the parameters of the Sixth Schedule. Delegates from all the social, cultural, religious, and student organisations as well as representatives of political parties, including elected members from both the government and opposition camps, participated in the consultative conference in large numbers. Overwhelmingly, the representatives at the meeting urged the armed groups to find a "honourable solution to the peace talks" rather than rekindle hatred and violence, even if the solution has to be found within the constraints of the Sixth Schedule, having already been traumatised by a series of senseless and brutal inter-tribal conflicts that resulted in the deaths of hundreds of innocent people and the displacement of several thousand more since 2004.

5.2 HIGHLIGHTING GAPS IN THE SIXTH SCHEDULE BY “UNITED PEOPLE’S DEMOCRATIC SOLIDARITY” (U.P.D.S)

The U.P.D.S, an armed organization, highlighted several flaws in the functioning of the Sixth Schedule that hindered autonomous decision-making. The first major concern was the failure of the Sixth Schedule provisions to deter migrants and infiltrators, posing a threat to the sociopolitical security of tribal communities. This issue arose as migrants from mainland India moved closer to commercial hubs such as Lumding, Lanka, and Dimapur, utilizing railways and highways to encroach upon vast stretches of vacant land. This encroachment also extended to interior commercial hubs, exacerbating the problem. The decadal population growth rate since the 1961 Census showed a dangerously high trend, with the tribal population declining from 74% to 51% by 1991.

Without its own police force, the district council lacks the power to effectively counter such a pervasive threat unless the State Government provides assistance in eviction campaigns. However, the State Government's response to such campaigns has been selective and irregular. It is worth noting that in the case of *Udaldas Panika v. KADC*⁵⁹, the Gauhati High Court ruled that the District Council does not possess the authority to evict people under Section 18(G) of the Settlement Rules. The Court emphasized that the "sovereign right" to land in Karbi Anglong belongs to the State and not the District Council. In examining the issue, the Court considered the status of Karbi Anglong as a "Partially Excluded Area" under the 1935 Government of India Act. As a result, the sovereign authority over the land previously held by the Crown Government of British India has been transferred to the Government of India and the Government of the State in accordance with Articles 294 and 295 of the Indian Constitution.

Furthermore, the subject matter of "Land" is covered under Item 18 in List II of the seventh schedule, which pertains to state-specific subjects. The district council cannot adopt the Assam Land and Revenue Regulation Act 1886 in its entirety, as decided in the cases of *Mrs. C.N. Lioid v. Khasi Hills District Council* and *Sitimon v. Khasi Hills District Council*. These rulings restrict the district council's legislative authority to only those matters explicitly mentioned in the Sixth

⁵⁹ *Udaldas Panika Prallad Chandra Das v Karbi Anglong District Council*, 1990 (Gau LR 78)

Schedule, primarily related to the allocation, occupation, use, or designation of land. Consequently, the district council is not authorized to exercise the powers outlined in section 18(3) of the Settlement Rules unless specifically delegated by the State Government. This unequivocally demonstrates that the power granted by the Sixth Schedule is inadequate to effectively safeguard and preserve the ancestral land of the Karbi People from the encroachment of outsiders. Thus, the establishment of an autonomous state becomes imperative to ensure their future security.

The Ashoka Mehta Committee initially proposed the concept of "maximum autonomy" in 1968, but this recommendation has never been fully implemented. This serves as an example of the State government's recurrent failure to fulfill the obligations outlined in previous agreements. In particular, the clauses pertaining to Sales Tax, Excise, and Transport in the 1995 Memorandum of Understanding (MoU) require minor amendments to the governing rules, yet the State Government has neglected to make these corrections. As a result, the district council is unable to assume these powers. Consequently, the flow of funds continues to be a contentious issue, as the proposed streamlining of fund allocation outlined in the MoU has not been addressed. These circumstances collectively demonstrate that the State government cannot be relied upon as a dependable partner to safeguard the future security and prosperity of the Karbi people. Consequently, the implementation of Article 244(A) of the Indian Constitution becomes imperative to ensure that the hill tribes remain within the boundaries of the State of Assam.

The third concern revolves around the issue of insufficient and irregular funding, which has remained a contentious point between the State and the district council since the decision was made to grant greater powers to the Karbi Anglong district council instead of incorporating it into the Autonomous State of Meghalaya. As the council area is not covered by the 73rd and 74th Constitutional Amendments, funding for rural areas has been completely eliminated. While Article 275 of the Constitution allows for the distribution of funds, this process is still irregular and sometimes even suspended. The release of funds allocated to the district council has consistently been a source of dispute.

To address this issue and ensure smooth financial transactions between the State and the Council, the MoU signed on 1st April 1995 included four clauses. The first clause, found in Clause 3,

Subclause (iii) of the MoU, stipulates that "The State Government will provide an indication of the overall financial allocations for the Councils prior to the start of the financial year. The Councils will then formulate and adopt their own budgets, which they will submit to the State Government for inclusion in the State's overall budget. Typically, the budget recommended by the Councils would not be altered, unless there is a need for adjustments, in which case the Councils would be consulted and provided with an explanation. The establishment of a planning and budgeting wing within the Council, along with the recruitment and training of specialized staff, was necessary for this process and should have been the initial significant step towards achieving financial autonomy for the Council. However, the State Government has not taken this matter seriously, and the Karbi Anglong Autonomous Council failed to hire specialized personnel when it established the department now known as the Department of Transformation. As a result, the State Finance department continues to handle all planning and budgeting tasks, and the Council is obliged to follow formal procedures for approval without any authority to make even the slightest changes.

The second clause, Subclause (ix) of Clause 3, states that "Officers of the Council would be included in the State delegation during the finalization of the Annual Plan for discussions with the Planning Commission." While this procedure was initially followed, it was discontinued after the Planning Commission was replaced by Niti Ayog, and no steps have been taken to include the Council representative in the new system's plan budget finalization.

The third clause, Subclause (x) of Clause 3, states that the feasibility of separately mentioning the funds intended for the Council areas in the releases made by the Union Government will be urgently examined. This clause is significant because there has always been disagreement regarding the precise allocation made by the Central Government for the autonomous council areas of Assam, and the issue of underfunding in comparison to nearby tribal states has been attributed to both the Central Government and the State Government. Representatives from both parties have consistently defended their positions, providing detailed explanations to support their claims.

During the intense debates on funding allocation, the Government of Assam defended its position by presenting a note to the Thirteenth Finance Commission on December 18th, 2008. In this note, Assam highlighted the situation of its autonomous council areas as follows: As mentioned in

paragraph 12.1, Assam was divided to create the neighboring hill states of Nagaland, Mizoram, and Meghalaya. These former tribal districts of Assam have been receiving substantial central funding from the “Finance Commissions” and “Planning Commission” since becoming separate states. Assam's Sixth Schedule areas have a population of 3.9 million. On the other hand, the most recent census data shows that “Meghalaya”, “Nagaland”, and “Mizoram” have populations of 2.3 million, 2 million, and 0.9 million respectively. Despite the larger area and population of Assam's Sixth Schedule” districts compared to these states, the “plan assistance” received by Assam's “Sixth Schedule areas in “2005-06 (Rs. 380 crore)” was significantly lower than that received by “Meghalaya (Rs. 800 crore)”, “Nagaland (Rs. 685 crore)”, and “Mizoram (Rs. 620 crore)”. Similarly, these states also received non-plan revenue deficit assistance under the 12th Finance Commission award of Rs. 1796.86 crore, Rs. 5536.50 crore, and Rs. 2977.79 crore respectively, while the entire state of Assam received only Rs. 305.67 crore. This apparent unequal treatment has resulted in slower development of Assam's Sixth Schedule districts compared to the other hill states. The significant disparity in central funding between the neighboring hill states and the tribal districts of Assam has led to resentment and political unrest. This has fueled an insurgency demanding a separate state. Despite the memorandum of understanding's provision for a separate mention in financial releases and an urgent examination of modalities, these actions have not been implemented. The fourth reference in the memorandum, found in subclause (xi) of Clause 3, states that a suitable mechanism will be developed to monitor the adequacy and promptness of fund releases from the state government to the council. This mechanism was outlined in the OM (Office Memorandum) No. HAD.57/95/316, jointly written by the Karbi Anglong Autonomous Council (KAAC) and the Hill Areas Department (HAD) of the Government of Assam, dated December 31, 1996. Section (A) of this OM specifies that the state government should provide funds as advances to the Karbi Anglong Autonomous Council under different heads of accounts to finance the delegated functions without difficulty. The “administrative departments” of the state government are required to release funds on “a six-monthly” basis in “April and October” of each “fiscal year”. The council must submit detailed monthly accounts to the “Accountant General of Assam” for proper adjustments and debiting the relevant head of account in the state budget. Initially, this system operated successfully with automatic release of funding by the administrative departments. However, the state government unilaterally changed the release modality to a “Single Window” distribution of funds through a cabinet decision. This decision, made during a cabinet meeting on

June 22, 2007, in Dispur, shifted the responsibility of releasing plan funds, non-plan funds, and centrally supported schemes funds to the Hill Areas Department (HAD). This new structure either required the HAD to provide necessary funds upfront or delayed release until its approval, creating potential opportunities for political influence or corruption in fund allocation due to the centralized control of funds. The "Manisana Commission"⁶⁰ has implicated the HAD Ministry in this matter. Interestingly, the fund release mechanisms established in the 1996 OM have not been officially replaced by a government notification, resulting in competition between the two systems and causing further confusion. Another contentious issue pertains to legislative hindrances that grant disproportionate authority to the State over the Council, making it challenging for the Council to fulfill its responsibilities. This cumbersome process, previously described in Chapter 2 (I), has been repeatedly raised as a significant topic of discussion in the complex autonomy debate. The central concern revolves around who advises the Governor on legislative matters that fall under the jurisdiction of the district council as per the Constitution. The Constitution does not suggest that the State Cabinet must share legislative authority with the district council; rather, the district council should be able to act independently without external interference. However, in practice, the satisfaction of the Council of Ministers takes precedence, even though the district council, as a tribal body, and the state government, as a non-tribal body, may have divergent perspectives on certain issues such as land, forests, or wildlife. For instance, regarding land transfers, the State Government often insists on applying the Indian Registration Act of 1908, which would increase the land's commercial value, while the district council advocates for a non-commercial approach to protect tribal land. Consequently, legislative bills like The Karbi Anglong Land Alienation (Transfer of Land) Bill have been on hold for years due to this perceptual divergence. The district council has been vested with the authority to enact laws on specific subjects to meet the legislative requirements of the tribal people from their perspective. If the district council is burdened by the non-tribal viewpoint, the purpose would be defeated. Therefore, it is crucial for the district council to be granted constitutional authority to advise the Governor on this contested issue, as the State government continues to hold its ground. The UPDS negotiations, which commenced in 2004, concluded seven years later with the signing of the Memorandum of Settlement (MoS) on

⁶⁰ Report of the commission of enquiry to inquire into misappropriation of funds of the North Cachar Hills Autonomous Council (2008, pp-8, 9 and 45)

November 25, 2011. These lengthy negotiations encountered various obstacles, including betrayals, ethnic conflicts, killings, kidnappings, anxiety among the leadership, and the displacement of innocent people, all of which at times threatened to derail the peace process itself. It was a test of trust in the Central Government's generosity, a test of the stakeholders' resilience, particularly the unwavering commitment of civil society and the ASDC party, to restore peace and harmony. It was also a test of faith that the State Government would eventually step up to help resolve the problems faced by the hill tribes, as shared during the talks, albeit within the limited framework of the Sixth Schedule. Despite repeated requests from Union Home Minister P. Chidambaram for Chief Minister Tarun Gogol to make a statement at the signing ceremony in the North Block, Gogol firmly refused, resulting in the rushed KAAC election and eventual abandonment of the agreement. The Memorandum of Settlement (MoS) itself aimed to broaden the scope of the Council's powers under the Sixth Schedule, but this would only have been possible with the political will to fully implement the MoS. The agreement was a reconsidered effort to revitalize the Sixth Schedule, initiated by the Union Government, fully aware that its success hinged on the political will of the State's political and bureaucratic leadership, taking into account past failures. Amidst a mix of confidence and despair, discussions focused on enhancing capacity building for development activities at all levels and decentralizing power to the grassroots within specified timelines.

5.3 DECENTRALISATION OF K.A.AC's AUTONOMY

While acknowledging that since 1992 there hasn't been a significant infusion of funding at the grassroots due to the absence of the Pachayati raj system in the Sixth Schedule areas, it is the consensus opinion at the talks that the prosperity of the region will largely depend on equitable distribution of resources at all levels of society. As has already been mentioned, the neighbouring tribal States of Nagaland, Mizoram, and Meghalaya have benefited from the special provision made in Clause (4) (a) of Article 243-M, allowing them to establish their own administrative infrastructure for consistent fund flow into the grassroots and not lagging behind the other States of the Country in development opportunities, whereas Karbi Anglong and Dima Hasao have been unnecessarily isolated and deprived.

The MoS proposed amending the Sixth Schedule to create a comparable administrative framework for monetizing the grassroots sector in order to address this anomaly. In accordance with clause 6.2 of the MoS, "appropriate amendments will be proposed in the provisions of the 6th Schedule of the Constitution to facilitate and ensure devolution of administrative powers and stimulate development activities at the grassroots level by constituting village level local governance units". Gramme Sabhas/Village Councils, for instance. Furthermore, Clause 6.7 states that "The Government of Assam should appoint an independent body similar to the State Finance Commission to suggest the establishment of a proper foundation for budget allocations and the distribution of tax proceeds between the State and institutions included in the Sixth Schedule, such as the KAATC. The governments of India and Assam will take the required actions to change the constitution and other pertinent legal and procedural frameworks. According to Article 280 of the Constitution, it was anticipated that these two provisions would eventually connect the institutions listed in the sixth schedule with the Finance Commission of India, ensuring funding for village councils as well as resolving the non-plan deficit problems the KAAC has faced for years. This provision has now been incorporated into the 125 Constitutional Amendment, 2019 where it has been proposed to amend Article 280 to include the Sixth Schedule Councils. However, for the KAAC and NCHAC this provision is currently in place, while it may not be necessary for the Sixth Schedule Councils under the tribal states of Mizoram and Meghalaya as they already have a system in place to infuse resources directly to the village level under grants from the Finance Commission of India. The proposed transfer of power, functions, and resources from the State Government to the Village Councils through the Autonomous Councils, now to be called "Territorial Councils," will be similar to the transfer of power, functions, and resources from the State Government to the Pachayats in the plain districts, with the exception that the Village Councils' composition and constitution would be largely traditional in form and character with the introduction of electoral systems. but also on the democratic tenet that no one who has not been elected should be permitted to manage public funds since all funds spent must be justified to the public. The issue of walking a tight rope enters the picture at this point. Traditional tribal institutions, particularly in the Scheduled Areas and the Sixth Schedule Areas, have become concerned that the system will render the tribal institutions obsolete and eventually be eradicated since the time, that is, in the early 1990s, the Panchayati raj was sought to be introduced in the administrative system at the grassroots level. The tribal civilization would eventually be overrun by the non-tribal population and culture

of the plain districts, who would have free reign within it. Tribal elders adopted an active stance against the Pachayati raj system in the hills because of their fear and concern because even mentioning it could be considered sacrilegious. Therefore, it is crucial to maintain the traditional tribal institution, but with a necessary modification to include the electoral system for some positions within the traditional system in order to validate the traditional village councils' eligibility to receive funding from the Finance Commission of India under Article 280. The tribal leadership's decision to deny its people the crucial funding for development under the flimsy justification of maintaining culture and custom will be immoral as well as unwise. On the one hand they would shamelessly queue up on the verandas of ruling party leaders at Dispur to be given the chance to bend as low as possible hankering for Panchayati raj posts like VDC Chairman, Municipality Chairman and members under the Autonomous Council's Panchayat and Rural Development Department (P&RD) where the funds come under the 73rd and 74th Amendments and the Panchayati raj system has been in vogue since many years to spend the funds allocated to 'Block Panchayats' or 'Municipal Boards' provided by the State Government under the Finance Commission awards to the State's Panchayats and Municipalities every year. Even though their system is the textbook example of Panchayati raj, they have no problem having the Gramme Sabha every year to submit plans for their communities. On the other hand, these same people, while in the hills appeasing the traditional leaders and enthusiasts, shout from the rooftops about how terrible the system is and how they firmly believe in its institutions, completely unaware that by doing so they have profited financially while also fooling the backward tribal villagers into prolonging their poverty. To ensure that the traditional institutions benefit from the funds provided by the Finance Commission and prosper rather than just survive, the district councils must step in with creative solutions.

5.4 STRENGTHENING THE CAPACITY FOR THE PROGRESS

In order to speed up development in the two hill regions, a variety of measures have been recommended to strengthen the district council's authority and reorganise the administrative structure. In the beginning, Clause 7.1 of the MoS stipulates that all actions of departments that fall under their purview must be included in the planning and budgeting process for all of the Council's subjects within the general framework of State/National priorities. Clause 2.7 has

stipulated that "Development functions and functionaries in respect of transferred subjects shall also be transferred to the KAATC" in order to accomplish this. This step acknowledges that it will not be feasible to "cover all activities of departments under their charge" unless all functions and officials are brought under the control of the Council, in accordance with the observations given by the Expert Committee on Sixth Schedule. Clause 2.6 provides for the transfer to the Council of the following departments and functions and their entry into the list under Paragraph 3A of the Sixth Schedule so as to empower the Council with legislative and executive powers in respect of 40 subjects. The Constitution will need to be appropriately amended, as would the applicable laws, in order to transfer all of these subjects and functions with legislative and executive authority. Because the Government did not proceed with the reform of the appropriate rules to accommodate the changes, the transfer of Sales Tax, Excise, and Transport in the MoU of 1995 did not go well. But this time, the MoS stipulated in Clause 6.1 that the Government of India proceed with the necessary Constitutional modifications. Additionally, the same clause states that "Appropriate amendments and delegation of powers under various relevant acts to enable the Council to exercise its responsibilities will also be taken by the State Government and where necessary by the Government of India". The majority of the subjects covered by this memorandum fall under the executive authority of the Council under the provisions of Paragraph 6 (2) of the Sixth Schedule, but their inclusion in Paragraph 3A of the Sixth Schedule is significant because it gives the Council the option of passing new laws on the subject matter or using Paragraph 12 of the Sixth Schedule to enact laws that already exist in the country. The future fate of the tribal people could necessitate special attention being given to a few subjects. The first one relates to the problem of job and trade snatching, which frequently culminates in land grabbing and, as a result, results in the reality of a change in demography. This is the attitude that fuels dissatisfaction and frequently results in protests, unrest, and ultimately demands for political separation. In Karbi Anglong, immigration typically starts with the unauthorised admission of labourers who arrive for construction, industrial, or tea garden workers who, after a few years, acquire vacant land and begin farming or trade. The process continues as they eventually make their way onto the voter list and start to have an impact on how politics are conducted in the hills. It has now reached the point when the political climate of the migrants has a significant impact on the outcome of any election. However, now that "Labour and Employment" is a matter of legislative concern for the Council, appropriate regulations that can stop new immigration and maintain the demographic balance that is essential

for the socio-political future of the indigenous people of Karbi Anglong can be made.

The indigenous community's assertion of 'sovereign right' over their ancestral land has become the second contentious issue. Any tribal guy will become enraged if his claim to the land is questioned since it is a very sentimental subject. By extension, the Council authority thinks that land belongs to the "Karbi Anglong Autonomous Council" and that it is the Council's legal obligation to protect the land, including by using evictions, if necessary. The "District Council" has only the authority to pass laws on issues that are clearly specified in the Sixth Schedule, in this case, "the allotment, occupation, use, or the setting apart" of land, according to the Court, who held that the District Council is not permitted to pass laws on any other issues. Any additional actions, including the transfer of land or evictions, have been declined by the Court. Since the ASDC-Government negotiations, the movement's leaders have been attempting to resolve this problem by having the subject mentioned in Entry 18 of List II of the Seventh Schedule transferred to the Sixth Schedule in accordance with Paragraph 3A. This would close enough the legal gap regarding the "sovereign right" over land. The ASDC negotiation was successful in moving the subject of "Alienation of land" from the aforementioned Entry 18 to paragraph 3A, enabling the Council to adopt "land transfer" laws, although the "sovereign right" to land has remained with the State. It was strongly stated during discussions between the UPDS Team with the Government of India's Interlocutor P.C. Halder that the future safety and security of the "native tribal people" of "Karbi Anglong and North Cachar Hills" depended on their capacity to defend their ancestral land from the onslaught of outsiders using legal means with constitutional authorization. It is important to keep in mind that dispute over land utilisation has been the primary cause of the majority of attacks against the migrant community. To his credit, Mr. Halder used his skillful bargaining to assist in resolving the issue with the Government. He seems to have thoroughly comprehended the uneasiness and concern of the tribal people. As a result, "Land & Revenue, Land Reforms" was included in the MoS's 2011 plan to modify the Constitution. The explanatory language used in the aforementioned Entry 18 on the term "land," including phrases like that is to say, "rights in or over land", "land tenures including the relation of landlord and tenant", and the "collection of rents" was not used by the government. What rights the autonomous council may assert regarding matters related to "in or over" land, will the autonomous council now make tenancy laws, etc., will all have to be interpreted through a judicial review. How much the district council's claim on the issue of

the "sovereign right" over land is affected by the exclusion of these explanatory words from the Constitution will have to be determined. But twelve years later, the process of implementing every clause of the MoS is still in progress, and the people of Karbi Anglong are still waiting for the 125th Constitutional Amendment, 2019, to be passed, which will incorporate the majority of the peace agreement's provisions.

5.5 FINAL TALKS OF 2021 WITH THE FIVE KARBI INSURGENCY GROUPS

It has already been mentioned that a significant portion of the UPDS leadership chose not to participate in the peace negotiations with the Government, primarily due to disagreements within the leadership ranks. Most of them had doubts about how these negotiations would turn out, but a few leaders who were already under government captivity were the ones who pushed the peace process forward. It followed that there would eventually be a split inside the organisation, with the government agencies winning out. The people still at large resumed their armed movement, and the agents provocateurs were successful in provoking a number of bloody inter-tribal clashes that created situational unpredictability throughout the entire hill region.

The government was unable to persuade the so-called anti-talk portion to join the peace process alongside their comrades, and they renamed their group the Karbi Longri National Liberation Front (KLNLF). Before the MoS with the UPDS was signed, the government agencies did make a last-ditch attempt to bring them on board, but they resisted. A news item had been published in the "Arleng Daily" on August 30, 2011 (Tuesday), which stated that on August 29, a delegation from the KLNLF met with Assam Chief Minister Tarun Gogoi, led by Thong Teron, General Secretary, and Rijak Dera, Publicity Secretary, and claimed that Mr. Shambhu Singh, Joint Secretary (NE), had threatened them and urged them to accept the decision to give "more power" to the district council at Guwahati on the 12th August, 2011. According to reports, the group urged the Chief Minister to refrain from advocating "more power" as a solution. The government chose to proceed with the signing of the MoS with the UPDS without the participation of the KLNLF after the Chief Minister reportedly pledged to ask P.C. Halder to speak with them. When the agreement with the UPDS was finalised, the KLNLF also entered into a Suspension of Operation (SoO) with the Government and efforts to hold peace talks with them started in earnest. Due to the

KLNLF leadership's insistence on the application of Article 244 (A) of the Indian Constitution, the negotiations dragged on ineffectively for a number of years. The Government, on the other hand, persisted in their insistence that any solution to their issue had to fall within the purview of the Sixth Schedule. As the deadlock persisted, the political situation reached a point where the KLNLF could no longer maintain its position as the leading militant group because some of its members defected to found their own organisation, the Karbi People's Liberation Tigers (KPLT), which eventually split into three groups, relegating themselves to insignificant positions. On the other hand, the government was confronted with a new uprising by ex-UPDS militants who were angry at the government's failure to better their life in any way while the MoS with them remained unfulfilled. They gave their new group the name United People's Liberation Army (UPLA), which catapulted into the public eye after they successfully kidnapped and then killed the superintendent of police for the Hamren Police District. While everything keeps going on, Mr. Songbijit, a Karbi man who was the former commander-in-chief of the feared Bodo Liberation Tigers (BLT), is still hiding out in the Burmese bush with the Bodo militant group. He founded the People's Democratic Council of Karbi Longri (PDCK), a separate Karbi militant organisation, which at first caused commotion in Assamese political circles and further diminished the importance of the KLNLF negotiations. In light of these facts, the Government made the decision to maintain the conditional talks with the KLNLF leadership while controlling the operations of the numerous Karbi militant groups' split off factions. The terms for the Government's negotiations with the KLNLF were as follows: first, pre-conversations arm surrender; second, talks exclusively within the parameters of the Sixth Schedule; and third, no participation by any representative of the civil society organisation. The third requirement was important because, as in the case of the UPDS Talks, the involvement of civil society would eventually involve the general public, which could make it more difficult to coerce the settlement process if and when it becomes necessary. It was left to the KLNLF leadership to take the initial action, which they did by presenting a memorandum to the Government Interlocutor Mr. Dineshwar Sarma at Guwahati on the 26th September, 2017. The Government's "take it or leave it" attitude prolonged the impasse. The memorandum stated that the failure of the agreements with the ASDC and the UPDS to "establish lasting peace due to their lack of reach on key issues and also the lack of sincerity and commitment in the implementation of the clauses of the agreements". The memorandum went on to suggest that while the KLNLF was putting forth their main demand of "Hemprek Kangthim," or "full-fledged statehood," for the

Karbis and the Dimasas, they were prepared to enter into an interim agreement with the government under the current conditions in order to restore long-lasting peace in the Assamese hill regions. Some of the key issues mentioned in the memorandum were — (1) The issue of dilution of the power of the autonomous council, (2) The issue of political marginalization of the indigenous people due to influx, the solution of which could be found in the review of the electoral roll of the Council election and legalizing 100% reservation of seats for the hill tribes in the KAAC, (3) The issue of discriminatory per capita fund allocation, as compared to the other tribal areas of the North-east, and (4) The issue of ending mandatory State interference through Article 163 of the Constitution in the affairs of the Council which may be achieved by mandating the Council's direct access to the Governor. In fact, the central issue raised has been the marginalisation of the indigenous tribal people in the hills as a result of various factors such as influx, political under-representation in the Assembly, and economic backwardness. This has been the case from the time of the ASDC negotiation until the current one. During the UPDS-Government talks, there was also discussion of a subject of reserving seats for tribal people in the council election, which is considered as a workable solution to the marginalisation problem. With the necessity to maintain and preserve the rights and privileges of the backward tribal people who are protected by the Constitution under the Sixth Schedule, on the one hand, and the need to protect and preserve the rights of all Indian nationals, on the other, the issue seems unsolvable. It is legally argued that because the district council area is referred to as a "tribal area" in Paragraph 20 of the Sixth Schedule, the privileges offered by the district council are also intended to protect and advance the tribal community. According to this reasoning, non-tribal individuals do not have the right to be listed on the electoral roll or run for office in council elections, and by extension, it is not necessary to make any provisions for the reservation of seats. It is even possible to go so far as to say that for this very reason, the Constituent Assembly, who drafted the Constitution, did not deem it necessary to reserve seats in the district council elections, despite the fact that in elections for the State Assembly and the Parliament, seats from these regions are reserved for the Scheduled Tribe (Hills). However, this principle is not a substitute for an Indian citizen's fundamental rights as provided by the Indian Constitution, particularly their freedom of movement and their freedom of speech and expression. The freedom of speech and expression is a fundamental right, and it includes the ability to vote and participate in elections. There was a sizable concentration of non-tribal inhabitants in certain areas at the time Mikir Hills was formed. This is why Janardhan Pathak

and Horimol Borah, two non-tribal individuals who served on the Mikir Hills District Council's inaugural district council, were elected as members. This collection of rights enjoyed by individuals had to be taken into account by the Sixth Schedule as part of the Indian Constitution. Therefore, it was necessary for those who created the regulations governing district council administration, specifically The Assam Autonomous Districts (Constitution of District Councils) "Rules, 1951", to distinguish between two categories of non-tribal people, namely those who may and may not vote in district council elections. This allowed for the creation of a separate electoral roll for the district council election. The "permanently resident" individuals have the right to vote and participate in elections, whereas individuals who are residing in the district "merely by the reason that he has resided there in connection with his "civil or military service" or "in exercise of any profession or calling may not"⁶¹. If a person has not attained the status of "permanent resident," they fall under the latter category and are not allowed to vote or take part in elections. This group includes government employees, traders, workers in tea gardens or other industries, professionals like thela wala (cart-pullers), khutiwala (grazers), barbers and others. This concept also applies to agriculturalists or professionals living on government property such as departmental land, railway property, forest reserves, or grazing land since they do not qualify as "ordinarily residents". However, it is a major cause of concern as Census data shows a dangerous decline in the tribal percentage of the district's population, from 75% to 51% over a forty-year period, and the marginalisation experience is legitimate. It is also reasonable to worry that the "electoral roll" for the "district council" may contain the names of the majority of those who are not eligible to vote or participate in the election. The electoral roll in question should be carefully reviewed to eliminate any individuals who are not legitimately eligible to vote. However, over the years, many businesspeople, professionals, and unauthorized immigrants have acquired the status of "permanent residents" and are now not only eligible to vote but also qualified to run for office. This category continues to expand every twelve years. The preservation of tribal autonomy in the Sixth Schedule area is currently at a crucial stage and cannot be resolved by denying fundamental rights to non-tribal "permanent residents," as it is neither constitutionally nor legally permissible. Instead, a constitutionally relevant option is to reserve seats for tribal people, considering that it is an "autonomous district" area designed to be free from any form of government except that of the State. The "tribal-majority" states of "Meghalaya", "Mizoram", and "Nagaland" have utilized this

⁶¹ Rule 128 , The Assam Autonomous Districts (Constitution of district councils)Rules, 1951

method of constitutional protection to prevent potential political marginalization. The tribal residents of Karbi Anglong and the North Cachar Hills may also choose this option for their long-term security. However, this choice was not included in the Memorandum of Settlement (MoS) with the UPDS, primarily due to concerns from a segment of the educated group who believed that incorporating reservation in the Council election would "dilute" the autonomy of the Sixth Schedule. They advocated for an explicit prohibition on non-tribal individuals running for office. However, it is legally impossible to allocate all district council seats exclusively for hill tribes, as evidenced by the outcome of multiple elections.

The confusion surrounding eligibility to run for office was clarified by the Second Administrative Reforms Commission (ARC) in 2009, stating that all residents over the age of 25 in the relevant "Council area" are eligible. The State Government, rather than the State Election Commission, oversees elections⁶². Disenfranchising "permanently resident" non-tribal individuals would violate their fundamental rights, and implementing an Inner Line Permit (ILP) system to restrict entry for non-tribal Indian citizens is impractical due to the porous border and multiple points of access in a region like Karbi Anglong. To safeguard the political future of the Karbis and other hill tribes, the KLNLF has called for constitutional reform, proposing 100% reservation of seats for tribal people in the Council election. While the KLNLF's stance is commendable, it's important to note that even tribal states like Meghalaya, Nagaland, and Mizoram don't have 100% reservation for STs in their Assemblies. Meghalaya, for example, has five open seats to recognize the rights of "permanently resident" non-tribal citizens. Therefore, for the voters who are "permanently residents" to participate in the Council election, the tribal people of Karbi Anglong and Dima Hasao may also need to allocate some seats as "open seats." The number of such seats must be determined in a fair and just manner. On September 4, 2021, in New Delhi, a Memorandum of Understanding (MoU) known as MOS II was signed in the presence of Union Home Minister Shri Amit Shah, Assam Chief Minister Dr. Himanta Biswa Sharma, and Chief Executive Member of KAAC, Dr. Tuliram Ronghang, concluding negotiations with six militant groups—the KLNLF, UPLA, PDCK, and three factions of the KPLT. As per clause 2.3, 10 seats were left as "open category seats," while seats in 34 out of the 44 elected seats were intended to be reserved for STs in the hills. However, there has been widespread opposition to the plan of keeping 10 seats in the

⁶² Second administrative reforms commission, Fifteen report (2009, pp-223)

Open Category since it may not align with the goal of safeguarding the political future of indigenous people. Preserving the "Jati, Mati, Bheti" (community, land, and home) of the indigenous people is currently a prominent political objective, which is being actively pursued by Dr. Himanta Biswa Sharma himself in the matter of Constituency delimitation for the State Assembly. As part of this effort, four districts were unexpectedly merged with their parent districts. According to the 1961 Census, the Assamese, Gurkhas, Koch, and Bodos were the non-tribal communities considered "permanently resident" in Karbi Anglong, and they will be eligible to vote in the KAAC election. The Bokajan Police Station area had the highest concentration of non-tribal residents during Karbi Anglong's early years. The total population in that area was 55,495, with 43,546 belonging to Scheduled Tribes. Among the non-tribal population of 11,949, an estimated 6,920 individuals were "permanently resident" non-tribals, while 5,029 were laborers residing in tea garden areas. The 1961 Census listed 15 tea gardens in the region.

The Memorandum of Settlement (MoS) preamble emphasizes the need to preserve and protect the Karbi language and identity while maintaining the territorial and administrative integrity of Assam. The MoS calls for increased devolution of power within the Karbi Anglong Autonomous Council (KAAC) system.

Assam Chief Minister Dr. Himanta Biswa Sarma highlighted the significance of the MoS, stating, "The Constitution's Sixth Schedule covers a substantial part of the Northeast, yet there is no reservation mechanism in place. The Karbis and Scheduled Tribe people will have reservations in KAAC for the first time."

On April 1, 1996, the Karbi Anglong Autonomous District Council was replaced by KAAC (Karbi Anglong Autonomous Council) following an agreement signed by Hiteswar Saikia, the then-chief minister of Assam, and various organizations including the Autonomous State Demand Committee (ASDC), Karbi Students Association (KSA), North Cachar Hills Students Federation, and All Dimasa Students Association. This agreement also allowed the North Cachar Hills District Council to change its name to the North Cachar Hills Autonomous District Council. Subsequently, with the passage of the Constitution (125th Amendment) Bill in 2019, KAAC will be referred to as KAATC (Karbi Anglong Autonomous Territorial Council).

Act, 1953, the Karbi Anglong District (Transfer of Land) Act, 1959, the Karbi Anglong District (Jhuming) Regulation, 1954, the Karbi Anglong Grazing Regulation Act, 1954, the Karbi Anglong District (Trading by Non-tribals) Regulation Act, 1953, the Karbi Anglong Carts, Cycles and Boats (Taxation) Act, 1954, the Karbi Anglong District (Money lending by Non-tribal) Regulation Act, 1953, the Karbi Anglong District (Miscellaneous Taxes and Tolls) Regulation Act, 1983, the Karbi Anglong District (Professional, Trades, Callings and Employment Taxation) Regulation Act, 1983, the Karbi Anglong District (Control and Taxation of Khuties and Khutiwallas) Regulation Act, 1983, and other related acts and rules. The 101st Constitutional Amendment in 2016 further modified the Sixth Schedule by including "taxes on entertainment and amusement," allowing the KAAC to regulate and collect revenue in this area as well.

However, it is evident that the council is not fully utilizing its powers and assets to maximize revenue collection, considering the existing rules and regulations for tax collection and the types of taxes it is authorized to levy under the Sixth Schedule. The revenue generated through these laws is primarily intended to cover the costs associated with specific matters and is insufficient to meet the overall non-plan requirements of the expanded powers of the Karbi Anglong Autonomous Council. Therefore, additional funding sources are necessary to adequately meet the council's financial needs.

To address this issue, there have been discussions on granting the autonomous council the authority to oversee sales tax, excise, and transport, with the aim of increasing revenue. The decision to grant the autonomous council additional revenue-raising powers was included in the 1995 Memorandum of Understanding (MoU) and subsequent actions taken in accordance with the accord. The implications of this decision were discussed and evaluated during negotiations with the government, particularly in the context of discussions with the ASDC (Autonomous State Demand Committee). However, the revenue generated from these sources was never deposited into the council's accounts due to the lack of appropriate amendments to the regulations governing these duties. Instead, all these revenue streams were incorporated into the Goods and Services Tax (GST) regime through the 101st Constitutional Amendment of 2016⁶³.

⁶³ The Constitution (one hundredth and first) Amendment Act, 2016 (part II, para-16)

As a consequence, the KAAC (Karbi Anglong Autonomous Council) has not received its share of the State GST or any compensation for the loss of this significant revenue source. Resolving this specific issue falls under the responsibility of the GST Member from Assam, as the KAAC is not a member of the GST Council. The foundational articles of the Sixth Schedule, Article 244(2) and Article 275(1) of the Constitution, mandate that the autonomous council must receive funding each year, particularly under Article 275(1)(b). According to this provision, the State Government is authorized to implement development plans aimed at bringing the level of administration in the autonomous council area on par with the rest of the state, with the expenses borne by the Union Government.

However, the state has not made significant efforts to develop plans utilizing this funding source to improve the level of administration within the autonomous council. Over the past 15 years, the State Government has not allocated any funds to the KAAC under Article 275(1), indicating a lack of concern for the financial stability of the autonomous council. As a result, the primary source of income for the council has been the revenue generated from forest resources. The primary economic activity that was beneficial to the autonomous council in terms of revenue realisation and a significant employer in the past was timber logging. Since the country's logging of timber was outlawed by the Hon'ble Supreme Court, this has now become barren. The Hon'ble Supreme Court's directive was simply carried out by the Government; nevertheless, nothing was done to make up for the revenue loss suffered by the autonomous council. Sand, stone, and clay have always been regarded as forest products, and the independent council used to receive sizable royalties from them. But in 2013, the Government of Assam classified them as Minor Minerals, depriving the autonomous council of the executive authority over the operation and sale of these necessary building materials because Minor Minerals do not fall under the autonomous council's purview. This was accomplished by the enactment of the Assam Minor Mineral Concession Rules, 2013. As a result, the autonomy of the autonomous council depends on the administrative fees it pays to the State Government to carry out the Plan schemes of the transferred department. As agreed upon by the autonomous council and the State Government, the latter would pay the former a set sum as administrative costs. The Office Memorandum (Vide OM No. HAD/ 218/77/155, dated the 14th November 1979, Clause (a) (ii)) on the subject of administrative charges states that

the State Government will pay to the District Councils as an administrative charge a fixed amount for covering the costs incurred by the District Councils for carrying out the entrusted functions. The State Government will determine the exact amount separately for each of the District Councils based on the actual costs incurred by the two District Councils for the past five years, split down by year, in carrying out the mandated duties. Additionally, the District Council is prohibited from creating any new positions whose salaries are subject to reimbursement from administrative fees paid by the government without its previous consent. This implies that administrative expenses can only be used for tasks directly relevant to carrying out the plans of the transferred department at the secretariat of the district council and for field monitoring tasks. The cost of the autonomous council's other operations that are unrelated to managing the transferred duties won't be covered by the administrative fees. Following 2010, the first payment was made in 2011–2012 for a total of 12 crore rupees, and it was repeated in 2013–2014 with a payment release of 24 crore rupees. Following that, the State Government delayed making payments for a number of years until CEM Mr. Tuliram Ronghang decided to direct the amount to be realised from the entire Plan fund made available by the Government starting with the 2019–2020 fiscal year. However, this amount hardly covers the non-plan expenses of the Council, whose monthly salary payment, including the contributions made by Council employees to their provident funds and members' pensions, is in nearby amounts of 10 crores per month or 120 crores annually. However, the annual revenue deposits vary between 28 and 35 crores, creating an annual revenue-expenditure discrepancy of almost 100 crores. The expected administrative charges recoverable at a rate of 6.5% for this year, or 2022–2023, is 24.7 Crores, which is hardly a fourth of the money needed to pay salaries. Accordingly, a close examination of the Autonomous Council's (Council Sector) budget reveals a position of significant misalignment between the revenue resources and the heavy burden of expenditure that the Council is required to bear as a result of the expansion of executive responsibilities, with a cumulative deficit in non-plan expenditures of over 700 crores over the last 10 years. This situation is unsustainable, and immediate action is needed to guarantee the financial security of the Council staff since without their help, the autonomous council would be unable to fulfil its duties. This calls for a reevaluation of the amount of administrative charges and streamlining the methodology for calculating the quantum, which according to the said OM should be based on the actual expenditure, year-by-year, incurred in the last five years and not on the flat percentage the autonomous council is currently charging, in which case the autonomous council is

at a loss. The Centre advances significant sums as "non-plan revenue deficit grant" under the Finance Commission of India, particularly towards the hill States of Mizoram, Nagaland, and Meghalaya to help them tide over their non-plan deficits. However, it must be noted that non-plan expenditure deficit is the hallmark of the financial health of every government in the North-East. In its memorandum to the 13th Finance Commission, the Government of Assam had noted that these States had received nonplan revenue deficit grants under the 12th Finance Commission award of Rs. 1796.86 crore (Meghalaya), Rs. 5536.50 crore (Nagaland), and Rs. 2977.79 crore (Mizoram), as opposed to only Rs. 305.67 crore for the entire State of Assam. The Karbi Anglong and North Cachar Hills were considered to be "backward tracts," "the Excluded and Partially Excluded Areas," and "autonomous districts" along with the regions of Meghalaya, Nagaland, and Mizoram, or, to put it another way, "siblings in colonial and post-colonial history" of the North-East. This unfair trend has continued with each Finance Commission award. Karbi Anglong and North Cachar Hills, however, are easily ignored when it comes to privileges and funding. During the UPDS-Government Talks, when Mr. Elwin Teron informed the Government's Interlocutor of this fact, he responded, "They are States and you are not," without batting an eye.

CHAPTER 7:- SUGGESTIONS AND CONCLUSION

Every alteration to the Karbi Anglong Autonomous Council's autonomy is a reaction to political crises the State of Assam has experienced. In order to facilitate the transfer of the State's executive functions to the district council, Paragraph 6 of the Sixth Schedule was changed in order to appease Karbi Anglong amid the political crises that called for the reorganisation of the State. However, when the transfer was actually made, the State kept its significant sources of funds as well as the fundamental components of autonomy, such as the ability to advise the governor and pass laws. The rearview mirror will show that the Karbi Anglong District Council considered expanding the legislative and executive Competence of the district council up to 49 items from the State subjects and 4 from the concurrent subjects in addition to the original subjects in Paragraph 1 when it adopted the Mehta Committee recommendations, which more or less echoed the Congress idea⁶⁴ contained in the APCC's "Administrative Set up of the Hill Areas of Assam" (August 21, 1967). The Sixth Schedule of the Constitution would need to be amended, which was not pursued, in order to transfer the legislative powers of the State to the district council. As already mentioned in the preceding Chapters, the Assam Reorganisation Act of 1969 amended the Sixth Schedule, and it appears that this was done without consulting the district councils, who were inclined to rely on the Schedule's empowerment. As a result, certain portions of the Schedule were changed to limit the autonomy of the district council. Instead, as stated in the provision of Sub-para (2) of Paragraph 6 of the Sixth Schedule, which was placed therein by the Constitutional amendment of 1969, the executive functions of the district councils were strengthened. This delegation of executive authority over State matters is accomplished through the executive instrument known as an Office Memorandum (OM), which the State Government may amend, expand, supersede, or withdraw whenever it deems it necessary. However, in district council corridors, these subjects are referred to as "transferred subjects". The transfer of 30 departments, including the legislative authority over 15 subjects, and its inclusion as Paragraph 3A of the Sixth Schedule took place when the situational pressure from the ASDC-led mass movement forced the government to agree to a peace accord with them. But once more, the MoU did not include the fundamental components of autonomy. While it may be acknowledged that the operative portion of Article 163, which deals with the State Cabinet's aiding and advising the Governor, has been modified in relation to the

⁶⁴ V.V Rao, A century of tribal politics in North-East India (pp-427)

KAAC's legislative authority by requiring the Governor to exercise his discretion under paragraph 20BA (a key component of the MoU of 1995), the State Government has skillfully resisted the change by keeping the requirement that the Governor receive advice before exercising his discretion. With this ability to thwart any legislative initiative from the KAAC, the State Government may continue to display its political conceit, making a farce of the Governor's "discretionary power" that was "secured by the ASDC movement." The State Government's advice to the Governor on nine significant legislative bills, including ones on "and alienation regulation, village development council rules, election rules, and council business conduct rules", has been pending for at least three years as of the time this dissertation was written. The Government's failure to appropriately provide the relevant regulatory laws has also hindered attempts to increase the Council's revenue base by including the functions of Sales Tax, Excise, and Transport. It will be futile now to predict the fate of the MoS-I of 2011 signed by the Government with the armed insurgent group of UPDS and the MoS-II of 2021 signed with another six armed-insurgent groups, namely, KLNLF, UPLA, PDCK and three factions of KPLT which the Government is still dilly-dallying the passage of the 125 Constitution (Amendment) Bill, 2019 which encapsulated most of the major features of the two MoS. This specific Bill intends to give the KAAC legislative authority over 30 new subjects and a number of other changes, such as reserving seats in district councils and expanding the number of council members under Article 280 etc. It is still questionable how well the measure will function to increase the KAAC's power and autonomy without compromising the autonomy's fundamental components.

An agreement is only as good as how well it is implemented, therefore whenever the government doesn't follow through on its promises, people will inevitably start to doubt the feasibility of the "largest autonomy within the framework of Assam" plan, and the idea of separation will resurface in their thoughts. The commitment to transfer 60 State functions to the KAAC with legislative authority has been made at various points in time since the proposal of transfer of power first emerged with the Ashoka Mehta Committee recommendation, but to manage them only one taxable item, namely "Taxation on Entertainment and Amusement," has been added to the Sixth Schedule. A word needs to be said regarding the Centrally Sponsored Scheme (CSS) projects that are now being implemented. These projects continue to experience a myriad of procedural problems that result in unavoidable cost increases and the issue of money release is still a major

pain in the neck. The Department of Transformation and Planning's excessively delayed coordination with other departments, especially the Hill Area Department, and its collaboration with them, are the problems. The second issue is the State Government's delay in releasing the funds to the autonomous council even after the funds have been released by the Centre until they are reflected in the State budget, which typically happens in the following fiscal year. This causes the funds to remain with the State Government because they will only be reflected in the State's subsequent budget, which will drive up costs. The submission of Utilisation Certificates (UC), which is done by the Commissioner of HAD who has no direct role in the administration of the plan because it is the autonomous local authority who executes them, is the third area that has to be simplified. This method drives the project towards greater cost inflation by delaying the release of the second installment. According to the Commission for the Sixth Schedule region, the Principal Secretary of the autonomous council is the proper entity to file the UC. However, there are also real concerns among young people that need to be addressed without any hesitation. One is that the KAAC still lacks openness in the procedures used to choose candidates for open positions in the government, as well as in the awarding of contracts and commercial rights. The worry among young people that obtaining government employment and enterprises without funding and political support are unattainable goals that may not be baseless must be allayed by concrete proof of good will. The failure of previous governments to protect local tribal entrepreneurs' access to open business spaces and to limit non-tribal population entry into political spaces like the district council voters' list have been significant sources of worry for the hill people that have not yet been resolved. A political uproar has now been created over the allocation of 10 seats to be kept as "Open category seats" in the KAAC election, which has been dubbed by civil and political leaders in the hills as "State-sponsored invasion" of non-tribal people into the political space of the tribal people. This is due to the proposed introduction of seat reservations for tribal candidates. The 1951 and 1961 census results, which would have provided a clearer evaluation of the number and location of the presence of indigenous non-tribal people in the autonomous council territories, appear to have not been given any thought by the government when coming up with this estimate. Unless significant efforts are taken to get rid of them, these fears will continue to exist.

After all is said and done, it is pointless to think that the Plan of "largest autonomy within the

framework of Assam" through the provisions of the Sixth Schedule will be successful because all the adjustment scope within the framework of Assam has been stretched beyond comfort and if more of this is done, the Sixth Schedule system will eventually burst at the seams. For example, the Government cannot increase the KAAC's financial stream, give it greater authority, or provide it the right to assist and advise the Governor without inciting the wrath and discomfort of the other district councils included in the Sixth Schedule. States with a strong tribal population, like Meghalaya or Mizoram, do not need to give their district councils additional authority than what was originally intended under the Sixth Schedule. But when district councils like Karbi Anglong and Dima Hasao are given more authority, the historical significance of the plan and the goal of their empowerment are overshadowed by the clamorous arguments and shrill demands for the enforcement of parity in the authority and functions of the district councils listed in the Sixth Schedule. The tribal states would always choose simple district councils and would reject measures to increase their strength, authority, and function. Therefore, within the framework of the Sixth Schedule, the autonomous councils of Karbi Anglong and Dima Hasao will never be granted the fundamental components of autonomy, such as unrestricted legislative competence, financial independence, and the authority to advise the Governor. States would never permit their power and authority to be sacrificed and diminished at the altar of the district councils. Looking back in time, their proper constitutional space is not Article 244(2), but rather Article 244 (A), which allows the government to fulfil the promise of "largest autonomy within the State of Assam" without having to worry about the potential consequences of the other North-East district councils listed in the Sixth Schedule. The road that Karbi Anglong and Dima Hasao travelled with Assam has been filled with slogans, guns, and painful disadvantages with promises of more agitations ever since their unceremonious discrimination from the rest of the autonomous districts during the reorganisation of Assam in 1969. Their solutions appear to have been held hostage by unfounded mistrust on the hill people's intent combined with the regrettable lack of political courage of the successive State leader.

SUGGESTIONS

The road that Karbi Anglong and Dima Hasao travelled with Assam has been filled with slogans, guns, and painful struggle with promises of more autonomy. The Autonomous Councils of Karbi Anglong and Dima Hasao was never granted the fundamental components of autonomy, such as unrestricted legislative competence, financial independence, and the authority to advise the Governor. In this regard, the following suggestions can be made-

- 1) It is evident that the autonomy of the Autonomous Councils of Karbi Anglong and Dima Hasao were not fully empower by the State government. Therefore, it is important that these Councils perform their autonomy with full spirit as per the Sixth Schedule provision to the Constitution of India. It is also very pertinent for the Governor's to act independently to act as a guardian of the Sixth Schedule while matters relating to any law passed by the Autonomous Councils 'EC' to approve his assent.
- 2) Comparison of the rules and regulations already adopted by the KAAC for the collection of taxes and revenues and the types of taxes it is permitted to levy by paragraph 8 of the Sixth Schedule reveals that the Council is still not making adequate use of the resources and powers at its disposal to increase revenue collection. However, it should be noted that the revenues that can be obtained through the laws listed are only intended to cover the costs of the inherent subjects and are insufficient to meet the actual non-plan requirements of the Karbi Anglong Autonomous Council's expanded powers at the moment. In order for it to function correctly, it requires a variety of financing sources to pay for the real costs.
- 3) A legislative bill like The Karbi Anglong Land Alienation (Transfer of Land) Bill has been on hold for years just due to this perceptual variance. The district council has been given the authority to enact laws on certain subjects with the aim of satisfying the legislative requirements of the tribe people from their perspective. If the district council were to be burdened by the non-tribal point of view, the purpose would be defeated. Therefore, the district council must be granted the constitutional authority to advise the Governor on this issue, which is hotly fought and the State government is still standing its ground.

- 4) Assam was divided to create the adjoining hill States of Nagaland, Mizoram, and Meghalaya. These former tribal districts of Assam have been receiving large amounts of central funding from the Finance Commissions and Planning Commission since becoming separate States. The State's Sixth Schedule areas have a population of 39 lakh. The State of Meghalaya, Nagaland, and Mizoram, which were separated from Assam, have, in contrast, populations of 23 lakh, 20 lakh, and 9 lakh, respectively, according to the most recent census data. Although the area and population of Assam's Sixth Schedule districts are larger than those of the aforementioned States, the plan assistance received by Assam's Sixth Schedule areas in 2005–06 (Rs. 380 crore), compared to Meghalaya's (Rs. 800 crore), Nagaland's (Rs. 685 crore), and Mizoram's (Rs. 620 crore), is significantly less. In a similar vein, these States also received non-plan revenue deficit assistance under the 12th Finance Commission award of Rs. 1796.86 crore, Rs. 5536.50 crore, and Rs. 2977.79 crore, respectively, as opposed to only Rs. 305.67 crore for the entire State of Assam. As a result of this apparent unfair treatment, the Sixth Schedule districts of Assam are developing more slowly than the other hill States. This wide disparity between the flow of central funding to the neighbouring hill States and the tribal districts of Assam need to be address so that smooth functioning of the Autonomous Councils will progress.
- 5) Though "maximum autonomy" was suggested by the Ashoka Mehta Committee in 1968, it has never been fully implemented. This serves as an illustration of how frequently the State administration reneges on its commitments to earlier agreements. The State Government has failed to amend the clauses of the Memorandum of Understanding (MoU) of 1995, particularly those relating to Sales Tax, Excise, and Transport, which required minor amendments to the rules governing the functions, preventing the district council from assuming the powers. As a result, the MoU's anticipated streamlining of the release of funds has not been addressed, and the issue of financial flow continues to be troublesome. These factors collectively show that the State government is an unreliable ally in terms of ensuring the security and prosperity. Consequently, if the hill tribes are to remain within the confines of the State of Assam, Autonomous State under special

provision of Article 244(A) of the Indian Constitution must be put into effect for the future prosperity of the Karbi people.

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