

## NORTHEAST INDIA : WHY SPECIAL PROVISION IN INDIAN CONSTITUTION?

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### Abstract

*India's northeast is a distinctive and varied region, distinguished by its extensive cultural legacy, distinctive topography, and complex socioeconomic dynamics. The historical, topographical, and sociopolitical contexts that contributed to the inclusion of particular clauses in the Indian Constitution for this region are examined in this paper. At the intersection of South Asia, Southeast Asia, and East Asia, the northeastern states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura have a strategically significant location. With many different ethnic groups and languages coexisting, their cultural variety has been influenced by their geographic significance. The complexity of inter-tribal ties, sporadic wars, and a feeling of seclusion from the rest of India have all been brought on by this diversity. Due to its difficult topography and physical limitations, the region has historically had few connections with the Indian mainland. The socio-political environment has also been affected by the legacy of British colonization, various administrative setups, and traditional tribal governing systems. Following independence, the area faced problems with insurgency, border conflicts, and inequities in development, which required special attention from the Indian government.*

**Keywords:** Northeast, India, Special Provision, Indian Constitution

### 1. INTRODUCTION

The northeast of India is a unique and diversified region that stands out for its rich cultural heritage, unique topography, and intricate socioeconomic dynamics. This essay looks at the historical, geographical, and geopolitical conditions that led to the insertion of specific provisions for this region in the Indian Constitution. The northeastern states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura have a strategically crucial location at the confluence of South Asia, Southeast Asia, and East Asia. Their geographic prominence has had an impact on the cultural diversity of the many distinct ethnic groups and languages that cohabit there. This diversity has led to complicated inter-tribal relationships, intermittent battles, and a sense of isolation from the rest of India. The region has historically had minimal ties with the Indian mainland because of its challenging topography and physical constraints. The effects of British colonialism, varied administrative

structures, and traditional tribal governing systems have also had an impact on the socio-political environment. Following independence, the region experienced insurgency issues, border disputes, and development disparities that necessitated special attention from the Indian government.



**Figure 1:** Northeast India

India is divided into a number of areas, each with a varied level of development. They are made up of several ethnic groups that speak various languages and have various cultures, customs, etc. One of India's regions is the northeast, which comprises of eight states: Assam, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, and Sikkim. Special safeguards are required preserve these states' cultural identities, historical social and political structures, and natural and economic resources. These clauses guarantee the preservation of local residents' cultural identities, traditions, and economic and political interests. Following their occupation of Assam in the 19th century, the British attempted to bring about administrative changes by passing laws such as the Inner Line Regulation of 1873, the Scheduled District Act of 1874, and the Government of India Acts of 1919 and 1935. The Special Provisions passed for Northeast India after Independence reflected these. You will read about unique provisions pertaining to Northeast India in this course. A democratic worldview is portrayed in the Indian Constitution. The Indian Constitution encourages equality and equal opportunity on the one hand, while simultaneously encouraging the upliftment of those who are not on an equal footing with the rest of the population through

reserves and other specific measures. A few Indian states are given special status by the Constitution through specific provisions. A careful examination of these unique provisions reveals the necessity for these provisions in those states, despite the initial appearance of inequality and discrimination towards other states that are not entitled to the special provisions. In order to improve the lives of those who live in these states and to put them on an equal footing with the other states, certain special provisions have been added into the Constitution.

The eight northeastern states—Arunachal Pradesh, Assam, Meghalaya, Manipur, Mizoram, Nagaland, Tripura, and Sikkim—are referred to as "7 Sisters and 1 Brother" in reference to the northeastern area of India. The native and local residents of these states constantly fight for acceptance and recognition behind the curtain of stunning natural landscape and beauty that makes them a popular tourist destination. Along with a few other Indian states, the Northeastern states are eligible for the special privileges.

## **2. REVIEW OF LITREATURE**

The book of Bakshi (1999) offers a thorough analysis of the Indian Constitution that is enhanced by the author's perceptive comments. The book is an invaluable tool for comprehending the Indian state's legal and constitutional foundation. It's probably going to be especially helpful for people looking for a thorough analysis of the constitutional clauses that apply to the Northeast region and the consequences of those clauses.

The work of Baruah (2020), which examines problems of identity, insurgency, and nation-building, delves into the complicated relationship between India and its northeastern states. The book provides a scientific analysis of the cultural, political, and historical factors that influence how the central government interacts with the local communities. The in-depth analysis provided by Baruah helps to clarify how the Northeast's problems and goals fit into the greater Indian framework.

The cornerstone text for understanding the Indian Constitution is Basu's book from 1985. It offers a wider grasp of the constitutional ideas and their ramifications for the entire country, even though it is not solely focused on the Northeast. Insights into the historical setting and legal interpretations that shaped India's constitutional development are provided in the book.

In the context of India's federal system, the concept of "Special Category States" is critically examined in Bhattacharjee's (2014) study. Although not entirely focused on the Northeast, the essay illustrates the difficulties and complications that states with special status face. The

analysis is probably going to offer pertinent perspectives on the discussions involving the unique rules for several of the northeastern states.

The study of Chaube (1999) concentrates on the politics of the Northeast Indian hill regions. It investigates the complex interactions between governance, identity, and autonomy in these fields. The book helps readers comprehend the particular difficulties encountered by hill communities and their interactions with the national government.

The depths of ethnicity, insurgency, and subnationalism in Northeast India are explored in Nag's 2002 book. It offers a thorough examination of the socio-political environment while examining the causes of conflict and the creation of subnational identities. The book aids in developing a complex grasp of the region's historical and present-day problems.

### **3. "EXCLUDED" AND "PARTIALLY EXCLUDED" AREAS**

The British policy of designating some areas of Assam, which later became hill districts of Assam, and four states — Meghalaya, Mizoram, Nagaland, and Arunachal Pradesh (Manipur and Tripura were princely states; Sikkim was an independent country) — in the post-Independence period can be linked to the origin of the special provisions for Northeast India. During the colonial era, Assam had primarily two sorts of regions: hills and plains. The British decided it would be more practical not to invest in operating the administration of this region since they discovered that the cost of administration was not offset by the revenue returns. Instead, the hills were allowed to continue operating under their old, cost-free system of government. In addition, the locals had always opposed the idea of a foreigner reigning over them. Any encroachment or suspicion of interference into their business was met with resistance and hostility. The British had an indirect jurisdiction over Assam's hill regions. The British did not alter their established structure of government. The customary rules and the mediation of clan and tribal chiefs were used to resolve disputes over land, inheritance, the forest, and other related matters. The Government of India Act, 1919 designated them as "backward areas" and described them as such. They were designated as "excluded" and "partially excluded" territories under the Government of India Act, 1935. The "excluded" and "partially excluded" areas differed in some ways. Despite being in the Assam province, the former were not represented in the Assam legislature. The Governor-in-Council was in charge of managing the "excluded areas" under his "reserved" authority. The provincial legislature had some power in the "partially excluded" areas. The British Indian courts had only limited authority in these circumstances. British aim was to intervene as little as possible

in "excluded" and "partially excluded" territories. There were in fact three such zones in Assam: in addition to the two "excluded" and "partially excluded" areas, the tribal region of Assam was the third excluded territory in which the British did not interfere. People in Northeast India were split by the British into two distinct regions: the plains and the hills. The hills were deemed to be excluded territory.

As part of the Government of India Act, 1935, several areas in British India were declared as "Excluded" and "Partially Excluded" Areas during the colonial era. These classifications have important ramifications for local population rights, administration, and governance. The classification attempted to meet the various political and socio-cultural contexts of various locations.

### **3.1 Excluded Areas in British India:**

- Excluded Areas were designated geographical areas inside British India's colonial jurisdiction where the national government purposefully withheld exercising significant legislative authority. These regions were chiefly distinguished by their predominately tribal population, which had unique customs, cultural practices, and conventional systems of government. To maintain and preserve these tribal groups' distinctive sociocultural identities and governmental structures, it was decided to designate them as Excluded Areas.
- Governance: The colonial administration had a non-interfering stance toward local governance in Excluded Areas. The authorities permitted the maintenance of regional customary laws, social values, and indigenous forms of government rather than imposing British legal and administrative institutions. With this strategy, it was hoped to preserve the native socio-cultural fabric of these tribal communities, promoting a sense of identity and self-governance.
- Administration: In comparison to other areas of British India, the presence of British officials and administrators in Excluded Areas was purposefully reduced. Local middlemen, frequently tribal chiefs or village headmen, were given administrative responsibility. Bridges were built by these middlemen between the colonial authorities and the indigenous populace. They were essential in interpreting and carrying out administrative decisions, settling conflicts, and upholding law and order in their localities.

### **3.2 Local intermediaries' Function in Excluded Areas:**

In the framework of Excluded Areas in British India, local intermediaries such as tribal leaders and village headmen played a large and diverse role. Their participation was essential in preserving both the distinctive socio-cultural fabric of these areas and the relationship between the indigenous communities and the colonial government. Here is a thorough analysis of each of their functions:

#### **3.2.1 Tribal leaders:**

- Leadership and Authority: Tribal chiefs were revered traditional figures of authority who exercised significant influence within their own tribal groups. Their roles were either inherited or determined by established customs.
- Representation: Chiefs were crucial community representatives who spoke for the people in interactions with colonial authorities. They communicated to the colonial government the worries, demands, and hopes of the tribal population.
- Chiefs were involved in settling conflicts and disagreements within their communities. Their influence contributed to keeping the peace, resolving local conflicts, and averting potential commotion.
- Making decisions: Chiefs took involved in making decisions, both locally and when working with colonial officials on issues that affected their territories.
- Cultural Preservation: Tribal leaders made a significant contribution to the general survival of the tribal way of life by safeguarding cultural customs, ceremonies, and traditions.

#### **3.2.2 Village Chiefs:**

- Local Government: Village headmen served in administrative capacities within their communities. They were in charge of daily administration, resource distribution, and upholding law and order.
- Settlement of Conflicts: Village headmen were essential in settling disputes and conflicts among neighbors. Their choices contributed to preserving social harmony and unity.
- Community Representation: When negotiating with higher administrative levels, headmen spoke for their villages' interests. They made sure that their communities' needs were effectively communicated.
- Resource management: To ensure their equitable distribution and long-term use, headmen were involved in managing local resources including land and water.

- Coordination: Headmen promoted collaboration and cohesion among larger communities by facilitating coordination between nearby villages and tribes

### 3.2.3 Interaction:

- Cultural and Linguistic Bridges: Local intermediaries provided as a link between the tribal tribes and the colonial authorities who might not have been familiar with these nuances, as they frequently spoke the local languages and understood them.
- Facilitating Communication: Middlemen promoted dialogue between indigenous groups and the colonial government. They assisted in translating issues, demands, and choices, facilitating more efficient interactions.
- Communicating Policies: In order to teach the local populace about colonial policies, rules, and projects, intermediaries were extremely important. They contributed to making sure communities were informed about changes that might affect them.

## 4. SPECIAL PROVISIONS

The Internal Line Grant Rules, Articles 371 A-371 C, and Article 371F-371 H, as well as the VI Timetable of Indian Constitutions (Article 244), give special provisions to Northeast India. These novel conditions incorporate themes including legacy, ranger service, question goal, standard regulation, and the sky is the limit from there.

### 4.1 The VI Schedule

As you read in unit 4, the Constituent Gathering of India perceived the need to lay out an unmistakable regulatory structure for protecting the privileges and characters of the Assamese ancestral populace, which later led to four states.

Such a system was remembered for the Constitution's VI Timetable by the Constituent Get together. The Indian Constitution's Article 244 (2) addresses the VI Timetable. The administration of ancestral regions in the provinces of Assam, Meghalaya, Mizoram, and Tripura is given special thought. There are ten of these spots. There are three such regions in every one of these states. Assam has three regions: the Bodoland Territorial Autonomous District (BTAD) Area, the Karbi-Anglong Locale, and the North Cachar Slopes Region (Dimal Haolang). The Khasi Slopes Region, the Jaintia Slopes Locale, and the Garo Slopes Region are the three regions in Meghalaya. The Chakma Region, Mara Locale, and Lai Region are the three regions in Mizoram. The Tripura Ancestral Regions Areas is the main locale in Tripura. The 6th Timetable's most essential proviso expresses that the ancestral



grounds should be run as independent areas and independent districts. The Legislative leader of the State has the position to pick which domains will be assigned as managerial divisions of the Independent Locale and Independent Districts under the provisions of the 6th Timetable. The Lead representative has the power to change the name of any Independent Area or Independent Locale, as well as their regional limits and names. Various Leader, Administrative, and Legal powers are conceded to them under the 6th Timetable, giving them the opportunity to sanction regulations administering their utilization of land, the administration of their woods (beside the saved timberland), the choice of conventional bosses and headmen, the legacy of property, marriage, social traditions, tax assessment, and so on. In unit 6, you will learn about independent locales and independent region boards.

Different pieces of India, outside Northeast India, have changing rates of the ancestral populace. What's more, though puts having a sizable ancestral populace are alluded to as "ancestral regions" in Northeast India, those where ancestral individuals reside are alluded to as booked zones. The "Planned regions" are covered by the V Timetable, very much like the "ancestral regions" covered by the VI Timetable. Without modifying the Constitution, the Parliament has the power to change things through customary regulation. The Fifth Timetable's provisions require the foundation of Clans Warning Gatherings, and the 6th Timetable requires the foundation of Independent Locale Boards or Territorial Committees as institutional structures for the administration of their separate districts. Ancestral Warning Boards are made by the State Assembly and fall under the Fifth Timetable, while Locale or Provincial Chambers are made under the 6th Timetable and get all of their power from the Constitution.

The provinces of Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Jharkhand, Maharashtra, Odisha, and Rajasthan contain "The Booked Region" districts.

#### **4.2 Inner Line Permit**

The Inward Line Guideline's provision denies untouchables from entering determined places past the Internal Line without the assent of the express that has ward over such regions. Its will likely protect these districts' character, regular assets, and land from being abused by individuals who don't live there. The Bengal Eastern Outskirts Guideline, 1873, was the vehicle used to foster the Inward Line framework. The Guideline kept English rule there during the frontier time and kept the combination of those from the slopes and fields. Four



states — Arunachal Pradesh, Mizoram and Nagaland, Manipur, and the North Cachar area of Assam — are covered by the Internal Lines Guideline. It was presented in Manipur in 2019. Different states, including Meghalaya, have asked for its expansion. Beyond the Northeast, Inward Line Consent is expected to enter Lakshadweep; Andaman and Nicobar Islands additionally require its presentation.

#### **4.3 Articles 371 A to 371 C and Articles 371 F to 371 H**

Not all ancestral areas were covered by the VI Timetable's necessities. Articles 371 A, B, and C, which examine Nagaland, Assam, and Manipur, as well as Articles 371 F, G, and H, which examine Sikkim, Mizoram, and Arunachal Pradesh, were subsequently added to the all around existing Article 371 to incorporate these regions.

As indicated by Article 371 A, no Demonstration passed by the Parliament in regards to strict or social acts of Nagas, Naga standard regulation and technique, organization of common or law enforcement including strategy to Naga standard regulation, and possession and move of land and its assets will be pertinent to Nagaland without the endorsement of the Nagaland administrative gathering. The Lead representative is given additional obligation regarding keeping up with the state's rule of peace and law.

Special provisions on the assurance of clans' privileges in Assamese slope nation might be tracked down in Article 371 B. It expresses that the President might determine the cosmetics and obligations of a regulative gathering council in Assam, which will be comprised of people looked over the state's ancestral locales.

As per Article 371 C, the President might name a board of the regulative gathering comprised of delegates looked over Manipur's ancestral districts. A yearly report on the organization of slope regions should be given by the Lead representative to the President.

Sikkim is examined in Article 371 F. After Sikkim joined the Indian Association as a state in 1975, it was added to the Constitution. To defend their inclinations, it expects to give seats in the state gathering to different gatherings. It infers that the Sikkim Administrative Get together will have no less than 30 seats. As per Article 371 G, no Demonstration of Parliament might be applied in Mizoram as to determined matters except if the Regulative Gathering embraces a goal for its application. The accompanying worries are involved: (I) Mizo standard regulations and cycles, (ii) Mizo strict and social traditions, (iii) organization of common and law enforcement including choices made as per Mizo standard regulation, and (iv) possession and move of land.

The Lead representative is given special obligation under Article 371 H for keeping up with harmony and request in Arunachal Pradesh. Moreover, it suggests that the state will have something like 30 seats in the Administrative Gathering.

#### **4.4 States classified as Special Category States (SCS) in Northeast India**

Moreover, each of the eight of Northeast India's states have Special Class Status. The Special Classification of States was laid out in 1969 fully intent on giving them government help and tax cuts. The accompanying characteristics should be available for a state to be assigned as a Special Classification State: Bumpy and testing landscape, scanty populace or critical ancestral populace, vital position along borders with different countries, non-suitable monetary circumstance, and low populace thickness are a couple of the downsides. Northeast India's Special Class States incorporate Assam, Nagaland, Meghalaya, Manipur, and Tripura in 1969, Sikkim in 1975, Mizoram in 1987, and Arunachal Pradesh in 1989. Beyond Northeast India, Himachal Pradesh and Uttarakhand both joined the Special Class States in 1971 and 2001, separately.

The Jammu and Kashmir state was likewise remembered for the Special Class State in 1969. On August 5, 2019, the state was parted into two Association Regions, Jammu and Kashmir and Ladakh. Other Indian states are likewise requesting to be delegated Special Classification States.

#### **4.5 Let Us Analyze**

Special securities for social personalities, conventional regulations, and monetary interests of networks living in immature locales of the country are remembered for the Indian Constitution. These statements restrict pariahs from violating nearby traditions, regulations, or customs, including selling or purchasing residents' property. Such places are alluded to as "planned regions" in nations other than Northeast India and "ancestral regions" in the district of Northeast India. Clans in "ancestral regions" are covered by the VI Timetable of the Constitution, while clans in regions other than Northeast India are covered by the V Timetable. You have perused in this unit that the ancestral regions in the territories of Assam, Meghalaya, Mizoram, and Tripura are dependent upon the provisions of the VI Timetable. The Independent Region Gatherings are conceded chief, official, and legal power under the VI Timetable. Preceding being assigned as "ancestral regions" by the Constituent Gathering, the regions being referred to were known as "barred" and "somewhat rejected" regions. Notwithstanding the VI Timetable, a few states, including Arunachal Pradesh, Nagaland,

Mizoram, and Manipur, as well as the North Cachar region of Assam, require an Inward Line License for guests to enter their domain beyond a specific point. ILP is intended to prevent outsiders from possessing their property, and so on. By adding Articles to Article 371, certain ancestral terrains that couldn't be safeguarded under the VI Timetable were: Articles 371 A, B, and C in regards to Nagaland, Assam, and Manipur, as well as Articles 371 F, G, and H with respect to Sikkim, Mizoram, and Arunachal Pradesh

## 5. CONCLUSION

The Indian Constitution has special provisions for Northeast India as a reflection of the distinct historical, cultural, and sociopolitical aspects of the area. The constitutional provisions and agreements that try to accommodate the region's special demands while guaranteeing its inclusion into the larger Indian framework have been established as a result of the complexity and difficulties the Northeastern states have had to deal with. The necessity for particular accommodations was significantly shaped by the historical setting of the area, which is characterized by its many nationalities, languages, and traditions. The history of colonial control, isolation due to geography, and cultural diversity all aided in the indigenous communities' sense of identity and autonomy. The Indian Constitution included clauses like the Sixth Schedule, Article 371, and other state-specific protections in reaction to these circumstances, maintaining the region's sovereignty and cultural legacy. The stability and development of the region were threatened by insurgency, violence, and developmental inequalities. The specific provisions were created to encourage sustainable development, improve local government, and offer chances for socioeconomic development. They sought to give the people of Northeast India the tools they needed to effectively participate in their own administration and advance their country. Additionally, the specific provisions provided a way to address marginalization issues and protect the rights of indigenous groups. These clauses ensure that the distinctive landownership systems, customary rules, and traditional forms of government that are common in the area coexist peacefully with the country's more comprehensive legal system.

The discussions and debates surrounding the special provisions underscore how difficult it is to strike a balance between respecting regional diversity and preserving national unity. These clauses have helped to protect cultural assets and have been crucial in preserving some local autonomy, but they have also raised questions about potential discrimination and the need for equitable development. I will sum up by saying that the unique provisions in the Indian

Constitution for Northeast India are an excellent example of a coordinated effort to recognize the diversity of the area, safeguard its cultural diversity, and promote inclusive development. Even though they have had a considerable impact on the governance and development of the region, constant communication and cooperative involvement are still crucial to addressing new issues, ensuring Northeast India's overall development, and integrating it into the greater Indian polity. The ongoing effort to reconcile cultural diversity and national unity reflects the changing story of a dynamic and vibrant region within the fabric of contemporary India.

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