

Debating Self-Rule and Cultural Identity: The Question of the Sixth Schedule in Manipur

Bidhan S Laishram
Zakir Husain Delhi College

Abstract

Cultural identity and political autonomy tend to share a tense relationship. The democratic value of autonomy is suspiciously viewed when it comes to being applied to cultural communities. This paper traces the career of the rationale and justifications for the Sixth Schedule, a regime of autonomy envisaged for enabling a certain form of self-rule in some tribal areas of the Northeast. It then analyses the sources of anxiety and apprehension against the introduction of the same in Manipur.

Keywords: autonomy, identity, democratic participation, self-rule, Sixth Schedule

“There is an old separatist tendency and you want to keep them away from us. You will be creating a Tribalistan as you have created Pakistan.... It is said that they are very democratic people, democratic in the way of taking revenge; democratic in the way they first take the law into their hands. And it is threatened by some that they are so democratic that they will chop off our heads. ...There is no need to keep them away from us so that in times of trouble they will be helpful to our enemies”ⁱ

That was how Kuladhar Chaliha remarked while the Constituent Assembly of India was discussing on the question of granting the Sixth Schedule to the tribal areas of Assam. For Chaliha, the “primitive” Nagas “have not forgotten their old ways of doing summary justice” and therefore granting them self-rule would be “a negation of justice or administration and it will be something like anarchy.”ⁱⁱ Chaliha’s own representation of the Nagas disqualified them from the right to self-rule even though keeping the Nagas with “us” was necessary for the security of “our” nation.

There are a few motifs running through this speech of Chaliha’s. Most prominently, there is a blatant carry-over of the colonial thinking from which India has just got Independence, following which occasion ironically, these debates were taking place in the Constituent Assembly. It demonstrated that the question of which people at which ‘stage’ of history deserved to rule themselves had not disappeared with the departure of the British. Chaliha’s was not the only one of such views, though. At another level, it also highlighted the classical debate between security of state and freedom or autonomy of peoples. And yet another level, it also raised questions about what type of polity India envisioned for peoples at the frontiers of India’s self-imagination. Communities who were culturally and racially different, who nonetheless must belong to ‘our’ nation were the source of anxiety of the new founders of a nation. Granting autonomy or self-rule to such peoples amounted to ‘keeping them away from us’. Eventually however, the story of the Sixth Schedule instead became a story of how this ‘keeping them away’ was an instrument for securing the nation.

The Constituent Assembly deliberated at length the issue of granting autonomy to the tribal areas of Assam and how different from other tribal regions in India these areas were. In the course of a lengthy and at times pretty unenlightened debate, a member, Brajeshwar Prasad even proposed 49 amendments to the draft, which would have, if accepted negated the very purpose of the Schedule itself.ⁱⁱⁱ However, with the effort of ardent supporters like J.J.M. Nichols Roy, Gopinath Bordoloi and B.R. Ambedkar, the Sixth Schedule got incorporated into the Indian Constitution. It grants autonomy to the tribal areas and enable them to exercise self-rule to a certain degree. In recent times, Manipur has witnessed demands from tribal organisations for introducing the Sixth Schedule in the tribal areas of the state. The question at times raised some amount of

debate between supporters and those who view it with some apprehension, particularly following a recommendation already by the state cabinet for its implementation as well as by the Constitution Review Committee in its consultation papers.^{iv} It is in the light of the historical background of the coming into existence of the Sixth Schedule, its purposes as was debated in the Constituent Assembly that the current debate over its introduction in Manipur can be fruitfully examined. This historical context can further be contrasted against reasons for its demand in the present.

Background and Debate in the Constituent Assembly

The institutional impulses and antecedents for the Sixth Schedule can be traced to colonial legislations from 1773 onwards. Following the Regulating Act, Warren Hastings advocated a mode of governance based on knowledge of the social and cultural life of the people of India, which was responsible for producing 'several anthropologically oriented administrators.'^v A policy towards non-interference in cultural matters was accentuated following the Proclamation of 1858. By 1874, the Scheduled Districts Act was promulgated. The Government of India Act of 1919 provided that the Governor General in Council may declare any territory as Backward Tract and the application of any act of Indian legislation would require his approval. These developments culminated to the provisions under the Government of India Act, 1935 that introduced 'Excluded Areas' and 'Partially Excluded Areas'. The former was placed beyond the system of representation in the Legislature while the latter was within the limited authority of law-making processes.^{vi} The main idea behind such arrangement was that laws meant for advanced peoples were not to be applied to backward areas. Such a background to the Sixth Schedule has led to comments that the driving force behind it was paternalistic in outlook and guided by the ideology of civilizing mission. The story is however a little more complex than such a reading. Mention may be made of the representation of the Naga Club in 1929 to the Simon Commission that the Nagas be left out of any proposed reforms and that they would like to return their previous, 'independent' status, since before the British they had never been conquered by any of their neighbours with whom they had been in 'a state of intermittent warfare'^{vii}.

In the wake of Cabinet Mission recommendations that special provisions be provided for minorities, backward classed and tribals, the Constituent Assembly of India formed the Bordoloi Subcommittee on 27 February 1947.^{viii} It was entrusted with the task 'to report on a scheme of administration for the tribal and excluded areas.'^{ix}

It was based on the deliberations of this report in the Assembly that the Sixth Schedule was finally incorporated in the Constitution of India. During the course of the debates, however, two sides emerged in sharp contrast to each other. On the one hand were *assimilationists*, who were against the ideas of autonomy as envisioned in the proposed schedule, and on the other were the *protectionists* who, while opposed to the segregationist practices of the British, advocated autonomy for the tribal peoples. The former was a lot clamorous in offering the grounds for their opposition.

Much of the discussions witnessed virulent speeches made against the conception of autonomy in the Schedule. Proclaiming that he "love(d) the country more than provincial autonomy", Brajeshwar Prasad contended that "to vest wide political powers into the hands of the tribals is the surest method of inviting chaos, anarchy and disorder throughout the length and breadth of the country.... I am not in favour of the principle of self-determination, I believe in the principle of the greatest good of the greatest number. I will not jeopardize the interests of the country at the altar of the tribals."^x The principle of self-determination that had served as a guiding force for the India's freedom struggle was now to be thrown out and in its place was to be installed the Utilitarian maxim which had so far provided the intellectual justification for colonialism and the civilizing mission. However, the assimilationist arguments were not confined to the prism of national interests only. So, for Rohini Kumar Choudhuri the proposed autonomous councils were a way of

perpetuating “primitiveness” of the tribals and therefore the proposals were a continuation of the British policy to keep the tribals apart from the ‘mainstream’: “in the Naga Hills, Naga means naked – people used to go about naked in the past. There was a Deputy Commissioner who used to flog any Naga who was dressed in *dhoti*. The British wanted the Nagas to remain as they were; they should not clothe themselves properly; they should not live like civilised men.”^{xi} He further stated, “We want to assimilate the tribal people, we were not given the opportunity so far. The tribal people, however much they liked, had not the opportunity of assimilation.” What is glaring in this camp was the unabashed use of the term ‘assimilation’ as a virtue to be actively pursued. They saw nothing in the tribal way of life worthy of being protected, much less admired.

In contrast, the protectionists defended the self-rule plan by first presenting the egalitarian ethic of tribal society. Nichols Roy attacked the assumed cultural superiority of the “civilised plainsmen”: He asked, “But what is culture? Does it mean dress or eating [if it does] the hill tribes can claim that they have a better system...Among the tribesman there is no difference between class and class. Even the Rajas and the Chiefs work together with their labourers. They eat together...the whole of India has not reached that level of equality ...you say ‘I am educated and you are not educated and because of that you sit at my feet’. That is not the principle among the hill tribes.... To say that the culture of these people must be swallowed by another culture, unless it is a better cultureis rather very surprising to anyone who wants build up India as a nation and bring all people together.”^{xii} Roy responded by highlighting the absence of class hierarchy, the dignity of labour and the spirit of fraternity among the tribes as markers of culture. For him, the way forward was to recognise the right of the tribals to live and develop according their own genius. That was moreover the only legitimate way to bring tribal peoples closer to the rest of the country, as he pointed out, “To keep the frontier areas safe, these people must be kept in satisfied conditions.” By a turn of logic, he made national security ground for providing autonomy to the tribal areas.

It was left to Ambedkar, however, to offer a democracy-argument to bind peoples. He argued that various levels of government ensured that there were multiple levels of binding forces or influences on the people. The novel argument was advanced from the logic of participatory, republican perspective that many ‘cycles of participation’^{xiii} as would ensue from the proposed arrangement was the best binding influence of tribal peoples to the nascent nation.

Changing Rationale and Justifications

The rationale behind the Sixth Schedule has had a curious career. From the time of its antecedents during colonial times to its defense during the debates in the Constituent Assembly, it has run a full cycle up to the present day when demands are made for its introduction in certain areas. It is in light of these transformations that the politics behind the Sixth Schedule can be fully appreciated. The antecedent legislations were certainly occasioned by the need of the colonial state to pacify tribal uprisings and protests. It was in colonialism’s self-interest that non-interference in cultural matters be followed in practice. The same motivation provided the justification for the introduction of excluded areas too. Purportedly meant to protect tribals in backward areas from the unthinking application of laws designed for advanced areas, the legal regime supported colonial consolidation.

However, as Furer- Haimendorf says, “though at the time nationalists saw in it a device to retain British control over selected areas, after the attainment of independence the Government of India adopted a somewhat similar policy in regard to several territories on the North East Frontier”^{xiv}. In fact, independent India found a good template for engaging itself in nation-building in the peripheries. According to

Savyasaachi, the Schedule has to be placed in the history of interplay between tribal forest dwellers' protests and British polity towards them.^{xv}

The shift in the rationale and function of the 'autonomy' once India attained Independence has been described by Sonntag in terms of the liberal state practicing the 'art of separation'. Invoking Walzer's view that liberalism confronted society as an organic and integrated whole only to convert it into a world of walls, she views the autonomy regime as an exercise in 'walling in' the new nation by 'walling off' cultural others. "Both the voicing of such fears and the assuaging of them helped to define the "us" of the new (liberal) Indian nation; after all, "we" are not the headhunters," she contends. The act of exclusion remained; only the discourse differed.^{xvi}

In spite of such unflattering past and various inadequacies pointed out by scholars, the sixth schedule has come to be viewed by many tribal groups as a positive state intervention towards their political empowerment. If during the British, 'self-rule' had been used as a device for perpetuating colonial rule, it has attained new meanings and democratic values attached to it today. Institutional arrangements of self-rule have become desirable from the perspective of 'splitting the atom of sovereignty' and hence deepening democracy by enhancing entry points to democratic participation. The privileging of "politics of presence over "politics of ideas" has given fillips to demands of self rule. A politics of ideas would have supported Brajeshwar Prasad's contention in the Constituent Assembly that the problems of the tribal areas "should be left into the hands of the experts, social workers, doctors, teachers, engineers, psychologists, professors, philosophers and sociologists."^{xvii} A politics of presence is, according to Anne Philips, against a system of representation that revolves around ideas and opinions alone: one in which 'who' the representatives are, is not of much importance as 'what' are represented.^{xviii} Any arrangement that would enable self-rule to communities is in line with the underlying ideas of a politics of presence. The 'who' is equally, if not more, important as the 'what' of representation. The rejection of the myth of cultural hierarchies in which some cultures are 'superior' to others had long ago led to the rejection of the argument for cultural assimilation. Hence the right to self-rule for cultural communities is seen as a way of politically recognizing equality of cultures. Self rule has been translated into mechanisms for compromising the secessionist demands with the imperatives of maintaining national unity. Hence the ADCs provided for under the Sixth Schedule have come to be appreciated as an institutional translation of the federal principle of "self-rule plus shared rule."^{xix}

The Case of Sixth Schedule in Manipur

The Sixth Schedule Demand Committee (SSDC) that was formed in 1990 has been for long engaged in a sustained campaign for its introduction in the hill districts of Manipur. What is of significant to be noted here is that the hill districts of Manipur are considered to be already covered under the Fifth Schedule of the Indian Constitution. After the Central Act of 1971, Autonomous District Councils (ADCs) were actualized in Manipur in 1973. However, the powers given to these ADCs have been considered inadequate and hence unable to meet the aspirations of the hill people. With the resolution of the Hill Areas Committee: "no sixth schedule, no council elections," the ADCs had remained non-functional for more than ten years.

However, way back in 1991, the ULF government of RK Ranabir recommended the extension of the 6th Schedule in Manipur. It was followed by another cabinet decision on March 26 2000 to recommend it. Reactions to these decisions have been divided. Amongst the political parties, the Federal party of Manipur and the Manipur Peoples Congress stand for its implementation. Others have expressed apprehensions and suggested amendments for "local adjustments". On the other hand, the SSDC maintains that the non implementation of the Schedule has been responsible for the suspension of developmental activities as well as for the non-conduction of elections in the village and district councils. On other hand, there have ben

voices of apprehension and even outright opposition to introducing the Sixth Schedule in Manipur. While its advocates advance the argument that self-rule, howsoever limited under the Schedule, is a desirable democratic right of the tribals, those opposed to it cast apprehensions over its desirability in Manipur in the light of specific local contexts. They also link the question to the fear of a possible break-up of Manipur particularly given that a rather intractable peace talks has been going on between the Government of India and the NSCN-IM for a long time in the background

Some of the issues and concerns that are responsible for the lack of societal consensus on the introduction of the Sixth Schedule revolve around the following:

1. The Sixth Schedule contains “provisions as to the administration of tribal areas” in specified zones. Questions have been raised as to the ‘definition’ of tribes and who all constitute these tribes in Manipur. These voices do not challenge the tribal status of those communities who have been recognised as tribes. Instead, they claim that there are other communities who are tribals and thus are entitled to be recognised. This has become an issue since, according to some, the Meeteis must also be recognised as a (scheduled) tribe, for the same they also have the more or less the same tribal characteristics in their culture and life as the other recognised tribes. This demand for recognition assumes significance in an institutional architecture that distributes political and cultural benefits according to a system of inclusion and exclusion based on tribal/no-tribal identities. The demarcation of political boundaries as would be required by the institutional arrangement negates, according to this group, the age-old ties as well as the spirit behind the exchanges - both symbolic and economic – in the lives of these communities.
2. It has also been argued that in light of a wide range of powers that are granted to the ADCs in relation land resources, read together with the prohibition of acquisition of land by non-tribals in areas under the jurisdiction of the ADCs, a “double-denial” is imposed on the people of Manipur: first, of a collective identity and a shared past but also of the possibility of imagining and pursuing a common future as demanded by a historically evolved collectivity. The second sense gets heightened due to the scarcity of resources in the valley.
3. At the other end of the spectrum, it has also been observed that the principle of “first occupancy” has been invoked one the one hand by some insurgent organisations as one of the bases for their claims to self-determination and derivatively, by civil society organisations for the self rule of the hill tribes. Whereas such theories have been increasingly discredited, granting of self-rule to ethnically demarcated groups amount to recognizing this principle, at least partially. In a situation wherein there are multiple, overlapping claims to self-determination are taking place simultaneously, any sense that the principle may get legitimated accentuates the fears of a break up of Manipur.
4. These fears are also linked to issues of resource sharing among various ethnic groups. There is a growing clamour for a rethink of multicultural practices through greater engagement with specific local contexts and histories. A pan-India perspective of tribes imagines tribes and their life-worlds to be more or less across the nation. This, the voices of opposition argue, is not true specially in regard to the relations and experiences of the tribal communities with their non-tribal neighbours. They also fear that if a few “ethnic minorities” are to control the majority of the “collective resource”, it amounts to reducing the majority to an “economic minority”?
5. It is also argued that the introduction of ADCs as provided in the Sixth Schedule are to be introduced in Manipur, it will open new layers of complexity in already complicated ethnic conundrum in the state. The problem of demarcation of boundaries and the representation of various

groups and associated questions of minority within minorities poses serious challenges in the planning and implementation the Sixth Schedule. The spatial distribution of the ethnic groups needs to be analyzed in order to reflect more politically meaningful diversity, especially in the backdrop of a history of ethnic conflicts in the hills.

The current situation is such that it demands sensitivity to the difficulty in the minds of many in clearly separating the issues of autonomy to the hills from the fear of a break up of Manipur. Such fears, in their opinion, are not completely unfounded as they point to the fact that the Sixth Schedule laid the foundations for autonomous state movements in Assam. The districts of Unified Khasi Hills, Jaintia Hills and Garo Hills became Meghalaya Autonomous State within the state of Assam and finally, turned into a full-fledged state. The Lushai Hills District passed through the stage of Union Territory of Mizoram before attaining full statehood. In the case of Manipur, there already are demands asking for granting the hill districts the status of a Union Territory on one hand while on the other hand, some ethnic groups are demanding joining one or the other neighbouring state. Further, they also tend to see a trade-off in any further extension of autonomy to the tribals as they believe it to be a total loss of economic resources, to which anyways they do not still have access.

Manipur has of late witnessed a tendency to produce competing narratives of victimhood. This form of politics sees itself as both safe and rewarding. The need of the hour however would be to go to the roots of inter-community tensions. Whereas democracy should be the keyword in any discussion about self-rule, a serious historical appraisal of community relations is called for, not least because democracy must also attend to peoples' culture-specific sensitivities. Such an exercise must be inspired the understanding that "identities are about questions of using the resource of history, language and culture in the process of becoming rather than being"^{xxv}.

If our political present has already reached a stage where the past cannot at all illuminate, then, we have to enter a new 'Contract' which shall not put anybody to any systemic disadvantages.

ⁱ Constituent Assembly Debates, reproduced in *Savyasaachi, Tribal Forest-Dwellers and Self-Rule: the Constituent Assembly Debates on the Fifth and Sixth Schedules*, New Delhi, Indian Social Institute, 1998, p.119

ⁱⁱ Ibid. p.118

ⁱⁱⁱ Ibid. p.114

^{iv} National Commission to Review the Working of the Constitution, *Consultation Paper on PRIs/ADCs/Traditional Tribal Governing Institutions in NE India*, New Delhi: Vigyan Bhawan Annexe, 2001

^v Savyasaachi, *ibid.* p 8

^{vi} Choudhury, Abhijit. 'The Contextual Dimension of the Sixth Schedule, *Contemporary India, Vol. 1, No. 4, Oct-Dec. 2002, pp. 1-56*

^{vii} Baruah, Sanjib. 'Confronting Constructionism' in *Durable Disorder: Understanding the Politics of Northeast India*. New Delhi: OUP, 2008. P.107

^{viii} Choudhury, *ibid.*

^{ix} Rao, B. Shiva. *Framing of India's Constitution*, Vol.3. New Delhi: IIPA, 1967, p. 684

^x Savyasaachi, *ibid.*p.115

^{xi} Ibid. p. 126

^{xii} Ibid.p.134

^{xiii} Ibid. p. 140

^{xiv} Haimendorf,- Furer, Christoph. *Tribal India: The Struggle for Survival*. Delhi: OUP, p 390

^{xv} Savyasaachi, *ibid.* p.7

^{xvi} Sonntag, Selma K. "Autonomous Councils in India: Contesting the Liberal Nation-State", *Alternatives: Global, Local, Political*, Vol. 24, No. 4 (Oct.-Dec. 1999), pp. 415-434; Walzer, Michael. "Liberalism and the Art of Separation," *Political Theory* 12, no. 3 (1984): 315.

^{xvii} Savyasaachi, *ibid.* p.115

^{xviii} Phillips, Anne, *The Politics of Presence*, OUP, 1998

^{xix} Elazar, Daniel J., *Exploring Federalism*, University of Alabama Press, 1992

^{xx} Hall, Stuart. "Introduction: Who Needs Identity" in S. Hall and Paul Du Guy (eds.) *Questions of Cultural Identity*. Sage: 1996, p. 2