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EDITORIAL

It is my pleasure to place before the readers Vol. VIII *Social Change and Development*. We begin this issue with an insightful piece by Prof. Atul Sarma on the reasons behind the deceleration of the economy of the northeastern region despite substantial economic packages from the Centre. Prof. Sarma analyses the problem in depth, forcefully argues for an integrated economy of the region and suggests certain measures which could make this possible. The article by Himadri Banerjee deals with the history of the Asamiya Sikhs, a subject which is not only relatively new and un-worked upon, but which opens up a host of questions about the migration of different communities into the northeastern region and their assimilation into the broader social fabric while at the same time retaining some of their major markers. Tilottoma Misra focuses on customary law and gender rights and raises some pertinent questions about the position of women under such laws and how the burden of tradition more often than not stands as a barrier to women's emancipation. Saswati Choudhury tackles the inherent problems of the district councils from a refreshingly new angle, while P.K. Viswanathan discusses the co-operative movement among the rubber growers of East Garo Hills and tries to show the relevance of the collective spirit in an increasingly globalized world dictated upon by the corporate sector. Gorky Chakraborty carries the debate further through a critical discussion the impact of globalization on the hill regions of northeastern India. Dwijen Sarma, by taking up a comtemporary Assamese novel to throw light on the problem of insurgency, territoriality and the State in India's North East, adds a new angle to one's understanding of social issues through the contours of the literary text. I sincerely hope that the volume will provide some interesting and thoughtful reading.

Udayon Misra

Guwahati
12-09-2011

A UNIFIED NORTH-EAST ECONOMY: ROAD TO GAINFUL ECONOMIC INTEGRATION WITH SOUTH EAST ASIA*

Atul Sarma♦

Introduction

One does not have to labour hard to show why the North-East Region (NER) as a unified economy is the most appropriate approach for the development of this area. The Northeastern states are perceived as a region because it is landlocked and surrounded on all sides by foreign countries, and connected with the mainland of India through a narrow neck of 29 Kms; it is hilly and remotely located from the country; and all but one of its constituent units are small but richly endowed. Yet the NER suffers from persistent underdevelopment.

However, the states within the region are very dissimilar in several ways. Broadly speaking, the northeastern states are of two distinct categories: the entirely hilly states of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, and the partially hilly states of Assam, Tripura and Manipur that have overwhelmingly larger chunks of their population living in the valley/plain districts. Significantly, however, the latter three states account for 48.70% of the scheduled tribe population of the region.

♦ Professor Atul Sarma presently the Chairperson of OKD Institute of Social Change and Development
* J B Ganguli Memorial Lecture delivered at Tripura Central University on April 11, 2011.

They are also dissimilar in terms of population size varying from 1.1 million in Mizoram to 31.2 million in Assam in 2011. Population density ranges from 17 per sq Km (Arunachal Pradesh) to 397 per Sq km (Assam)-higher than the all-India average of 382. They are also dissimilar in terms of the urbanisation rate, literacy rate and other demographic characteristics, physical features, stages of economic development and so on, leaving aside the ethnic composition. *Yet the northeastern states are an inter dependent economic system, both for historical and geo political reasons.*

The Region's Strengths

The northeastern region has several strengths that should have spurred fast economic development. Some of these are:

- The region as a whole has a fairly large market with more than 45.5 million people. Altogether just 10 Indian states have a population more than that.
- It has diverse resource endowments: water, forest, oil and gas, coal and several other mineral products.
- The region is one of the major hotspots of bio-diversity in the world.
- The literacy rate is high in the region and higher than the all-India average in all states of the region. The number of English speaking population, particularly among the youth, is high in the region. That has given an edge to NE youths in some segments of the national job market.
- The region has huge potential for tourism development.
- The region is characterized by high traditional skills as reflected in its handloom and handicraft products.
- Long-established traditions of community-based economic and social organization have facilitated a smooth transition to contemporary institutions of Panchayati Raj in all of Sikkim and Arunachal Pradesh; most of Assam and Tripura and the valley areas of Manipur. Meghalaya and Mizoram and certain parts of Assam and Tripura fall under the Sixth Schedule of the Constitution with Autonomous District Councils. The hill areas of Manipur have local bodies under State legislation. Nagaland has well-established institutions of village councils and village development boards, which are also mandated by State-legislation for village level administration and development. Such decentralized institutions should pave the way for inclusive governance
- Last but not the least, the strength of the region lies in the progressive social attitude of its population.

Paradox of Widening Income Gap despite Special Dispensation

Despite all the strengths of the region, it is lagging behind the rest of the country and even decelerating. In 1999-2000, only Mizoram among the northeastern states had real per capita income (at 1999-00 prices) a little above the all-India average per capita income (1.3%). In 2007-08, the latest year for which the data are available (except for Nagaland), states other than Sikkim recorded a gap in per capita income as compared to the national average in the range of 12.6% for Tripura to 37.6% for Assam. Only Sikkim witnessed a slightly higher (0.8%) than the national average per capita income.

What is surprising is that ever since 1996, the northeastern region has received special economic packages.[1] In October 1996, Mr. H. D. Deve Gowda, the then Prime Minister announced an economic package of Rs. 6100 crore for specific projects in NE states. He also introduced northeast sub plans in all Central Ministries for

[1] A high level Commission, "Transforming the Northeast" was constituted under the Chairmanship of Shri S.P.Shukla following the Prime Minister's announcement of 'New Initiatives for the North Eastern Region' on October 27, 1996 and the Report was submitted in March 1997. Prior to that, the Planning Commission constituted a Working Group on the Development of the North Eastern Region during the Seventh Five year Plan, 1985-90 under the Chairmanship of P.H.Trivedi, Secretary, NEC. Also, the Planning Commission at the instance of the Union Home Ministry constituted a Committee under the Chairmanship of L.C.Jain, then Member, Planning Commission to look into the question of economic development of Assam under Clause Seven of Assam Accord and the Report was submitted in April 1990.

which 10 % of their budgets would be earmarked. Mr. I. K. Gujaral who followed him as Prime Minister assured the implementation of the package. In January 2000, Mr. Atal Behari Bajpai, the next Prime Minister, further announced a Rs.10, 271.66 crore package for the region. Such special dispensation for the development of northeast continued even thereafter. In fact, the Government of India created in September 2001 a dedicated Ministry called Ministry of Development of North Eastern Region (DONER) to serve as a nodal Ministry of the Central Government to deal with matters pertaining to socio-economic development of the region as also reportedly spent as much as Rs. 80,500 crore for the development of the region during the Tenth plan (2002-06) period.

Why this paradox? In other words, why do the northeastern states continue to decelerate even while several special economic packages were put in operation? I will address this issue as well as provide an analytical framework to view the problems of persistent under-development of North-East India. Then I will discuss the new development paradigm that is emerging following the articulation of the 'Look East Policy' in the early nineties. In that context I will argue for unifying the NER economy as a precondition for making the best of the new paradigm of economic development for the North-East, which is integrating the NER economy with East and Southeast Asia.

I have argued elsewhere[2] that five widely known Is—1. Initial conditions such as (i) disruption of traditional trade and transport links following partition (ii) population influx (iii) colonial pattern of harnessing its natural resources leading to an enclave economy and (iv) monopolistic operation of deeply entrenched trading interests 2. Infrastructure 3. Insurgency 4. Imperfection/distortion in factor and product markets and 5. Indifferent governance—still stand even at the end of more than six decades of planning as binding constraints on the economic development of the northeast region.

[2] "Why the Northeastern States Continue to Decelerate(2005)", *Man and Society*: A Journal of North East States, Volume 1, Number 1, Spring

Incidentally, infrastructure such as the railways developed in the colonial period linked the areas associated with tea, oil, coal and plywood but not any of the traditional urban centres of the region. Similarly, Stillwell road that linked North-East India with Myanmar was constructed during the Second World War period to serve as a defence supply line and not as any market linkage.

These constraints have vitiated the growth process of the NER by way of generating outflows much larger than inflows in the commodity market, money market as well as labour market. Larger outflows in the commodity market arise due to huge dependence on the rest of the country for the region's requirements; Outflows in the money market result from the savings of the region being invested elsewhere for lack of investment demand in the region as reflected in its very low credit-deposit ratio and outflows in the labour market take place through outward remittances by enormous migrant labour. When the outflows are far in excess of inflows in all the three markets, the economy records slow growth. This has happened in the North-East economy.

Explanatory Hypotheses for persistent underdevelopment

Keeping this analytical framework in view, I would like to submit explanatory hypotheses about the persistent underdevelopment of the region. It is as follows: The North-East, which shares only 0.5 % percent of its territorial boundary with the rest of the country and the remaining with foreign countries, was loosely fitted in the macro development perspective of the national economy. It was because the development initiatives for the NER were largely anchored on two perspectives. One was a security perspective rather than a well articulated development perspective and the other was a perspective based on least interference in traditional institutions and practices[3].

[3] For similar observations in another context, see Amar Yumnam, "Regional Cooperation and Development: Strategy for Development in a Conflict Zone" (Unpublished) Presented at the Conference on, Towards A New Asia Transnationalism & Northeast India organized by CENIAS Forum, OKD Institute of Social Change and Development, Guwahati on September 10 & 11, 2004, P. 3.

A few examples would highlight the thrust on security considerations even in the post -independence period. Way back in the mid-fifties with the finding of large crude oil, the Government of India (GoI) considered setting up an oil refinery. The Expert Committee constituted for selection of the site, did not find the North-East suitable for setting up an oil refinery for strategic reasons. It is a different matter that in response to a prolonged agitation, a toy oil refinery was eventually set up in Guwahati and at least a four times larger one in Barauni in Bihar. Again, the Armed Forces Special Powers Act (Assam and Manipur) was enacted in 1958 when apart from Naga hostilities, there was no other insurgency that warranted such a drastic measure.

Another important initiative that the GoI took gives an insight into its strategic obsession. In view of the interdependence of the seven northeast economies, the establishment of North East Council (NEC) was indeed a significant institutional innovation. But even this was designed to serve more a security interest than to promote integrated development of the NER. This is clear from the fact that the NEC was placed for long under the administrative control of the Ministry of Home, GoI, and under the chairmanship of one of the governors of the northeastern states but not under any development ministries or the Planning Commission. Only recently has the NEC been reorganized as a regional planning body though its functioning has continued to function as a rudderless body so far.

At another level, major development projects were more in response to public agitation. There are numerous examples to show that many critical projects such as the first bridge over the Brahmaputra, conversion of the railways into broad gauge, setting up of a second oil refinery and that of IIT were the product of adhoc responses to public agitation. The point to note is that for far too long the GoI's development initiatives were more the outcome of strategic/security considerations and adhoc responses to public agitation than of anything following from a well-articulated development perspective.

The other perspective on which the development initiatives were anchored especially in the hill states/regions was the least intervention in the traditional system and institutions. The requirement of an inner line permit for entry into most parts of the hill regions and the ban on land ownership by non-tribals are evidence of the attempt to preserve the traditional system and institutions. What perceptions and forces shaped this perspective or whether there exists any justification are outside the scope of this paper.

New Paradigm of Development Perspective

Thus I have submitted two paradigms. One relates to overemphasis on security/strategic considerations rather than a development perspective in development efforts. The other relates to minimum intervention in the traditional systems and institutions of the hill economy, which is what has led to their non-compatibility with the growing penetration of market forces in the process of economic development efforts.

These paradigms continued to sway the thinking and actions of the GoI. Since the mid-1990s, the economic development of the North-East began to find place in the mainstream collective psyche as reflected in the growing national level debate, deliberations and discourse as well as the announcement of special economic packages for the North-East economic development.

With the articulation of the 'Look East Policy' in the early nineties, a new development perspective in terms of NER as a gateway to the dynamic East and South-East Asian economies has been shaping. The basic motivation behind this new vision is "to break the fetters of the geo-political isolation" as NER Vision 2020 puts it. To this end, "new inputs" in foreign, defence and international trade policy are called for.

For putting this development perspective into operation, the "immediate priority is to build the required infrastructure right up to the border area, establishing connectivity and communication

links to the cross-border points through which trade and economic exchanges with the countries neighbouring the North-East Region are proposed to be promoted under the 'Look East Policy'." NER Vision 2020 emphasized, "This priority is to be accorded by all Central agencies and State Governments because while the 'Look East Policy' has yielded few returns to the Region thus far, it is in North-East India that South-East Asia begins and as such, it is for the North-East to play the arrow-head role in the further evolution of this policy. This requires a redefining of the 'Look East Policy' to resolve outstanding issues of trade, transit and investment with countries neighbouring the region. It also involves promoting Indian investment infrastructure in partner countries, especially Myanmar, particularly in respect of ports such as Sittwe and international highways to connect the North-East Region to ASEAN."[4]

The economic rationale that lies behind this new vision is: The land-locked North-East in the aftermath of partition will have wider market access, that too with some of the fastest growing East and South-East Asian economies. This market integration would boost trade with those countries with the North-East serving as the gateway. Trade would thus serve as a driver of rapid economic development of the region.

What followed was an attempt to revamp the NEC recognizing explicitly the economic interdependence of the constituents of the North-East. In February 2005, the NEC was restructured more as a regional planning mechanism than an administrative one with the overtone of strategic consideration.

With the emergence of an economic perspective, a shift in policy thrust on the part of the GOI, is clearly visible. Attention is being directed toward road connectivity between the NE states[5],

[4] *NER Vision 2020*, May 13, 2008

[5] The GOI has recently cleared a multilane Northeast Express Highway linking all the capitals of NE states spanning 6907 kms towards connectivity within and between different units of the region , infrastructure development (4464 kms national highways, 2050 kms of newly declared highways and 393 kms of NEC road)

connectivity and communication between the region and the rest of the country, other infrastructure, harnessing the resources of the region, development potential areas such as tourism and paving the way for large trade with the East and South-East Asian countries and flow of funds with specified objectives and so on indicating initiatives in a development perspective. Development activism in civil society is also playing an important role.

Even with these positive developments, the region is nowhere near emerging as a gateway to South-East Asia even though there has been a significant rise in India's trade with these countries. The fact is that the issues of trade, transit and investment with the countries neighbouring the region are to be fully addressed and the required infrastructure is yet to be operationalised.

Rationale for Unifying North-East Economy

Even if all the factors required for the economic integration of the NER with South-East Asia are put in place, could the North-East realize potential gains from it? In this context I argue that the NER would be better placed to gain from its economic integration with South-East Asia only if North-East economy is unified within. It is because:

- The North-East as a region is land-locked and within it for geo-political and historical reasons, the states are economically interdependent. Yet the economy of the region is fragmented due to several barriers
- An inner line permit required for entry into most hill states hinders free movement and thus economic integration.
- The high cost of movement of man and materials due to poor transport and communications network result in a fragmented market.
- Assam is critically located in the NER and through it alone, each of them could be accessed.

The northeastern states other than Assam are individually small and thus have a small market each. As mentioned earlier, the North-East together constitutes a reasonably large market of about 45

million people. An integrated market of the region will give the benefit of a larger market, which in turn will enable the states to develop their economies according to their comparative advantage and thus enjoy the gains from scale economies and specialization.

The internal economic integration of the NER will serve as enabling conditions for augmenting the gains from trade and economic exchanges with the countries neighbouring the NER that are proposed to be promoted under the 'Look East Policy'. It is because a unified market provides a large market access and thus facilitates the gains of scale economies. That in turn will enable each of the states to specialize in economic activities according to their respective comparative advantage, For example, agriculture in the region is suitable for specialization in complementary products: The plain areas can specialize in modern technology based crop production, while agro-climatic conditions of the hill areas in horticulture, floriculture, forestry and conservation, bio-diversity and genetic wealth and wild life. Surplus food grain production in the plains could be available for sale in the hills while the marketable surplus of horticulture, floriculture, medicinal and aromatic plants and herbs including organic farm products could get a market outlet in the plains and even outside the region. Such market integration will make it possible for farmers to abandon the current subsistence-oriented cropping pattern through shifting cultivation. This will yield higher income to the farmers while arresting the adverse impact on forest conservation and the environment.

A similar pattern of geographical specialisation could emerge in areas such as plantations of tea, bamboo, rubber, and spices, The important point to emphasize is that if different parts of the region specialize in complementary activities according to their comparative advantage, the output level would expand enormously leading to higher overall growth in income and employment.

How does market integration work?

Market integration leads to both trade creation, i.e. the

emergence of new trade and industry, and trade destruction, i.e. the exit of inefficient activities due to competition from more efficient competitors from the integrating countries. This process stimulates specialization depending on the respective region's comparative advantage and eventually higher growth and welfare through scale economies resulting from a lager market linkage. This is the theoretical reasoning that has spurred regional integration in different parts of the world. Notable examples are the European Union and the Association of East Asian Nations (ASEAN).

The inspired advocacy for the integration of the North-East Region with the dynamic South-East Asian countries could be anchored on this theoretical postulation. It is empirically true that "opening up to international trade has helped many countries grow far more quickly than they would otherwise have done. International trade helps economic development when a country's exports drive its economic growth. Export led growth was the centerpiece of the industrial policy that enriched much of Asia and left millions of people there far better off."[6]

It is in this perspective that the NER with foreign countries on all sides[7] could expect robust trade ties with the neighbouring countries. However, it depends on political relations and policy environment. The erstwhile East Pakistan and now Bangladesh is crucially important for North-East's inland and surface transport links. But the country's political relation fluctuates from one of overt or covert hostility to a friendly one depending on the political regime in the country. More important, Bangladesh poses a demographic threat to the region even if it is not a security threat to India. Nevertheless, during the current regime in Bangladesh there have been positive developments that would facilitate larger trade and investment between the two countries.

[6] Joseph Stiglitz (2002), *Globalization and its Discontents*, Allen Lane an imprint of Penguin Books, P. 4.

[7] Assam, Tripura and Meghalaya share border with Bangladesh while Mizoram, Manipur and Nagaland with Myanmar. Assam has border with Bhutan, too. Tibet region of China and Myanmar border Arunachal Pradesh.

What facilitates a unified market?

- Free movement of goods, labour and capital by removing all impediments, physical or policy.
- Efficient physical connectivity between and within the constituent units that would reduce the costs of movement of man and materials.
- Policy harmonization -- tax, transport, trade, investment etc.
- Removal of irritants such as boundary disputes and the prevailing cloud of suspicion among the sister states.
- Promoting joint action on matters with positive or negative externalities.
- More imaginative and proactive role of the reconstituted NEC focusing on internal integration of the region.

What should be the agenda?

- Resolution of state boundary disputes.
- Management of water resources and the environment for collective good
- Promotion of R&D on problems unique to the region
- Marketing collectively packages suiting various types of tourists' preferences
- Strengthening transport and communications and other related infrastructure between the states of the region
- Sharing development experiences utilizing IT and IT enabled services.
- Promoting activities that are complementary in nature.
- Developing activities with comparative advantages thus promoting specialization and competitive edge.

Concluding Remarks

In conclusion, I would like to submit that it is important to work out the details of all various steps that would pave the way for creating a unified market in the region. The proposals that I have suggested above are only indicative. Detailed exercises are essential because market integration involves gains for some and

losses for some other units in the process of specialization. Unless all the units see some gains from market integration, there would not be much enthusiasm on the part of all stakeholder states. In this context, I may cite the example of the European Union, which was envisioned in the Treaty of Rome in 1950. It made little progress till the nineties. It took off only after a major study[8] showed the gains and losses to each unit in concrete terms and the overall gain to all. Equally important is to have a vision shared by the states of the region. The document, 'NER Vision 2020,' which has been brought out in the emerging development perspective, reflects, it is hoped, the shared dream of the northeastern states. Concrete steps for internal market integration of the region as a follow-up would serve as a first step toward a resurgent North-East India.

[8] Cecchini, Paolo (1988), *European Challenge*:1992; Gower, London.

ASAMIYA-SIKHS OF THE BRAHMAPUTRA VALLEY

Himadri Banerjee*

I

A few decades ago, any study on Sikhism as a distinct faith often evoked questions among scholars. Their quarries were possibly more burdened with doubts than looking forward to any new answer from it. Sikhism remained comparatively a 'neglected' area and its followers were viewed as an integral part of larger Hindu population.[9] Different textual sources provided basic materials to researchers. In course of last quarter of a century, with changes in Punjab scenario and the development of numerous Sikh settlements outside India, Sikh Studies have witnessed many twists and turns. Nowadays the Sikh past is critically studied not only in Punjab but had reached as far as the eastern coasts of the Atlantic. These enquiries raise important questions about the distinctiveness of Sikhism as well as debate on its evolving frontiers of community identity. With the inclusion of diasporan Sikhs, there are some interesting modifications in the nature and scope of Sikh Studies.

Growing Sikh concentration in different urban and rural sectors from Shimla and Shillong *(during the post-independence years) outside Punjab suggests another boundary of research. Here the total size of Sikhs represents one-fifth of their total population (2001).[10] It offers an opportunity of outlining how the message of Sikhism is interacting with the wider non-Sikh Indian milieu. There

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9 Juergensmeyer, Mark, 'A Forgotten Tradition', in Juergensmeyer, Mark and Barrier, N. Gerald (eds.), *Sikh Studies: Comparative Perspectives on a Changing Tradition*, Berkeley 1979, p.13.

10 Krishnan, Gopal, 'Sikh Spatial Dispersal (1881-2001)', in Paul, Sheena and Grewal, Reeta (eds.), *Five Centuries of Sikh Tradition*, New Delhi 2005, pp. 239-57.

is also an occasion of arguing whether each of these minuscule Sikh settlements has a past which is different from that of its counterpart residing in Punjab. It possibly introduces researchers to cultural diversities among Sikhs. While reviewing some of these issues, the essay intends to focus on their methodology. Scholars engaged in tracking Sikh trails outside Punjab would look forward to varied textual and non-textual local materials. Punjabi sources are no doubt relevant, but historians are also expected to go beyond them and incorporate methodologies of other disciplines like sociology and anthropology for interrogating small Sikh groups at micro-level.[11]

Asamiya-Sikhs represent one of these small communities. They claim Asamiya as their mother tongue and regard Assam their native place. The group corresponds to less than 3,000 in number and excludes those Sikhs of Brahmaputra Valley who speak Punjabi. It introduces historians to studying important issues like place of origin, socio-religious belief system, politics, identity question and other relevant matters within the wider framework of Sikh Studies.

My association with Asamiya writings on Sikh past goes back to the 1980s. Life and mission of Sikh Gurus were their early ingredients. Littérateurs also referred to the presence of 500 Sikh soldiers in Brahamaputra Valley. We are told that they came from Punjab and fought for the defence of Assam at the Battle of Hadirachaki (1823). It was a bloody encounter with the king of Burma resulting in the defeat and death of nearly all of them. A few remained alive. They stayed back, tied knots with local people and became an important part of larger syncretic experiences of the region. Sikhs were sometimes portrayed with hatred and vengeance. These conflicting narratives of Sikh 'heroes' and 'villains' figured in early twentieth nationalist mobilization of the Valley.[12]

In the mid 1990s, I came across other writings authored by

11 cf. Gustafson, Eric and Jones, Kenneth W. (eds.), *Sources of Punjab History*, New Delhi 1975.

12 Banerjee, Himadri, *The Other Sikhs*, Vol. I: *A View from Eastern India*, New Delhi 2003, pp. 19-72.

Asamiya-Sikhs. They have adequate linguistic skill while communicating to cross sections of Brahamaputra Valley and claim the status of *khilanjia* (sons of the soil).[13] Resident of Nagaon villages, situated a little over 60 miles east of Guwahati in lower Assam, they trace their root to those 'martyr' Sikhs of early nineteenth century Assam.

These Asamiya sources are mostly available in Guwahati. During my visits to the city, I preferred to stay in Gauhati University Guest House owing to its comparative cheaper rate. There I came to know Professor J. N. Phukan, a well-known authority on Thai-Ahom history and culture of medieval Assam. His unorthodox assessment of Ahom rule illuminated many of my lonely Guwahati afternoons.

Our *adda* (informal and leisurely talk) touched many things, including Sikhs and Sikhism. One afternoon he advised me to meet Sardar Dhyian Singh and Sardar Rup Singh Sandhu, representing two different generations of Asamiya-Sikh leadership.

II

I met Sardar Dhyian Singh (1927-1997) in February 1993. Being a senior officer of the Income Tax Department and the head of Asamiya-Sikh Santha (association), I had little difficulty in locating his house in Shilpukhuri. It was almost a local landmark with the name 'Singh-Niwas' boldly inscribed on its gate. I reached his residence around four in the afternoon and found him ready to receive me. Except turban and beard, he was like any other Asamiya of the locality. Singh was possibly in his late fifties and welcomed me with *tamol* (betel) - *pan* (betel leaf).[14] He came down to his first

[13] Leonard, Karen, 'Hyderabad: The Mulki -- Non-Mulki Conflict', in Jeffery, Robin (ed.), *People, Princes and Paramount Power*, New Delhi 1998, pp. 65-106; Weiner, Myron, *Sons of the Soil: Migration and Ethnic Conflict in India*, New Delhi 1978, p. 132.

[14] cf. Bardoloi, Rajanikanta, *Manomati*, Gauhati (first published 1900) 1974 reprint, 1974, pp. 146-52.

floor drawing room and introduced me to his wife where she was already waiting for the guest. She was around fifty years of age. With a brief introduction in English, Singh quickly switched over to Asamiya. In a supple voice he expressed his preference to communicate in mother tongue.

After an exchange of pleasantries, he introduced me to many interesting areas of life as well as his community. It often touched history, culture, rural folk, festivities and other issues of his early village days. He would refer to coming to Guwahati at a later stage of living. Many of his remarks were extremely fascinating owing to their closeness to experiences of life.

I detected a few other things which amazed me. Here was a turbaned Sikh with beard, talking not in Punjabi but in his mother tongue - Asamiya. Secondly, instead of marrying a woman from Assam, he took his bride from a far away place in Katiahar (Bihar). Thirdly, Singh outlined a plan of constructing a permanent gurdwara building in his native village at Barkola (Nagaon district).[15] Finally, he was frequently on the move for collecting fund for the gurdwara building. It took him not only to different north-eastern states but also as far as Punjab and Delhi in the extreme north-west. He requested to telephone him in case of my any future visit.

In the midst of our discussion, he signalled for my refreshment. It was all Assamese dishes and served by his wife. I silently started eating them. But these could not stop me asking her mother tongue. She replied in Asamiya: "It is Hindi but I...." I interrupted her: "Do you still remember it?" She stopped for a moment and replied with a deep smile: "Can anyone ever forget mother tongue?" It struck me that I had not also heard any Punjabi word from Sardar Dhyian Singh's mouth. I realized that these were possibly some of the important markers of indigenous Sikhs of rural Assam. Dhyian Singh neither mentioned Punjab as his native place (*ghar*) nor did he show

[15] It was inaugurated on 27 November 1994. Manjit Singh (General Secretary, Asamiya-Sikh Association), personal communication, 12 April 2004.

any enthusiasm for constructing a gurdwara there. He was a *keshdhari* Sikh as well as an Asamiya. His dual identity introduced me to a new area of Indian Sikh scenario. On the eve of my departure, he kindly gave me a copy of one of the latest issues of Asamiya-Sikh Association's annual souvenir (*Smritigrantha*). It was nearly all in Asamiya and referred to different aspects of the local Sikh past.

III

On the next day, I was no longer hesitant to meet Sardar Rup Singh Sandhu (1913-2002). A retired member of the Assam Civil Service, Sandhu was in his early eighties. He had a very fragile body and was heard of hearing unless I was ready to shout at him. But he showed no lack of interest while talking about his community. As I was introducing myself, I referred to my earlier meeting with Sardar Dhyian Singh at his Shilpukhuri residence.

It created almost an explosion at the reception point. Sandhu virtually started screaming and even uttered a few uncharitable words. I could not immediately explain the causes of his sudden rage. His shouts and shrieks landed me to another uncharted corner of Sikh enquiry. The old man however came down to his senses as fast as he had earlier burst forth in anger. He remained silent for a few seconds and then, in a chocked voice, expressed anguish and pain for his misdemeanour. I realised that my reference to Sardar Dhyian Singh's name had made him furious. Being an old man, he was unable to restraint his bitterness.

Rup Singh narrated the community's long link with Punjab. He made no secret of the existence of an earlier Assamese Sikh Association. According to him, it was founded by him nearly 50 years ago (1930) and held Dhyian Singh for grabbing the old organisation.[16] He argued that it had yielded no good to the community. It was responsible for growing divisions and bitter feuds in the ranks of Asamiya-Sikhs.

[16] Rup Singh was neither its founders nor did it come into existence in early 1930. See Section XVI of the essay for further details.

My meeting with Rup Singh ended with a happy note. Being a retired civilian inducted into provincial administration during colonial rule, he had a distinct view about the community's goal and attainment. He time and again expressed that Asamiya-Sikhs were the descendants of those Sikh soldiers who had come from Punjab and criticised others who had questioned his understanding of the local Sikh past.[17] Like Dhyian Singh, the septuagenarian did not communicate in Asamiya but made me aware of his proud Punjab connection.[18] He preferred to talk in English and kindly showed me a few of his essays written in the same language. These were mostly published many years ago and handed me some of their copies. In spite of his bureaucratic superiority and distance, Sandhu told me to write to him in case of any need.

These meetings with two leading Asamiya-Sikhs made me aware of some of the major trends prevailing at the higher levels of the community. It is not a homogenous body but disheveled by two opposite groups.[19] One is enthusiastic about its Punjabi link as well as *Punjabiyat* while the other is concerned with its Assam ties. Secondly, the present leadership with Dhyian Singh at its apex has virtually pushed the old group with its Punjabi leaning to the background. Thirdly, its leaders come from urban middle class though the community is predominantly agriculturists. Finally, Assam Valley has not only accommodated the message of Sikhism but also sheltered a community which is distinctly different from that of Punjab.

[17] Singh, 'Sikhs and Assam', *Assam News*, 7th & 8th issue, pp. 36-40 and 9th and 10th Issue, pp. 33-37; *Assam Tribune*, 17 November 1981, 6 December 1982 and 30 August 1988.

[18] 'Sandhu' was not his *got* (clan) name. He added it to his surname. Kahn Singh, personal communication, 8 March 2005.

[19] Infighting of the community in the 1980s forced one local film director to abandon his plan of producing a documentary about them. *Assam Tribune*, 25 November 1982; *Dainik Asom*, 21 August and 17 November 1982.

These interactions stimulated my interest about the 'lived' realities of local Sikhs. These encouraged me to look beyond the 'historical, theoretical and textual approaches' of Sikhism on the basis of Asamiya literary sources. I realized that instead of portraying Sikhism in Assam as a monolithic faith, one needs to review it with reference to its varied performances at different local sites. Its everyday experiences scattered in the villages of Nagaon cannot be appreciated merely by reading a few relevant books and essays written in Asamiya, English and other languages. These are no doubt extremely important and relevant but a researcher is also expected to go through a brief period of field work 'among devotees who communicate the message of the lived religious traditions in their everyday life.'[20] The community's view of the past is likely to be different from an investigator's field experience in Nagaon and these two may run parallel without affecting each other's understanding of the past.

IV

While I was trying to outline some of these issues of my research at the guest house, Professor Phukan sent an urgent message requesting me to come to his department. It took another 10 minutes to reach there. As I was entering his office, I found another young Asamiya gentleman seating opposite to him. Without going for any lengthy introduction, the senior Tai-Ahom expert enthusiastically addressed the other young gentleman by his first name and told him: 'Brother Birinchi, here is Himadri from Kolkata. I had already briefed you about him and his project'. Again turning towards me, he continued without any interruption: 'He is Dr Birinchi Kumar Medhi, presently a Reader in the Department of Anthropology of this university. He is already awarded the Ph.D. degree for his

[20] Jakobsh, 'Studying the Sikhs: Thirty Years later... Where have we come, where are we going?' unpublished paper presented in a seminar, University of California, Riverside, 4-6 December 2008.

[21] Medhi, 'The Assamese-Sikhs: A Study of their Social Relations in a Rural Setting,' unpublished Ph. D. thesis, Department of Anthropology, Gauhati University, 1989.

research on Asamiya-Sikhs.[21] It is an important dissertation based on extensive field work in Barkola (Nagaon district). You need to talk to him and read his unpublished thesis. It is available in the central library of the university. He then requested me to accompany the anthropologist to his department.

As we were walking side by side, my new Asamiya friend promised to hand over some of his essays published in different popular Asamiya weeklies. He made a number of photocopies of other relevant official sources available in his different research files. Finally, he provided me a few names of leading Asamiya-Sikhs, their contact numbers and postal addresses for further enquiry. The entire transaction was completed within an hour which would have taxed my many days' hunt in different libraries.

During our brief interactive session, I referred to his unpublished doctoral dissertation and asked him to show me its copy. As I had uttered these words, he became almost silent for a few more seconds. I realized that I had tress-passed on a domain and need to change the course of our dialogue. I took the initiative and suggested how one would be able to read his unpublished thesis. He perhaps got a breather and confidently told me that any one might go straight and read it during the working hours of the university library.

In spite all my wonderful experiences with Medhi, I realised that he was possibly not ready to hand over the copy of his thesis. It was not due to any personal inhibition against me or my research.[22] He had been generous towards me. Soon I came back to guest house with a big packet. It contained numerous photocopies as well as a list of names, contact numbers and postal addresses of a number Asamiya-Sikhs residing in Dispur, Guwahati and Nagaon villages.

[22] One of his colleagues told me on condition of remaining anonymous that Medhi was possibly threatened by a few Asamiya-Sikhs. He was warned not to publish his dissertation affecting the 'dignity' of the community. Personal communication, 15 November 2004. I did not have the opportunity of confirming it from Medhi. Manjit Singh did not believe it to be true, personal communication, 12 April 2004.

As my brief holidays were over, I decided to leave to Guwahati to resume my normal university schedule. With a significant amount of sources at my command, I reached Kolkata and started going through them leisurely.

V

I gleaned through these materials and managed to classify them under two broad categories. There were photocopies of printed official sources like district gazetteers, statistical abstracts, census reports, handbooks and settlement publications of colonial and post-colonial periods. These were all in English. The community had a minimal reference there and it was sometimes restricted to a few lines. Some of the recent semi-governmental publications even rehashed old materials included in earlier volumes.

These sources refer to Asamiya-Sikhs as a minuscule rural folk constituting less than .01 per cent of the provincial population. They are mostly engaged in the cultivation of their own lands in Chaparmukh, Barkola, Lanka and Hatipara villages of Nagaon district. They are endogamous and their social status is low. Their agricultural holdings are small, situated near river banks and subjected to occasional floods from Kapili and Kalang. They mostly grow rice produced once in a year. A small creamy layer had come into existence in the post-independence years. It occasionally supplements its income by cultivating oilseeds and timber trade. [23]

[23] Hunter, W.W (ed.), *A Statistical Account of the District of Nowgong*, London 1879, pp. 172, 184-197; Hazarika, B.B. (ed.), *Assam District Gazetters: Kamrup District*, Gauhati 1990, p. 90; Barooah, D.P. (ed.), *Assam District Gazetteers: Nowgong District*, Gauhati 1978, pp. 83-93,117-18; Sharma, M.M., 'Islam, Christianity and Sikhism', in H.K.Barpujari (ed.), *The Comprehensive History of Assam*, Vol. III, Gauhati 1994, pp. 242-43; *Census of Assam, 1891*, Vol. I, Part I, p. 92; Sengupta, N.N., 'Assamese Sikh,' in K.S. Singh (General Editor), Barkakoti, B.K. and R.K. Athparia (eds.), *People of India*, Vol. XV, Part II, Assam, Calcutta 2003, pp. 81-7.

There was another category of materials written by the members of the community. These were mostly in Asamiya and published on different occasions during the last 15 years. A significant portion of them are in annual souvenirs (*Smritigrantha*) of the Asamiya Sikh Santha, published during the celebration of *gurpurabs*. I found these writings not only rich but also underline the community's intimate interactions with local culture and rural civilization.[24]

These texts conveyed a few other important indications. While appreciating community's growing representation in Asamiya, its marginalisation in official publications deserve some explanations. Its cryptic reference and insignificant position in different governmental sources cannot be interpreted merely in terms of its numerical inconsequentiality and poverty.

The community was ignored primarily owing to its relative unimportance in the dominant discourse of the history writing of the period. Since the beginning of reconstruction of Indian past under British rule, the politics of the colonial state as well as the periodization of history with chronological sequence remained some of its thrust areas. It led to the relegation of many minuscule ethnic or religious groups into insignificance. Historians' silence about Asamiya-Sikhs does not suggest that the latter did not exist in lower Assam during the same period. They continued to live in 'no history' zone because 'they lacked political weight'[25] and written sources.

A few references from history writing in colonial Assam would underline the point. The American Baptist Mission introduced print-

[24] Singh, Jiban, 'Sikh aru Sikh Prabrajan', in Nagen Kalita (ed.), Rahar Rahadoi, Raha, 1980, pp. 85-99; Kashyap, Samudra Gupta, 'Asamiya Sikh: Hadirachakir Para Barkola Gaonloi', *Prantik*, 1-15 July, 1982, pp. 20-23; Medhi, Birinchikumar, 'Asamiya Sikhsakal: Punjabar Para Pryagjyotishpuralai', *Natun Din*, 15 October 1991, pp. 5, 28-9.

[25] cf. Hardiman, David, 'Advasi Assertion in South Gujarat: the Devi Movement of 1922-3', in Guha, Ranajit (ed.), *Subaltern Studies: Essays and Writings in South Asian History*, Vol. III, New Delhi 1984, pp. 196-230.

culture in the Valley in 1846. They set up a press in Sibsagar (upper Assam) and started publishing a monthly magazine in the name of *Orunodoi*.[26] It had a separate section pointing out some important contemporary developments of the world. One of its first few issues referred to the Anglo-Sikh Wars in Punjab (1845-46 and 1849). It elaborately communicated the English East India Company's military encounter with the Lahore *darbar* in far away Punjab but remained silent about Asamiya-Sikhs who were almost their next door neighbours in lower Brahmaputra Valley. Similarly, numerous developments in Nagaon district figured prominently in different issues of the same journal in the second half of nineteenth century. Here also local Sikhs were conspicuous by their absence.[27] Asamiya-Sikhs' voice of history was thus undermined by those who were politically more important in contemporary Assam.

VI

The writing of history was also determined by sources used by historians. An early nineteenth century author, in pursuance of contemporary European ideas, usually reconstructed history on the basis of written records. In this scheme of history, any contemporary official sources, received a special emphasis. Diverse oral traditions of indigenous people, viz. memoirs, imaginations, legends, myths, songs, folklores, ethnic beliefs and practices, which had remained important areas of local history, were viewed with suspicion. In spite of widespread circulation and popularity, these sources lacked credibility owing to their absence of written confirmation. The writing of history under colonial rule thus marched ahead with growing dependence on written materials as well as its lack of trust

[26] Sharma, Jayeeta, 'Missionaries and Print Culture in Nineteenth-Century Assam: The Orunodoi Periodical of the American Baptist Mission', in Frykenburg, Eric Robert (ed.), *Christian and Missionaries in India: Cross-Cultural Communications with reference to Caste, Conversion, and Colonialism*, London 2003, pp. 256-73.

[27] Neog, Maheswar (ed.), *Orunodoi*, Guwahati, 1983, pp. 328-42, 475; Barua, Birinchikumar, 'Orunodoi Sambad Patrat Nagaonr Batori', in Maheschandra Goswami (ed.), Nagaon 1959, pp. 124-44.

about oral evidence. There was widespread conviction that history with its sense of chronology belonged to the domain of the state while the 'savage' and 'non-literate' people would 'find no interest in the past' because they did not possess anything like 'written chronology'.[28]

In the absence of written information about them, social scientists from other disciplines in twentieth century were in search of alternative or unorthodox sources. Oral traditions of local people attracted many of them. These sources of varied lengths and forms were in wide circulation at micro-level. Indigenous people regarded them essential for remembering their past.[29] Folklorists, sociologists, historians and others who were working with smaller communities of north-east India faced paucity of written sources. Many of them went beyond archives in search of local materials. Their writings emphasised the richness of oral sources of the region as well as its limitations.[30]

It is likely that Asamiya-Sikhs have missed the attention of historians of the Valley owing to the absence of sufficient written records about them. They are intimately linked to their oral traditions which provide the community a voice of articulation as well as a sense of identity. These were underlined through their remembrances

[28] cf. Dorson, Richard, M., 'Oral Tradition and Written History: The Case for the United States' *Journal of the Folklore Institute*, Vol. I (3), December 1964, 225,228,229.

[29] In the reconstruction of African past, unwritten materials had long received attention from social scientists who were not necessarily all historians. cf. Vansina, Jan, *Oral Tradition: A Study in Historical Methodology*, trans. Wright, H.M., London 1965. Also see his 'For Oral Tradition (But not against Braudel)', *History in Africa*, Vol. V (1978), pp. 354-55.

[30] I would especially refer to the researches of Prafulladatta Goswami and Birendranath Datta of Gauhati University, Guwahati and Soumen Sen of North-Eastern Hill University, Shillong.

on special occasions. There was a 'sense of history and tradition' which had been a part oftheir 'way of life'. It becomes important in areas where 'documentary evidences are inadequate'[31] and may fill in gaps in local historical records.

A few of them have simultaneously cautioned about their uncritical use in reconstructing regional past at micro-level. These may result in 'a parochial' view of the past distorting 'the history of the country' based on the 'idea of unity in diversity.' There were even other warnings like its 'use' 'to build regional sentiments for political purposes.' The remedy suggested is locating these histories of communities/groups/regions in the 'context' of 'relationship with national history.'[32] While appreciating the significance of these admonitions in reconstructing history at micro-level, historians of smaller communities are not unaware of their varied links with different power strictures lying at a higher level. It is convenient to refer to a 'dialogue and debate' between them. But it is likely to miss much of its meaning and relevance if those issues seek to streamline historian's methodology as well as his review of sources at any stage of the enquiry. It may turn him into an unconscious victim of forces which he is trying to encounter through his enquiry.

VII

Some of these issues would figure in reconstructing the local Sikh past of Brahmaputra Valley. There are reasons to believe that Sikhs are in the Valley for more than two centuries.[33] Nowadays they speak Asamiya with great fluency and local intonation that even evokes wonder in Assamese intelligentsia.[34] Except their turban

[31] Bhattacharjee, J.B., 'History and Folklore in the Context of Cachar Valley', in Sen, Soumen (ed.), *Folklore in North-East India*, New Delhi 1985, pp. 156-57.

[32] Bhattarcharya, Sabyasachi, 'The Nationalist Discourse of Civilization and Regional Historiography', unpublished Presidential Address, Punjab History Conference, Patiala 2008, pp. 2-16.

[33] Gait, Edward, *A History of Assam* (hereafter *Assam*), Guwahati (first published Calcutta, 1906) reprint, 1981, p. 218; Baruah, S.L., *Last Days of Ahom Monarch, 1769-1826*, New Delhi 1994, pp. 117,118,152,161.

[34] Arupa Patangiya Kalita, Department of English (a noted Asamiya littérateur) personal communication, 15 August 2004.

and beard, Sikh male folk can hardly be distinguished from the rest of Asamiya population. 'Even the lady of the house looks like just any other Assamese married women–adorned with *sindoor* (vermillion) and clad in *mekhala-chaddar*, the traditional Assamese dress.'[35] Her language, food, daily work schedule, social response, community celebrations, among others are so close to her next door Asamiya neighbour, that one would often find it difficult to separate one from the other.[36] Even Punjabi-Sikhs who have also resided in the region for a long time admit that their socialisation with local Asamiyas has never been to the level already attained by Asamiya-Sikhs of Nagaon villages. They are so familiar with the roots of local culture that their *hare himjure Assamiya* (hundred per cent Asamiya) assertion does not appear a tall claim. It has made them almost unique in eastern Indian Sikh world.

Their vigorous Assamisation has long noticed in regional historiography. The community is equally conscious of its Sikh identity. It is expressed in reconstructing the community's 'history' which is distinct from, and sometimes runs parallel to, the one outlined by a section of Asamiya-Hindu of Brahmaputra Valley. Native Sikh's search for a distinct past not only underlines its need for a distinct identity, it also represents a voice of dissent against the politics of 'homogenization' of the host community.[37] In stead of projecting it as a message of open resistance against the dominant community of the region, the former seeks to draw the attention of the latter for a better deal and honour.[38]

The Assamisation process as well as the community's search for a distinct past offers an entry point to the world of Asamiya-

[35] Sikh-Diaspora @yahoo on line group, 20 April 2003.

[36] Nanda Singh (Deputy Superintendent of Police, Assam Police) personal communication, 18 April 2004).

[37] Mohapatra, Bishnu, 'Ways of Belonging', *Studies in History*, New Series, Vol. XII (2), pp. 200-05.

[38] cf. Bhadra, Gautam, 'The Mentality of Subalternity: *Kanatanama* or Rajadharma', in Arnold, David and Hardiman, David (eds.), *Subaltern Studies:* Vol. VIII, *Essays in Honour of Ranajit Guha*, New Delhi 1994, p. 94.

Sikhs. These are closely related issues and review of the former may throw some light on the latter. According to their sources, the Battle of Hadirachaki (1823) for the first time witnessed the presence of a battalion of Sikh soldiers in Assam. We are told that these Sikhs came from Punjab for the protection of Ahom kingdom against the invasions of Burmese from the east. There may be some doubts regarding the nature and extent of Sikh participation in the battle, but the presence of a small contingent of Sikh soldiers in Ahom army has been confirmed in contemporary British records, popular memories, folk songs, myths and latter day Assamese printed sources.

VIII

The following paragraph from an annual souvenir of the Asamiya-Sikh Santha reconstructs the episode from the perspective of the community: [39]

The history records... that a Sikh army consisting of 500 warriors under the command of General ...Bir Chaitanya Singh was sent to Assam, by Maharaja Ranjit Singh of Punjab, at the request of the Ahom King Swargadew Chandra Kanta Sinha [Singh], to fight for the cause of Assam and its people during the third Burmese invasion of 1820[1823]. The Sikh army along with the natives fought a fierce battle at Hadira-chaki to the north of the Brahmaputra river. The General earned martyrdom in the battle field. Few surviving soldiers with Mataji, wife of the Sikh General moved in the upstream of the river Brahmaputra in boats. At a place namely Kajalimukh, 18 [?] miles to the east of Gauhati, they entered into the river Kapili and proceeded further upstream and came to the mouth of the rivulet called TITAIMARA SUTI which connects Kapili nadi [river] with river Kolong at Raha in the District of Nowgaon, Assam. They pitched their tents on the bank of TITAIMARA SUTI, at Chaparmukh, Distt. Nowgaon, Assam. They had cannons, armoury

[39] Singh, Joginder, 'Sikhs in Cultural Fabric of Assam', in Jayashree Mohanta (ed.), *Smritigrantha*, Guwahati 1990,pp. 27.

and ammunition. The place where Mataji took rest is now enshrined as temple later named as 'Gurudwara Mataji' where the relics such as canons, grinding stone and Sikh scripture have been preserved. ....I had the privilege to visit Chaparmukh...where I had the opportunity to see to my utter surprise, men folk keeping long hair and growing beard... they are really Sikhs...Their language, customs and dress and cutture [culture] is Assamese.

The above text conveys a 'history' which is not only widely remembered, but also regarded as true by Asamiya-Sikhs. It is considered as an integral part of their cultural heritage and provides a sense of unity and identity at the community level. The same account is quoted not only in the drawing rooms of urban elite, but also in the courtyard of any Sikh peasant in Nagaon villages. The community holds the 'history' in great reverence because it conveys a message of golden past as well as emphasises its claim to a place of dignity and importance in the Assam Valley. Local Sikhs live through its repeated performances and bestow a respectability and power to a group of people who were mostly 'unprivileged, small landholders' with 'single-plough' 'capable of cultivating about twelve to eighteen bighas of land.'[40] It generated a sense of cohesion among them.

Their 'history' may be conveniently divided into two distinct parts: the first section refers to the coming of the Sikhs from Punjab to Assam on the eve of the Battle of Hadirachaki. It was on the invitation of Ahom king Chandrakanta Singh that Maharaja Ranjit Singh sent 500 Sikh soldiers from Punjab for the protection of Assam against Burmese. It concludes with the death of most of them on battlefield. The second part is concerned with the decision of remaining Sikh solders to stay back in Assam. Accordingly, they began their upstream Brahamaputra journey under the direction of Mataji (deceased Sikh general's wife). After a long trip by boat, they finally reached Titaimora Suti (rivulet). On its western bank

[40] Guha, 'Agrarian Structures in the late Nineteenth Century', in *idem.* (ed.), *Medieval and Early Colonial Assam: Society Polity and Economy* (hereafter *Medieval Assam*), Calcutta 1991, pp. 244-45.

stands Chaparmukh village. They disembarked here. It was their first settlement in Assam. In the present scheme of 'history', their move from Hadirachaki to Chaparmukh was virtually a march into the unknown.

There are also a few other related issues in the 'history'. In the first place, it is not exclusively meant for them. A part of its target audience is the larger populace of the Brahamaputra Valley beyond Asamiya-Sikh community. For better communication and understanding, here the 'history' is almost presented in the form of a declaration by Asamiya-Sikhs for the 'Other', i.e. the local dominant community who holds power and authority in the plains of Assam. Secondly, it also seeks to communicate that those who are not aware of Assam's 'true' past would hardly be cognizant of the causes of continued presence of these Sikhs in rural Assam. They are possibly unaware of these Sikhs' glorious sacrifices and contributions for the cause of Assamese independence. That is why they do not treat Assamiya-Sikhs respectfully and regard them as low caste agriculturists of Nagaon villages.[41]

There is another social dimension to their 'history'. It acknowledges that the community has suffered a great economic and social decline since its first coming to Assam. Asamiya high castes Hindus do not treat them respectfully and the latter's marriage network restricted to low-caste untouchables of the neighbourhood confirms the point. Their poor economic condition and social indignity have intensified their marginality. The bulk of Asamiya-Hindu middle class of the Brahamaputra Valley have even tried to take advantage of their economic plight and abused them in numerous ways.[42] Compared to their 'golden past', the community regards the present state as transitory and unfortunate. Finally, any one who ridicules them for the present 'misfortune' is advised to 'read' their 'correct' version of 'history' because it is 'a past worthy of remembrance.'

[41] *Infra.*, p. 20.

[42] *Assam Tribune*, 15 August 1988 and 30 August 1988.

Asamiya-Sikhs' serious concern for their 'golden past' is generally regarded a common cultural tendency of a community whenever it is not content with its existing social position. In other words, the community regards the present as an 'oppressive'. One therefore needs to review whether Asamiya-Sikhs had been negotiating with a situation in Assam that had compelled them to look back and revise their 'history'. Any understanding of the above would in turn raise the following questions. Did these Sikhs really come from Punjab? Or did they ever come from any where else on their own? What had prompted them to move and settle in far away Assam? What had been the perception of the majority community of the region about them? Did their reconstructed past adequately fit in with the wider Assamese past to which they also belong? For the answers of all these questions, we need to go back to the first quarter of nineteenth century before the Battle of Hadirachaki in the Assam Valley.

IX

Ahom power stood almost on its last leg on the eve of the Battle of Hadirachaki. It was no longer militarily powerful while its civil administration had become an oppressive institution precipitating revolt, palace conspiracy and chronic economic dislocation in different parts of the kingdom.[43] Situation took a worse turn with the large-scale death and destruction unleashed by the invasions of the Burmese. Contemporary British sources reveal that Ahoms had virtually lost control over the kingdom as far as lower Assam. It was getting ready for the last phase of resistance against their eastern invaders. In this context, the 'history' of Asamiya-Sikhs tells that a battalion of 500 Sikhs under the command of

[43] cf. Bhuyan, Suryya Kumar, *Anglo-Assamese Relations, 1771-1826*, Gauhati 1949; Dutta-Baruah, Carolline and Deloche, Jean, trans. *Adventures of Jean-Batiste Chevalier in Eastern India(1752-1765): Historical Memoir and Journal of Travels in Assam, Bengal and Tibet*, Guwahati 2008 ; Guha, Amalendu, 'Peasant Uprisings and the Feudal Crisis', *Medieval Assam*, pp. 98-138.

Chaitanya Singh came from Punjab and fought for the liberty of Assam. It resulted in the martyrdom of nearly all of them at the Battle of Hadirachaki.

One may question the veracity of the coming of a battalion of 500 Sikh soldiers from Punjab. The long distance between Punjab and Assam made undetected movement of troops between them unlikely. Secondly, the Treaty of Amritsar (1809) between the English East India Company and the Lahore *darbar* prohibited Sikh monarch's armed intervention east of Sutlej. Thirdly, the long standing friendly relationship between the Khalsa Raj and the Kingdom of Burma raises serious doubts about the possibility of Maharaja's sending military succour to Assam. Finally, our doubts are deepened with the supposedly Sikh decision of staying back in Assam when the Burmese let loose hell-fire and destruction (*manar din*) everywhere in the Brahmaputra Valley. It seems equally improbable that the Sikhs who had come for the first time to Assam would stay back in Brahmaputra Valley after the death of nearly all their compatriots at the hands of Burmese. With their Punjabi background, it is likely that they would feel extremely insecure in Assam and would think of leaving after the end of their encounter with the Burmese. This would be their normal decision in the context of their suggested Punjab connection.

Their 'history' points out that they did just the opposite. Instead of going back home, they pushed deep into Assamese territory where the Burmese were in full control. They were not unaware of its grievous consequences. To any sensible mind their decision would appear as good as a move towards the jaws of death.

During the post-Hadirachaki days, these Sikhs therefore took a line of action in Assam which is inexplicable in the context of their coming from Punjab. From this perspective, their 'history' perhaps seeks to convey a message to its readers/listeners which needs close scrutiny. There is hardly any doubt about Sikh soldiers' decision to move from Hadirachaki to Chaparmukh first through the upstream

[44] See map at the end of the essay.

Brahmaputra, and then Kapili-Kalang-Titaimora Suti[44] (second part of their 'history') as it is suggested by their sources. Here they were possibly guided by other circumstances which their Punjab linked 'history' does not adequately explain.

Instead of following the convenient land route from Hadirachaki to Chaparmukh, their entire upstream journey enables us to raise a few points. In the first place, those Sikhs undertook the shortest path possibly because they needed to reach Chaparmukh quickly. They were probably well aware of the local topography of the region. They therefore selected a route which would offer them a comparatively safe passage in times of extreme uncertainty. Secondly, they were therefore not unknown faces in lower Assam. They were possibly local men who were well acquainted with the different land routes and waterways of the region. Their intimate understanding of the locale perhaps gave them the required courage and confidence to undertake journey by boats. Finally, their resolution to move deep into the rural areas of Nagaon by waterway was perhaps an outcome of their desire to protect someone or some groups who were not only very dear to them, but were probably awaiting their presence in a time of great insecurity. The rapid upstream journey in the shortest possible time thus became a life and death question to them. Could it be their need to save their beleaguered families who had been left behind in the territories fertilised by the waters of Kalang-Kapili-Titaimara Suti?

X

Again the journey towards Chaparmukh raises some other questions about the Asamiya-Sikhs' claim that they had all come from Punjab. It rather underlines their long and intimate connection with the Assam Valley. There are some reasons to believe that they were already in Nagaon villages since the last quarter of eighteenth century. It was then a period of civil wars and sporadic revolts. Taking advantage of royal ineffectiveness, a few civil rebellions and religious revolts took place. One of them occurred in Kamrup region. Haradatta and Biradatta Chaudhuri, the zamindars of Jikeri (lower Assam) revolted against the oppressive rule of Badan Barphukan,

the Ahom Viceroy of Guwahati region. It marked the beginning of hostilities engulfing almost the whole of Kamrup into a vicious civil war. Perhaps a greater trouble came from the side of the Mayamariayas. They were a militant religious sect with widespread organisational network through different social layers of Asamiya society. The revolt of the Mayamariayas more or less continued for nearly five decades. The protest of the neo-Vaishnavite radical peasants brought the Ahoms almost to their knees. It created many permanent scars in the Asamiya civil society.[45]

These were the decades when the English East India Company was consolidating its position in Bengal Presidency. The Company's administration was making serious attempts at driving away disturbers of local peace from its territories. A major military offensive was directed against the Sannayasi-Fakir raiders and other dissenters of western and northern Bengal districts. The insurgents included Hindus, Muslims and others from different religious or semi-religious orders and many of them had experiences in military training and long distance trade. Disgruntled peasants, village artisans, and others also swelled their ranks. Unable to resist the superior power of the Company, these men secretly entered lower Assam, joined the ranks of local rebels and carried on depredations against the commoners.

Contemporary records point out that these rebels included people who were called *barkandazes*. They were upcountry (Hindusthani/Punjabi) militiamen, mostly coming from the ranks of disbanded private armies of local zamindars or native rulers who had suffered enormously at the hands of the rising power of the Company. Many of them were mercenaries ready to serve any authority on suitable remuneration.[46] We have cases of frequent

[45] Guha, Amalendu, *Vaishnabadar para Mayamariya Bidrohlai*, Guwahati 1993.

[46] Shakespeare, L.W., *History of Upper Assam, Upper Burmah and North-Eastern Frontier*, London 1930, p. 60; Dasgupta, Ratan, 'Mercenaries and the Political Economy of Bengal: 1727-63', *Social Scientist*, Vol. XIII (4), pp. 17-30; Bhadra, Gautam, 'Social Groups and Relations in the Town of Murshidabad, 1765 - 1793', *Indian Historical Review*, Vol. II, (2), pp. 312-33.

desertions and the changing of sides by these men with fluctuating fortunes of their temporary employers. Civil wars in lower Assam virtually offered them fresh pasturage. Consequently, the region reported many such developments in the 1790s.

We have other reasons to believe that their ranks were occasionally swelled by small numbers of Sikhs.[47] They were possibly men from Bihar, an important centre of Sikhism since the mid eighteenth century. It is likely that with the Ninth Guru Tegh Bahadur's visit to lower Assam (1666-1671), the Bihari-Sikhs came to know more about the locality. A few of them might have accompanied him from Patna and stayed back in Assam on his command to manage the affairs of the local gurdwara, set up in Dhubri commemorating the Guru's visit. A small Sikh settlement grew up around the gurdwara locally called Dumduma and became a place of pilgrimage.[48] The Bihari *pujari* family of Dhubri gurdwara possibly became the nucleus of local Sikh settlement[49] and maintained contacts with different native Sikh centres in Bihar till its last descendants were shunted out of the place in mid twentieth century. It also served as an *akhara* (military training ground)

[47] Ghosh, J.M., *Sannayasi and Fakir Raiders of Bengal*, Calcutta 1930; Sen, Surendranath (ed.), *Prachin Bangla Patra Sankalan*, Kolikata 1942, p. 58.

[48] *Census Report, 1891*, Vol.I, Assam, Part I, p. 92; *Khalsa Samachar*, 2 April 1902 and 18 February 1903; Fortnightly Report (Assam) for the second half of January 1927; Assam Police Intelligence Abstracts, 26 December 1935; Mann, Arjan Singh, *Guru Tegh Bahadur And Assam Pradesh*, New Delhi 1930, pp. 182-85; Singh, Gurmukh, *Historical Sikh Shrines*, Amritsar 1995, 334-35; Niranjan Singh (Retired Deputy Superintendent of Police, Assam Police), personal communication, 26 April 1994 and Surjit Singh (Executive Member, North-East India Sikh Pratinidhi Board), personal communication, 9 May 2005.

[49] *Assam District Gazetteers: Goalpara District*, Vol. III, p. 59. For a popular account of Dhubri Gurdwara, see *The Telegraph*, Guwahati edition, 10 November 1997.

providing necessary armed protection to the religious institution in its difficult days.[50]

During these years, Bihar was also seriously affected by numerous economic changes. The steady penetration of the East India Company's political authority in the post-Plassey decades, the resultant changes in the local centres of power, the composition, pattern and management of the overland trade passing through major urban centres along the Ganga (particularly the strict monopoly of the Company over the cultivation, manufacture and trade of opium and indigo), the disastrous effects of the famine of 1770 and the introduction of different harsh land revenue measures from 1772 onwards made matters even worse.[51] Their cumulative effect had earlier encouraged a small section of the Bihari-Sikhs move towards the newly emerging Kolkata metropolis. A few others of the same community might have joined the bandwagon of the Sannayasi-Fakir insurgents.[52] After years of sporadic encounters with the Company's army in Bengal, some of their survivors possibly sneaked into the territories of the Ahoms. Their links with local Sikh settlement around Dhubri Sahib cannot also be ruled out. It might have facilitated their entry into the trouble-torn Kamrup region of Assam.

[50] Dutta, N.C. (ed.), *Assam District Gazetteers: Darang District*, Gauhati 1978, pp. 76-7; Baruah, Last *Days of the Ahom Raj*, pp. 117-18, 152, 161; 224; Dutta, S., 'Barkandaz, Fakir and Sannayasi Elements in Assam Politics of the 18th and 19th Centuries', *Proceedings of North-East India History Association*, Vol. XIV, 1993, pp. 33-44; Gait, *Assam*, pp. 204-06, 212, 218.

[51] Ray, Aniruddha, *Transformation of Bihar: European Discourses*, Patna, 2003, pp. 135-189; Guha, Ranajit, *A Rule of Property of Bengal: An Idea of Permanent Settlement,* New Delhi 1981,p. 53; Talukdar, Nanda, *Suryakumar Bhuyan*, Guwahati 1984, pp. 9-15.

[52] cf. Prakash, Ved, *The Sikhs in Bihar*, Patna, 1981.

XI

We have thus been able to trace the presence of a small number of armed Sikhs in lower Assam in the last quarter of eighteenth century. Perhaps they were soon to come across a few of their fellow religionists who had earlier been to Assam in the Company's army under Captain Welsh (1792-4) and decided to stay back.[53] The mercenaries found employment in the ongoing civil war between Badan Barphukan, Ahom Governor of Guwahati and Chaudhuris of Jikeri. The first offer came from Chaudhuris (1792). Rajanikanta Bardoloi (1867-1940), a great Assamese novelist writing nearly 130 years later, points out that Chaudhuris recruited 200 sword wielding Sikh soldiers and 100 riflemen Sikh. Besides regular supplies of food, they were assured a monthly salary of three to four rupees. But such commitments proved to be extremely burdensome for Chaudhuris. They fell into arrears.[54] It stimulated a chain reaction which proved to be disastrous to both of them.

With increasing arrears of pay, Sikh *barkandazes* grew restive and started oppressing local peasants. It made Chaudhuris unpopular in the eyes of their kinsmen. The Sikhs also tasted the heat of the local populace and started looking for an alternative. They were lucky to get a higher pay contract from Badan Barphukan and did not even blink before deserting Chaudhuris and joining the Ahoms. With the support of Sikh mercenaries, Badan Barphukan did not take much time to defeat and imprison Chaudhuris and bring an end to the civil war. But the Ahom military dependence upon Sikh mercenaries did not end with it. Already the long war with Mayamariayas had exposed the military bankruptcy of Ahoms. The latter's decision to have a new strong militia possibly facilitated the recruitment of a few Sikhs in Ahom army. They were given

[53] Hazarika, Atulchandra and Sarma, Hemantakumar (eds.), *Kamrup-Ratnamala*, Guwahati no date, p. 2; Hazarika, Atulchandra, *Smritilekha, Atmakatha aru Purani Katha,* Guwahati 1981, pp. 11-12; Chaudhuri, Madhuri, et.al, *Sowarani Rupakar,* Guwahati 1999.

[54] Bardoloi, Rajanikanta, *Dandua Droha*, Gauhati (first published 1919) reprint 1954, pp. 126-28.

plots of land for their livelihood. The Sikhs agreed to stay back in Assam largely owing to the loss of contact with their place of origin during the tumultuous last quarter of eighteenth century. With military employment and assured living from cultivation, they were later induced to marry local Asamiya women. It goes to the credit of these men that they could combine their military engagements with the life of a peaceful peasant since the closing years of the century.

These Sikhs possibly began a second innings of their life at Raha Chaki, an important Ahom military outpost since the early seventeenth century. It was situated around 20 km. south-east of Nagaon town on Kapili river. Ahoms raised it for maintaining peace and security along the Ahom-Kachhari hilly frontiers of the south-east. The region was a low-lying fertile area exposed to annual flood. There was a local market at Raha where Kachhari merchants used to come by river for trade. It was left under the supervision of one Rahial Barua, an Ahom official in-charge of Raha post.[55]

We do not have any contemporary sources indicating the employment of Sikhs in that Ahom outpost. The Sikh presence at Chaparmukh village, which is close to Raha town, is, however, suggestive. It is likely that those Sikhs who had been serving Raha outpost under Ahoms had their families beyond Raha at Chaparmukh. By marrying Asamiya women they already had become a part of the local world. The close integration between public and private lives of these Sikhs turned them into sons of the soil. Generally speaking, their life circulating within a radius of three to five kilometers from Raha to Chaparmukh gradually made them intimately aware of local situation. The invasions of the

[55] Bhuyan, Suryya Kumar, *Deodhai Asam Buranji*, Guwahati 1990, pp. 121-33,142; Jogendra Narayan Phukan (Retired Professor of History, Gauhati University), personal communication, 27 August 2004, and Hemendra Nath Bora (Retired Head Master, Raha High School), personal communication, 23 August 2005; **Kakati,** Madhabchandra, *Raha Chakir Itibrittwa*, Guwahati 1980, pp. 84-7; Barkakati, Dipak Kumar, *Kalang Parar* Itikatha, Guwahati 2002, pp. 76-7.

Burmese disrupted their regular life cycle. Extreme emergency possibly prompted the Ahoms to recruit them for resisting the Burmese. They might have called upon these Asamiya-Sikh soldiers to move from Raha Chaki to Hadirachaki in lower Assam. There Ahom king Chandrakanta Singh was getting ready for a final showdown with the Burmese. The defeat of the Ahoms prompted these Sikhs to return rapidly to their homes in Chaparmukh amidst marauding Burmese.

XII

Burmese rule in Assam was brief. The British brought an end to it in 1826. The English East India Company gradually introduced its own administrative apparatus and replaced the old Ahom army. In the new military machine of the British, the Asamiya-Sikhs had no room. They were therefore increasingly ruralised and made agriculture their whole time profession. They found around them abundant waste land which required much labour and liquid money for bringing them under the plough. 'It was only members of large, well-off peasant families who could avail of this opportunity.'[56] The Asamiya-Sikhs possibly swelled the ranks of poor peasants and tenants because they generally cultivated inferior quality of lands, offered free labour to rich peasants or others 'in return for the cattle they (had) borrowed.' In the first half of nineteenth century, Nagaon was a sparsely populated area with marshy lands, bushes and forest. Such conditions welcomed every one to bring additional areas under cultivation.[57]

We have no information on the exact size of the Asamiya-Sikh population till the first census of 1881. There were certain factors, which limited the growth of population throughout nineteenth century. The rural tracts of Nagaon were generally vulnerable to

[56] Mukherjee, Aditya, 'Agrarian Conditions in Assam, 1880-1890: A Case Study of Five Districts of the Brahmaputra Valley', *The Indian Economic and Social History Review,* Vol. XVI (2), p. 230.

[57] Abani. K. Bhagwati (Professor of Geography, Gauhati University), personal communication, 23 December 2005.

malaria, kalazar and other similar diseases. Malaria was no doubt the greatest killer of the district population, but we also have reports of the attacks of kalazar in 1868 and then again 1888. The ravages of kalazar were 'great' and the population of the district declined by 24.8 per cent during 1891-1901. Similarly, natural calamities like annual floods[58] and the earthquake of 1897 had an adverse impact on the growth of population and the area under its cultivation.

These factors had affected the growth of rural Sikh population. The first provincial census of 1881 refers to total Sikh population of the province as only 14 which seem to be very low and raises doubts about its reliability. It is likely that positive checks like disease and flood might have affected its upward growth. In the next decade it rose to 63 and by the beginning of the new century it stood at 214.[59] Throughout nineteenth century Nagaon rural areas were known for their low population. Naturally any rise in population would have stimulated the search for additional cultivable holdings. They had long been planning to shift to any adjoining locality at a higher level that would be relatively free from devastating floods of Kalang-Kapili watershed. Thus grew up the second Sikh village – Barkola. In the next century, Barkola steadily expanded in size till it became one of the most populous Sikh villages in Nagaon district. It may be largely due to regular water supply from a number of tanks of the locality. Later on other Sikhs also went on to live in Hatipara and Lanka villages of the same district.[60]

It seems likely that these numerically unimportant Sikhs of Nagaon drew little attention from the local Asamiya population till the last decade of nineteenth century. We have already referred to the *Qorunodoi*'s silence about them. Similarly, Gunaviram Barua, an

[58] Hunter, op. cit., p. 197; Bhuyan, Jogemdranarayan, *Urwali Joya Nathir Pata*. Nagaon 1991, pp. 16-20.

[59] *Census of India, 1901*, Vol. I, Part I, p. 46.

[60] Singh, Pritam, 'Aitijhya Mandita Barkola: Eti Chamu Parichaya', *Smritigrantha*, Barkola 1984, pp. 23-8; Baruah,Suren, et al., 'Bihangam Drishtit: Lankar Atit aru Bartaman', *Lankazan Smaranika*, Lanka 1996, pp. 2-4.

enlightened Assamese mind, who had sometimes served the local administration with his headquarters at Nagaon, and had referred to the movement of Sikh *barkandazes* during the later days of Ahom rule, also maintained a silence about their presence in Nagaon villages.[61] The lack of reference about rural Nagaon Sikhs in any mid nineteenth century vernacular sources suggests their comparative 'unimportance' in the eyes of contemporary Asamiya elite of the Brahmaputra Valley.

The minuscule Sikh population, however, became a target of criticism of a section of the newly emerging Asamiya nationalist writings around the closing years of nineteenth century. Xenophobia had always been a distinguishing mark of the Asamiya attitude since the middle ages. In the sparsely populated Assam Valley, the newly emerging Asamiya middle class had a deep fear of being submerged by a large influx of outsiders beyond its border. During British rule, the coming of the educated Bengali middle class holding many important lower level official positions in Assam intensified the attitude. The latter was accused of not only enjoying colonial patronage but also of denying the mother tongue of (Asamiya) local folk its rightful place. They were increasingly referred to as *bangal* (foreigner) and found occasional reflection in many contemporary Asamiya writings.

Like the educated Bengali middle class of Assam Valley, the Asamiya-Sikhs were also regarded as outsiders in the Brahamaputra plains. They appeared as surrogate enemies in the eyes of a few Asamiya authors whose main hatred was Bengali Hindu middle class of the locality. For example, in a novel named *Padum-Kuwari*, by Lakhminath Bezbaroa (1864-1938), a leading Asamiya litterateur of the period, these Sikhs were reminded of their *barkandaz* origin even after residing in the region for one hundred years. The novel was set in the background of the revolt of Chaudhuris of Jikeri (early 1790s) against the oppression of the Ahom Governor Badan Barphukan of Guwahati. It portrayed a small Sikh army led by one

[61] Barua, Gunaviram, *Ananda Dhekiyal Phukanar Jiban Chraitra*, Guwahati (first published 1872) reprint 1971, pp. 5 -26.

Kumedan Singh largely guided by a desire of limitless loot. They were depicted as a group of treacherous human beings with very little love for Assam. Although the Sikhs had a very limited role to play in the world of the novel, Bezbaroa's projection of these people amply revealed an element of deep anger and hatred. In fact Bezbaroa made it as clear as possible to his readers that Assam does not have any space for these *barkandaz* Sikhs.

XIII

The novel represents an aggressive manifestation of what has been termed as the 'Little Nationalism' in Assam.[62] According to its critics, it is an uncompromising form of political philosophy making Assam exclusively a land of Asamiya-speaking people. It also singles out a section of Asamiya Hindu middle class, negating Assam's plural cultural tradition. In this sense, in his novel, Bezbaroa challenges the century long process of Assamisation of the Sikhs.

Bezbaroa, however, drew much of the sources of his literary creation from the unfortunate experience of the Dandua Droha of the 1790s. Much of this material is available in the folk narrative of Kamrup region and indirectly refers to the oppression by Sikh mercenaries. Later he elaborated these fragments in his depiction of the Sikh leader Kumedan Singh's lustful behavior toward Padum Kuwari, the beautiful daughter of Haradatta Chaudhuri, the zamindar of Jikeri.

A folk narrative of the early nineteenth century partly supports this point. The fateful experiences of the Dandua Droha stayed in

[62] Here 'Little Nationalism' refers to an aggressive form of regionalism. It may be described as a way of thinking in which Assam is a microcosmic centre of all actions and the all-India view is of no importance. Nearly two decades ago Guha perhaps first used the term with reference to the Assam Movement of the 1980s. Guha, Amalendu, 'Little Nationalism Turned Chauvinist: Assam's Anti-Foreigner Upsurge, 1979-80', *Economic and Political Weekly*, Vol. 15, No. 41/43, Special Number, October 1980, pp. 1699-1720.

the memory of the people of Kamrup. Many unfortunate activities of *barkandazes* during the revolt, changing courses of the insurrection, and the bloodshed and plunder, albeit much changed and exaggerated, found their way into the wider cultural narrative of the region. In tune with the needs and fluctuations of local popular aspiration, these experiences were refurbished through exclusion and assimilation. One such source is the well-known descriptive poem, *Padumkuwarir malita*. Only an incomplete version of it is available. A couple of lines from the poem which have come down as a popular refrain among the local people, reveal their attitude towards the hired Sikh soldiers under Kumedan Singh.[63]

Haradatta jiyari Padmakumari
Dhanarat Nakhale Bhat,
Kumedan Bangale Hatot dhori nile
Bangale marile jat.
[Haradatta's daughter Padamakumari
Did not eat rice at Dhanara,[64]
Bangal Kumedan Dragged her away
Outraged her modesty]

These lines from the *malita* suggest that Kumedan Singh, the Sikh general and a *bangal*, assaulted the daughter of Haradatta. She lost her chastity and social prestige. Other sources underline that Padmakumari, the peerless beautiful daughter of Haradatta, unable to tolerate Kumedan Singh's oppressive behavior, drowned herself in the waters of Brahmaputra.

The authenticity of the *malita* may be questioned but authorities like Datta and Goswami suggest that it was based on historical experience.[65] It may not convey all relevant details about the Sikh

[63] Goswami, Prafulladatta, *Bara Maher Tera Geet*, New Delhi (first published 1962) reprint 1970, p. 179; Bardoloi, *Dandua Droha*, p. 145; Bhuyan, Suryakumar, *Badanbarphukanar Geet*, Gauhati 1925, p. 26.

[64] It is a place name associated with father-in-law's house of Padmakumari, daughter of Haradatta.

[65] Datta, Birendranath, *Affinities between Folklorists and Historiography: Some Theoretical Implications in the Context of Medieval and Modern History of North-East India*, Chennai 2002, p. 81; Goswami, *Bara Maher Tera Geet*, p. 179.

mercenaries of the late eighteenth century. However, one can neither altogether reject it as fantasy nor ignore the past of the *barkandazes* in lower Assam as nothing but a myth. We are aware of the maxim: *najhay mulya janashruti*, i.e. popular wisdom has its own value. In the absence of adequate contemporary written evidence depicting the rapidly changing scene of lower Assam involving the mercenaries, we need to review these sources critically.

It is likely that following the suppression of the Dandua Droha in the last decade of eighteenth century, the locals did not harbour positive feelings about the Sikh mercenaries. Probably the anti-*barkandaz* attitude had some links with the deep-seated sentiments against foreigners (*bangals*) of the Brahmaputra Valley and their roots may also be traced in pre-modern Assam. One may even add that Bezbaroa's depiction of Kumedan Singh perhaps owed much to the *Padumkuwarir malita* and similar sources.

XIV

Rajanikanta Bardoloi's *Dandua Droha* (1919), however, presents a very different image of the Sikh mercenaries. In fact, the brutalities in the character of Bezbaroa's Kumedan Singh are transformed into a saintly figure in Bardoloi's novel. We wonder where and how Rajanikanta encountered such an unique individual in Assam Valley. However transformation comes only towards the end of the novel. The seeds of this revised Sikh image can be traced to his earlier novel *Manomoti* (1900), written long before *Dandua Droha*. It dealt with an Assam seriously affected by Burmese invasions. Here he introduces readers for the first time to a Sikh world in Assam that comes very close to the 'history' long suggested by Asamiya-Sikhs about their participation in the Battle of Hadirachaki. Did Bardoloi have access to the 'history' of the Asamiya-Sikhs? What could be his alternative sources regarding the coming of Sikhs from Punjab at the invitation of Ahom King Chandrakanta Singh?

Bardoloi had been associated with the provincial administration in Assam. He had worked with Edward Gait of the Indian Civil Service in the preparation of the *Report on the Progress on the Historical*

Research in Assam (1897). Gait had been in the region for a large part of his career and later on became the Director of the Ethnography and the Census Commissioner of Assam. His deep understanding of the different ethnographic groups, manuscript sources, folklores and other oral traditions helped him greatly in preparing the Census Report (1901) of Assam and creating a masterly account of the province entitled *A History of Assam* (1905).[66] It is likely that Bardoloi, then a lower level official of the provincial bureaucracy, enriched his understanding of rural Assam through his interactions with Gait and his research.

Rajanikanta tells us, in his memoirs, that before writing the novel *Dandua Droha*, he had extensively toured the Rangia area of lower Assam and critically checked the causes and the course of the revolt. It provided him an opportunity of studying local folklore, the geographical contours of the region, and the history of the tract, in some detail. His intimate awareness of the area added significance to the novel. He learnt about the outrages by the Sikh mercenaries on the common people of Kamrup. It even made him aware of the transformation in the character of Kumedan Singh, largely brought about by the changing popular imagination. Like *Manomoti*, in *Dandua Droh* too, Bardoloi referred to the existence of the Sikhs in Assam Valley. In the second novel he provided an elaborate historical background of their coming from Punjab, and also pushed back the date of their arrival in Assam from 1823 to the early 1790s. He had suggested it so that he could reconstruct the Sikh-past with a difference.

Bardoloi was the first among the Asamiya novelists to write that the predecessors of Asamiya-Sikhs had come all the way from Punjab for the defence of Assam. He had also been an early bird bringing to our notice some of the significant modifications in the character of Kumedan Singh. It is likely that his deeper understanding of the local Sikh world enabled him to writing

[66] Saikia, Arupjyoti, 'Colonial Exigency and Nationalist Claim: Early 20th Century Historical Pursuit in Assam', unpublished paper presented in a seminar held in Centre for Studies in Social Sciences, Calcutta, 28-30 December 2004.

something crucial about it. He was no less conscious of the recent changes in the Asamiya middle class psyche, which Bezbaroa had briefly documented in his *Padum-Kuwari* and its complex fallout in Assam Valley.

It is likely that the perception of the Asamiya-Sikhs as a group of outsiders in the Brahamaputra Valley affected them deeply. It had possibly prompted them to 'invent a tradition' to make them free from an unfortunate past imposed upon them by the dominant community of the region. Their alternative version of history offered an opportunity of dissent against the 'Little Nationalism' of the Valley remaining within the Asamiya culture with its root deeply implanted in the plurality of the region. The revised Asamiya-Sikh narrative underlines that a motive larger than merely serving their own narrow self-interest of the community had brought the Sikhs to Assam. This reconstructed history projected 'a new claim' to the past.[67] It highlights that the Sikhs responded to an appeal of Assam at a time when the latter had needed the help of the former. As a result of an understanding between the kings of Assam and Punjab, the Sikhs had come to Brahamaputra Valley. This new 'history' gave the Sikhs an opportunity to respond to some of the denunciations directed against their forefathers and refurbish the past in a way to protect their succeeding generations from the bitter legacy of olden days. As a consequence, not only were some of the familiar characters of the *Padumkuwari* like Kumedan Singh redrawn, but also many other new and noble Sikh faces were curved out of the Battle of Hadirachaki.[68]

XV

The Asamiya-Sikh narrative was initially available in oral form and it was circulated within the community. Its variability offers a space to a larger number of people to participate and retold as a

[67] cf. Chatterjee, Partha, 'Claims on the Past: The Genealogy of Modern Historiography in Bengal', in Ranajit Guha (ed.), *Subaltern Studies*, Vol. VI, *Writings on South Asian History*, New Delhi 1989, pp.1-54.

[68] Bardoloi, *Dandua Droha*, pp. 142-46; *idem. Manomoti,* pp. 146-52.

popular tale in peasant society. It remained in people's memory and remembered on numerous occasions of communal festivity in the late nineteenth and early twentieth century. On any such occasion, some one would likely be recapitulating the role of Kumedan Singh with respect and appreciation. In these remembrances the treacherous and greedy face of Kumedan Singh was steadily pushed to the background. Instead, he would be recreated with a saintly profile on his way to *sannyas* (renunciation). The new version of the narrative was likely to be more popular and acceptable to the Sikhs of Nagaon villages. Similarly, the Battle of Hadirachaki was given an interesting twist through the creation of a new hero Chaitanya Singh with 500 Sikh soldiers at his command. Their coming from Punjab at the invitation of Ahom King was underlined. The new 'history' of the Asamiya-Sikhs thus gave the community a respectable past as well as *sahid* (martyr) who would not only fulfill popular aspirations but also survive in popular memory.

The creative mind of Bardoloi, no doubt, made a wonderful use of some of this material. He selectively used the oral tradition of the indigenous Sikhs and incorporated it in his writings. Like any front ranking artist intimately acquainted with the regional cultural traditions, the novelist was as familiar with the greedy antecedents of Sikh mercenaries as he was concerned with the reconstructed saintly profile of Kumedan Singh. By virtue of his close understanding of various trends of the past, he reconstructed the historical background of the Dandua Droha. In his novel of the same name, he tried to suggest how the rapid development of events and the changes in the course of the local politics forced a mercenary career upon the Sikhs. Perhaps he was hinting at Sikh *barkandazes* as victims of circumstances over which they had little control. Earlier in his *Manomoti,* he had also not hesitated to acknowledge their Punjab connection as well as their embracing death for the defence of Assam.

These literary projections hoped to strengthen Asamiya-Sikhs' claim to their reconstructed past, a place of honour which the community had been striving over the years. There was a message

of legitimacy as well a note of moral dignity. The new claim of the community to the past steadily received wider currency. It became an integral part of Asamiya nationalist discourse seeking to link it with the pan-Indian milieu and questioning the claims of Little Nationalists of the region. It underlined a voice of toleration, accommodation and, above all, plurality so that an interaction could be possible among the different ethnic groups and religious communities of the Brahmaputra Valley.

The self-assertion of the community drew much strength and vivacity from regional experiences. With their settlement in Nagaon villages since the late eighteenth century, local Sikh peasants laboured hard to retrieve lands from jungles infested with wide animals. There were periodic river floods resulting in destruction of houses and crops as well as malaria and other diseases. Their life was one of relentless struggle but it had generally rotated with village agricultural calendar and festivities. It facilitated incorporation of some important markers of Asamiya identity associated with food, dress, religious belief, language and the rite of passage. Their wider use of *tamol* and *pan* (betel and betel-leaf) in nearly all social celebrations, the prevalence of *tolani biya* (held after girl's first menstruation on the 4th or 7th day), *pani-tola* (bringing water on the day of marriage by ladies), the selection of an auspicious date in the presence of priests for any family celebrations, *juran* (clubbing together of families with the arrival of groom's party in bride's house with presents on the occasion of marriage), *tiloni* (certain rituals performed on the third day after death), *machhani* (family feast with fish after the completion of all death rituals) in case of any death in the family, the strict seclusion of the newly born baby with his/ her mother in a separate room (*showaghar*) for a certain number of days and the use of black mark on the forehead of a child to ward off evil spirit are some of the indicators of their intimate association with the dominant Hindu community of the neighbourhood. [69]

[69] *Asam Bani*, 28 March 2005; Arupjyoti Saikia, (Associate Professor, Humanities, Guwahati IIT, personal communication, 14 June 2007.

Like many of them, they participate in *bihu* (spring festival of Assam), stay away from *bhangra* (Punjabi folk dance), join congregational singing (*samkirtan*), practice *nam* (remembering the Name) and belief in the doctrine of *bhakti* (devotion). In Nagaon villages like Chaparmukh and Barkola, Asamiya Vaishnavaism thus cuts across some of the basic religious beliefs and practices of the Sikh Gurus in the everyday life of the Asamiya-Sikhs. Here their most important religious institution is not known as *gurdwara* but as *namghar*. Even their first gurdwara at Chaparmukh was initially built in a thatched house. Its twentieth century conversion into a permanent building continues to maintain its Asamiya distinctiveness without becoming a typical gurdwara building of Punjab type.

Many local Sikhs are neither aware of *rahit* (Sikh code of conduct) nor do they read Sri Guru Granth Sahib in Punjabi.[70] Their belief in God which is 'inseparable from his Name' (i.e. Hari), fear in evil spirit (*bhut/prêt*) as well as their adherence to many other ritual impurities like prohibition to plough on certain specific days of a year emphasise intimate tie with local social structure and cultural pattern.[71]

Similarly, their celebration of *gurpurab* in Mataji Gurdwara (Chaparmukh) would likely to remind a Sikh from Punjab that it is anything but a Khalsa Sikh commemoration. It has extensively drawn from regional religious vocabulary and styles of verse and music for communicating a message of Sikhism deeply rooted in local soil. It is indigenized over centuries but maintains a distinct Sikh profile. Their dual identity adds one more profile of Guru's disciples from Assam. It underlines Sikhism's vitality to survive in places

[70] Manjit Singh, personal communication, 12 April 2004 and Kahn Singh, a retired member of Assam Civil Service, personal communication, 8 March 2005, however, pointed out that there was also growing interest among a section of them in favour of Anand Karaj.

[71] Indu Singh, a Punjabi-Sikh lady serving an important insurance company in Tinsukia, personal communications, 19 May 2005 and 22 September 2007.

away from Punjab. Their assimilation of numerous Asamiya values provides them not only a space for conversation with the numerically predominant Asamiya-Hindus but also strengthens minority's right to have an alternative past of its own.

XVI

The first half of twentieth century widened Asamiya-Sikhs' participation in different arenas of local and national politics. In spite of numerical insignificance, they took part in two dissimilar movements which were propelled by two distinct forms of ideologies while their leaders came from no less a different set of political commitment.

A major area of involvement was in the national movement. Many parts of Nagaon district, particularly Nagaon town, remained a major centre of Congress activities in the 1920s. Here the struggle against the British gradually assumed the character of a popular movement and drew in Asamiya-Sikhs. Gandhi's tour of Assam (1921) inspired the protestors and he received a very warm reception in Nagaon. Perhaps a sizable number of peasants residing in the villages of Chaparmukh and Barkola had a glimpse of the Mahatma and it had an impact upon them.[72]

Different sources refer to a list of names pointing out their participation in the non-cooperation movement. Men like Atma Singh Chhetri (1893-1970) and Ranjit Singh (1897-1967) resigned from their governmental positions while Phula Singh Chhetri (1890-1986) and Suren Singh (?-?) left their studies to participate in the struggle. It stirred rural folk like Kamal Singh (1898-1965), Phatik Singh (1910-1987), Mahatab Sing (1915-1973) and Janga Singh (1899-1968). They planned protest meetings, organised national schools, set up mobile volunteer groups for propagating the use of *khadi*

[72] Barkakati, op. cit., pp. 78-9.

(home-spun cotton) and suffered varying terms of imprisonment.[73] After their release many were engaged in different organisational works of Congress.[74]

Local Sikhs did not participate with similar enthusiasm in subsequent stages of the national movement. Except a brief reference to the struggle and imprisonment of Chanda Singh (1901-1995) in the Quit India Movement,[75] they generally stayed away from national resistance. It is likely that they lost much of their early interest as the fight against the British gained momentum. During the same period, they had to fight on another front which seriously challenged their links with Assam. It took away much of the community's time and energy.

The problem arose out of a large-scale migration of hardworking Bengali-Muslim peasants into the plains of lower Assam. It took a serious turn by the third decade of twentieth century. They were mostly coming from the densely populated northern Bengal districts like Mymensingh to settle along the fertile *chars* (fertile river banks caused by soil deposits from Brahmaputra). The Census of 1921 briefly referred to the problem which received greater attention in its next decennial report. The local press highlighted the issue. It pointed out how this had already affected the demographic pattern as well as the population ratio between the Asamiya and non-Asamiya on the one hand and Hindus and Muslims on the other in a number of lower Assam districts from Goalpara to Nagaon.

It intensified the old anxiety of a section of the Asamiya middle class, of being submerged by outsiders. Its Hindu rhetoric resurrected

[73] Government Higher Secondary School, Nowgong, *Centenary Souvenir*, Nagaon 1965, pp. 48-49, 63-65; Sarma, Purnachandra, *Mor Atitar Sworani* Sarma, *Mor Atitar Sworani*, Vol. I, pp. 72-3, 77, 82-95, 102,108-23; Asom Khadi aru Gramoudyag Borad, *Mukti Jujharu Mahendra Nath Hazarika: 95tama Janma Smaranika*: 25; Bora, Swarana, *Titaimara Sutir Surdhawani*, Nagaon 2003, p. 83; Barkakati, Deepak, op. cit., pp. 158, 189.

[74] Kahn Singh, personal communication, 8 March 2005.

[75] *Dainik Asom*, 13 September 1995.

the shrill voice of the 'Little Nationalism' of the region. It became anxious of the protection of interests of its own people. To many of them, the fight for the protection and security of regional interest acquired greater preference than resisting the British. With this end in view, Asom Samrakhshini Sabha was established (1926) under the leadership of Asamiya poet Ambikagiri Roychoudhuri (1885-1967).[76] In it different meetings, the Sabha aggressively argued for the defence of the Valley population. It demanded an immediate halt to the unrestricted migration of Muslim peasants from Mymensingh district. Otherwise, it would likely to endanger the existence local people in the whole of Assam.

XVII

Some of these issues deeply agitated the Asamiya-Sikhs such that the leaders were compelled to shift community's attention from the struggle against the British to the defence of their own people. They felt seriously threatened when they were asked to procure 'domiciled' certificates stating that they were not foreigners but permanent residents of the region. The certificate was required for obtaining any future governmental jobs and other administrative advantages. Many of them concluded that their future interest in the Valley would be seriously affected unless something was not done to put a stop to the unrestricted Muslim migration to Assam. In the process they preferred to be bracketed with local Asamiya-Hindus.[77] They joined hands with Asom Samrakhshini Sabha and raised their voice of concern for the protection of the interests of the sons of the soil.

With reshuffling off political strategy, there was a change of guards at the community level. The new leadership came from Jog

[76] Bhuyan, A.C. (ed.), *Political History of Assam*, vol. II, Guwahati, 1978, pp. 40-1, 46; Barkakati, Upendra, 'Ambikagiri Roychoudhri', *Viswakosh*, Vol. IV, Guwahati 2003, p. 35.

[77] During these years, the leadership of the community came closer to the provincial Hindu Sabha. Assam Police Intelligence Abstract, 26 December 1935.

Singh Chhetri,[78] a Nagaon based lawyer. He was out of Assam during the period of non-cooperation movement. Chhetri's return to Nagaon and the beginning of his career as a legal practitioner almost coincided with the withdrawal of the movement. It gave him as well as the community an opportunity of reviewing the consequences of Asamiya-Sikh's response to national struggle. The lawyer was convinced that participation in Gandhian struggle had widened community's respect and credibility. But it was not adequate for protecting their home and hearth against large-scale influx of Muslim peasants from Mymensingh district. He tried to convince his kinsmen that a time had come to break away from Congress and forge closer ties with Asom Samrakhshini Sabha for defending their ancestral possessions in Nagaon villages.

A rise in political mercury precipitated Asamiya-Sikh's inching towards Asom Samrakhshini Sabha. The community's growing ties with the Valley politics and the simultaneous shifting away from Congress led to some changes in the perception of a section of Asamiya Hindu middle class. It was reflected even in the nature of celebration of Guru Nanak's birthday. The *gurpurab* was so long celebrated quietly at Mataji Gurdwara, Chaparmukh. In 1931 it was organised with great enthusiasm at Guwahati. Important personalities like Padmanath Gohainbaruah and Ambikagiri Roychoudhuri were present in the meeting. It did not miss the attention of local press.[79]

Another important landmark was the hosting of the tenth annual session of the Asom Samrakhshini Sabha in Nagaon town (1935). The venue was selected for highlighting some of the pressing problems caused by the influx of Muslim migrants. Jog Singh Chhetri served as the chairman of the Reception Committee. While welcoming delegates and others (26 December 1935), he expressed concern for the sons of the soil.[80] Indigenous Sikhs' solidarity with

[78] *Dainik Asom*, 5 July 1981; Jagjit Singh Chhetri, District Judge, Nagaon and son of Jog Singh, personal communication, 5 January 2005.

[79] *Sadiniya Assamiya*, 29 November 1931.

[80] For the text of speech and other relevant resolutions passed in the meeting, see *Amar Asom*, 21 June 2006 and 11 July 2006.

the Sabha refurbished its position in the Valley. Their rallying under the banner of a conservative Hindu organization widened differences with Congress during the civil disobedience movement. It points out how local issues often decided the participation of smaller ethnic groups to national politics.

Local Sikhs thus came closer to Hindu middle class of Assam. It created conditions for reinforcing community's claim to its revised version of history as well as its endorsement by those who were earlier dissenting on the issue. There was a possibility of *rapprochement* between them and made Asamiya-Sikhs aware of the significance of politics of association. It resulted in the formation of an Assam-Sikh Association with Jog Singh as its General Secretary (1939) and Lal Singh (1902-1961), a domiciled Punjabi-Sikh, its President. The organisation promised 'to get Sikhs recognized' as an 'under represented community' in Assam so that they might receive 'a larger share in different governmental institutions.'[81] The provincial government appreciated its moderate and loyal voice in the context of the looming cloud of World War II and agreed to offer certain concessions to the community on matters of official recruitment.

XVIII

During these years, the Asamiya-Sikhs also came closer to another Valley based organisation. It is Asom Sahitya Sabha (1917 universally respected as one of the most important symbols of Asamiya nationalism. The Sabha generally maintained a safe distance from the anti-colonial politics of the period. Its annual sessions held in different parts of the province mobilised widespread popular support and sympathy in favour of mother tongue. Nagaon Sikhs' intimate link with Asamiya language facilitated the process of interaction with the body in the 1930s. It reached a new height in the post-independence years.

[81] Thir Narayan Singh, former Judge, High Court, Assam, personal communication, 24 October 2003 and 22 June 2006.

Local Sikhs early contributions to the enrichment of mother tongue started in the first decade of twentieth century[82] but the development was interrupted owing to rapid political changes in the Valley. Like Asom Samrakhshini Sabha in the 1920s, Asom Sahitya Sabha offered indigenous Sikhs another important platform which continues today.[83] It had a modest beginning in 1941, when Saratchandra Goswami (1887-1944), one of the architects of Asom Sahitya Sabha and a leading Asamiya literary figure, came down to Chaparmukh and joined community's celebration of Guru Gobind Singh's birth anniversary. He delivered a written speech on the occasion.

Goswami subscribed to the politics of loyalty to the Raj. His talk not only highlighted some of the noble spirits of Sikhism but also devoted its sizable space to the presence of local Sikhs in Nagaon. Like any responsible office bearer of Asom Sahitya Sabha man, he spoke highly of their deep love for mother tongue which had made them an integral part of Asamiya *jati* (nation).[84] His speech however maintained silence about the community's revised past for fear that any questioning of it might give rise to misunderstanding with the Sahitya Sabha. The speaker preferred to walk on a safer terrain and tried to rope the Asamiya-Sikhs in the activities of the Sahitya Sabha. The meeting took place when the number of immigration of Muslim peasants to showed signs of decline (1941). With its temporary cessation, there was a possibility that the local Sikhs might have an opportunity of reviewing their political ties with some of the Valley organisations. In this background, the entire celebration was possibly planned to renew Sahitya Sabha's links with local Sikhs so that they could not lean in favour of nationalist ideology. The *gurpurab* indirectly strengthened the position of the colonial state during the critical years of World War II.

[82] Banerjee, *The Other Sikhs*, Vol. I, pp. 40-1.

[83] Singh, Nanda (ed.), *Smritigrantha: Kalang-Hariya*, Dispur-Guwahati, 2008.

[84] Goswami, Saratchandra, 'Guru Gobind Singh', in Goswami, Jatindranath (ed.),*Saratchandra Goswami Rachanabali*, Jorhat, 1987, pp. 245-53.

Their collaboration with Asom Sahitya Sabha continued till it had reached a new height in the 1970s. With the beginning of the Assam movement 'ostensibly against the foreign nationals living in Assam illegally, a large segment of population who stood outside the constituency' of the agitation 'experienced violence and terror' (1979-85).[85] In spite of enthusiastic involvement in different protest marches, Sahitya Sabha's aggressive linguistic politics in collaboration with other similar organizations of the Valley reminded local Sikhs of old vituperative against the immigrant Muslim peasants of the colonial days. Their fear was intensified as the recent movement sought to bracket Punjabis with other illegal foreigners' of the region.

While supporting the movement, the Asamiya-Sikhs simultaneously suffered from an identity crisis. It gave rise to doubts whether the term 'Punjabi' included the Assamiya-Sikhs. It prompted them not only to assert their Asamiya distinctiveness, but also disown their older links with local Punjabi-Sikhs. It led to the formation of an association (1980) bringing Asamiya-Sikhs under an umbrella.[86] There was also a sense of urgency that the Santha would not only hold its annual meetings but also bring out souvenirs communicating their intimate link with mother tongue. These issues include numerous writings of the community. Indigenous Sikhs were also no less enthusiastic in attending annual sessions of Asom Sahitya Sabha held in different parts of the province. Some of these meetings brought out collection of essays incorporating writings of Asamiya-Sikhs.[87]

The Sabha as well as the Asamiya-Sikhs thus tried to move ahead with the changing Valley scenario. It underlines how changes in local politics prompted Hindu middle class as well as Assamiya-

[85] Hussain, Manirul, 'State, Identity Movements and Internal Displacement in the North-East',Economic and Political Weekly, Vol. 15, No. 51, p. 4520.

[86] Singh, Manjit, 'Ajitar Sowaranat', in Gurmail Singh (ed.), *Anupam Ajit*, Guwahati 2006, pp. 15-21.

[87] *Assam Tribune*, 11 March 2008.

Sikhs to modify their respective policies towards each other. The community grew wiser with the politics of association. It had learnt that in spite of having the seal of legitimacy of the apex literary body on its revised past, it should try to keep it in good humour. Simultaneously, it had also made them aware of maintaining its own Sikh identity though its Asamiya articulation. It was a political strategy of dual identity dictated by local conditions of Assam.

XIX

Local Sikhs' Valley oriented politics was destined to irritate their Punjabi-counterparts. But they had a good liaison in the early twentieth century. These were initial years of the Punjabi-Sikh settlement in the north-east of India. With the blessings of the Raj, they came from Punjab through different channels of employment and were employed in sectors like oil, tea, coal and the railways. They were generally enthusiastic of a distinct Sikh identity. With their indoctrination via Singh Sabha Movement (Punjab), they adhered to *ham Hindu nahi* (we are not Hindus) creed and carried the success story of the Khalsa to the new place of settlement.[88]

In Assam, the revised version of the Asamiya-past was in wide circulation among local Sikhs in the early decades of twentieth century. As fresh groups of the Punjabi-Sikhs were reaching lower Assam, they passionately subscribed to it. They appropriated it with minor modifications because it was quite in tune with the dominant Singh Sabha discourse of the period. Local oral traditions about Chaitanya Singh's martyrdom as well as Mataji's attempt to rejuvenate Sikhism in Chaparmukh were quickly conveyed to Punjab. With Mataji at the centre stage, it was highlighted as an example of a true life companion (*Singhni*) of the Khalsa. [89]

[88] Oberoi, Horjot, *The Construction of Religious Boundaries: Culture, Identity and Diversity in the Sikh Tradition*, New Delhi 1994.

[89] Jakobsh, Doris, *Relocating Gender in Sikh History: Transformation, Meaning and Identity*, New Delhi 2003, pp. 153-67.

'A special attractive real story of one lady colonel, prayer to mothers and ladies, respected editor sahib ji, please publish it in your news paper for the larger good of mothers and ladies. It is neither a *qissa* (gossip) nor a novel but it is a true account of a good *Singhni*. Its heavenly fruits are still seen in Assam.' [90]

It was claimed that Mataji could not only read the Sikh sacred literature but also tried to convey the message of Sikhism to others around her. The lady was portrayed as a selfless crusader fighting for the glory of the Khalsa in a distant land blessed with the memory of the Sikh Gurus.

The long account did not suggest anything about local Sikhs' closeness to the Sanatani world. It was possibly ignored owing to their (Punjabi-Sikhs') recent arrival and insignificance in number. Its readers were particularly instructed to be aware of the Mataji Gurdwara at Chaparmukh as an important pilgrimage centre. There was even an appeal to send a few Sikh girls from this village for education to Sikh Kanya Vidyalaya in Punjab which was never materialised. However, p*racharaks* (missionaries) occasionally came to Nagaon villages and selected one or two boys for higher education. After completion of their studies in Khalsa College (Amritsar), they came back to Assam and earned respect and position in local Sikh society. They tried to convey the message of a distinct Sikh identity which did not catch popular imagination.

It may be largely due to the absence of a powerful Punjabi-Sikh group at the local level. Here they were mostly Ramgarhias with their commitment to caste consolidation. Perhaps that is why the experiences of the anti-colonial Akali struggle were never popular among them, though they incorporated its strategy of gurdwara mobilisation.[91] They stood away from the Akalis of Punjab and remained true to their politics of loyalty to the Raj which cemented their relationship with the Asamiya-Sikhs in the 1930s. Friendliness

[90] *Khalsa Samachar*, 13 August 1900 (translation mine).
[91] Banerjee, Himadri, 'Home Away Home: Punjabi-Sikhs in Eastern India' (forthcoming).

between the two Sikh communities thus persisted. It was therefore nothing unusual that they would join hands in the formation of the Assam-Sikh Association in 1939.[92]

There were significant changes in their relationship in the post-independence decades. It was an outcome of factors like the rapid financial success of the Punjabi-Sikhs, a rise in their numbers in different urban centres of Assam from Guwahati to Digboi and the development of faster communications between these two provinces. It facilitated the Punjabi-Sikhs' marital ties within their own caste either in the Valley or in Punjab and there was no longer any need for local Sikh girl for marriage. On the other hand, local Sikhs' growing links with the Valley politics further destabilised them.

Except a few external markers, both the groups increasingly found very little common between them. Thus one local Sikh from Barkola asserted: [93]

'Our food habit, life style, language, occupation, marriage system, celebration and other things are different from them. We are also Sikhs but they [Punjabi-Sikhs] do not treat us on equal terms. Asamiya rural folk do not trust them. How can there be any marriage between us when we differ so widely on all major issues of life.'

With the decline of their older ties, mutual hatred and ill will came to the surface. It is reflected in their writings as well gurdwara membership. Local Sikhs find their Punjabi brethren as greedy, inhuman, acquisitive people universally guided by violent sex.[94] The latter hit back and describe the former as 'duplicate' or 'impure' Sikhs.[95]

There is still an important area of interaction between them.

[92] Supra, p.17.
[93] Manjit Singh, personal communication, 12 April 2004.
[94] Singh, Bjaya, *Anuraha Pranar Kapani*, Barkola 1890 Saka.
[95] Kahn Singh, personal communication, 8 March 2005.

The message of *Punjabiyat* as well as the search for a distinct Sikh identity continues to generate enthusiasm among a rich few of the Asamiya-Sikhs. They look forward to the Great Tradition of Sikhism and try to follow *Sikh rahit maryada* in their everyday life. In the celebrations of the Punjabi-Sikhs, they (local Sikhs) are treated with honour and included in gurdwara administrative bodies. In a few cases, they are married to educated Punjabi-Sikh families.[96] Beyond this creamy layer, neither *Punjabiyat* nor the distinct Sikh identity has any special appeal to local Sikhs[97] and they continue to live in their fragmented, competitive, and hierarchical world.

XX

Some of these developments have intensified endogamy among local Sikhs. We do not have any contemporary source pointing out their marriage network of the late eighteenth and early nineteenth century. On the basis of sources of a later period, one may suggest a few broad indications about their social position in rural society.

Initially their *barkandaz* affiliation placed them almost at the bottom of social hierarchy and imposed certain disabilities in societal relationship. But the absence of a well-defined *jajmani* system as well as the availability of waste lands provided them (i.e. who were outsiders and generally stood beyond caste framework) space to enter into local social structure through the process of peasantization. It underlines circumstances facilitating the induction of strangers and others within the fold of peasant society. The process possibly began with the breaking of wastes and bringing them under plough through individual or family labour as well as getting these tracts ready for cultivation. These stages of interactions with agrarian society introduced them into the dynamics of rural life cycle and made them aware of crop harvesting, village celebrations, etc. They resisted natural visitations like flood and epidemic which took place at regular intervals. It is likely that Asamiya-Sikhs who were

[96] Indu Singh, personal communications, 19 May 2005 and 22 September 2007.

[97] Manjit Singh, personal communication, 12 April 2004.

outsiders in the late eighteenth century lower Assam had gone through some of these experiences over the decades. Their familiarity with rural social structure facilitated gradual incorporation. The presence of such hands at the lower rungs of social order, however, strengthened different caste institutions while making local Sikhs an integral part of 'a relatively fixed system.' [98]

Late nineteenth century census reports and some recent studies on castes indicate that Asamiya-Sikhs had initial marriage relationship with Keot/Kaibartya (agriculturist/ fisherman), Kooch (tribal), Hira (potter) and other such communities on the social scale.[99] Like them, Asamiya-Sikhs were possibly employed 'as agricultural workers on estates owned by the upper castes' but they sometimes held 'a little land' of their own.[100] They were sometimes subjected to social oppression and economic hardship, viz. lower wage rates, long working hours as well as inability to go nearer to important public spaces like *namghar* controlled by higher castes.[101] Asamiya-Sikhs, therefore, lived in the world of social margins of Chaparmukh which brought them into interactions with other communities of similar ranks. They perhaps resided in certain specific areas of the rural society not frequented by higher castes.[102]

With the growth of population and extension of settlement in other Nagaon villages beyond Chaparmukh, they managed to evolve

[98] Cantile, Audrey, *The Assamese: Religion, Caste and Sect in an Indian Village* (hereafter *Assamese*), London and Dublin 1984, pp. 223-24.

[99] Sengupta, 'Assamese-Sikh', pp. 81-7.

[100] Cantile, *Assamese*, p. 236.

[101] Das, Taranath, *Trivedika*, Sibsagar, 1986, pp. 108-11; Bargohain, Nirupam, *Biswas aru Samsaya Majedi*, Guwahati 1995, p. 5; Kalita, Arupa Patangiya, 'Daiwakir Din', in *idem.*, *Deopaharar Bhanastupa*, Guwahati 1999, pp. 8-20.

[102] For caste hierarchy in Nagaon villages, see Kisor Kumar Bhattarchya, 'Structure and Individual in Assamese Society; A Study of Family, Kinship, Caste and Religion,' unpublished Ph. D. thesis, Department of Anthropology, Gauhati University, 1990, pp.168-98.

newer relationships. They widened community network, interacted more intimately at the local level thereby enriching their understanding of the neighbourhood. Like other low castes, they initially functioned as small social groups linking other families with kinship ties. These rural castes gradually evolved into smaller units and started drifting away from some of their earlier affiliations which they had evolved in the past.[103] Like other Sikh groups residing elsewhere in India, Asamiya-Sikhs grew up as a hyphenated community[104] practicing endogamy as well as incorporating local caste markers. They continue the process of necessary adjustments with other social groups around them so that their survival is not endangered.

XXI

Permanent settlement of the Asamiya-Sikhs in the Brahamaputra Valley provides an opportunity of reviewing some important issues related to the studying of minuscule Sikh groups residing outside Punjab and their past. In the first place, these rural Sikhs of the Valley suggest that instead of bracketing the Sikh past within the territorial limits of Punjab, one needs to extend its frontiers.[105] Many of them were already in different parts of India long before the introduction of colonial rule. British imperial needs as well as the partition of Punjab (1947) intensified the process migration of Sikhs to different parts of India. Thus Sikhs are scattered from the canal irrigated rural tracts of Rajasthan (Ganganagar area) to the extreme north-eastern urban plains of Manipur (Imphal). The study seeks to emphasise the significance of these varied Sikh roots as well the community's enthusiasm to survive in the midst of non-Sikh communities far away from Punjab. These Sikhs deserve more serious attention and space in the contemporary Sikh studies.

[103] Singh, Nanada (18 April 2004); Manjit Singh (12 April 2004).
[104] cf. Roy, Debashis, 'Dakhani Sikh,' in *People of India: Maharashtra*, Vol. XXX, Part I, in .Singh, K.S. (General Editor), Bhannu, B.V., et al (eds.), Mumbai 2004, pp. 463-68.
[105] cf. Grewal, J.S., *New Cambridge History of India: The Sikhs of the Panjab*, New Delhi 1990.

Secondly, the study of the Sikh past in India is predominantly based on written sources preserved in libraries, archives, etc. Scholars engaged in reviewing the Sikh diasporan past have repeatedly emphasised the significance of varied oral traditions and field studies. They have also underlined the incorporation of investigating tools and methodologies of other social sciences in their researches. The present study underlines that the Assamiya-Sikh past is available in varied oral and written forms in a number of lower Assam villages. Any search about the community's past may begin there and look forward to unwritten traditions.

Thirdly, the study points out how a small group of outsiders, who were all strangers to locality, could identify them with the aspirations of the region. After years of numerous sufferings and rejections, the Asamiya-Sikhs with their own social ties, economic linkages, political connections and cultural experiences, lay claim to the sons of the soil. Such assertions came to dominate the mind of the community when their long ties with the region were questioned by the dominant group of the region. These led to 'new claims to the past.' After going through numerous political bargains and economic realities, the scope and definition of the sons of the soil were redesigned to accommodate newer participants to the domain. It led to newer adjustments and power equations at the local level. The study underlined that the Asamiya-Sikhs passed through many of these stages. Perhaps, many similar things had also taken place regarding the Dakhani-Sikhs as well as the Sikligar-Sikhs who are still awaiting their histories.[106]

Finally, two recent Punjab and Haryana High Court decisions refer to two fuzzy areas of the Sikh identity question: (i) who is a Sikh and (ii) whether Sikhs represent a minority community throughout India? According to one of these verdicts, Sikhs do not constitute a minority community in Punjab. Secondly, *Sikh rahit maryada* strictly underlines the significance of *kesh* in the everyday life of the community. In this regard, another high court judgment specifically suggests that a *sehajdhari* (clean shaven Sikhs) should be entitled to caste his vote in the forthcoming election of the apex

[106] *Supra*, p. 20 ; www.wsn.news, 19-25 November 2008.

Sikh body - Shiromani Gurdwara Parbandhak Committee (SGPC).[107] These pronouncements have evoked deep reactions and raised a few important questions among the Sikhs. One of them is obviously the doubt that whether those legislations of 1925 and 1971elaborating the frontiers of Sikh identity are inadequate and therefore require certain additional clarifications. Secondly, those minority rights extended by the National Commission for the Minorities (New Delhi) are again questioned by the recent rulings of Punjab and Haryana High Court. These decisions point out that it is perhaps still a difficult task of locating the Sikhs as one of the constituents of the minority communities throughout India as well as defining them with *sehajdharis* as one of their constituents.

These difficulties are faced by the Sikhs where they are most numerous and have their uninterrupted historical roots since the inception of Sikhism in medieval days. With the expanding frontiers of Sikh studies in different parts of India as well as inclusion of the Sikhs like Bihari-Sikhs, Asamiya-Sikhs, Dakhani-Sikhs and Sikligar-Sikhs residing in different Indian regional settings, those issues are likely to become more serious and complex. Many of these communities were never brought within the fold of Singh Sabha Movement nor do they frequently visit the *sanctum sanctorum* of Sikhism in Amritsar. A handful of them are aware of *rahit maryada* as well as competent to read the sacred text in Punjabi. Their religious practices are coloured by numerous local traditions around them.[108] Incorporation of these regional profiles to Sikhism underlines the evolution of the message of the Gurus to newer heights and dimensions. These Sikhs with their dual identity also emphasize that they can survive as a distinct religious group away from the dominant discourse of the SGPC. They make the issue of identity of a Sikh more located to regional perspective and therefore should be defined not solely in terms of the SGPC but to varied Indian contexts and situations. Perhaps scholars are yet to find a convenient term which would incorporate everything of the Sikh identity.

[107] learning-zone@yahoogroups.com, 17 December 2008; www.wsn.news.24-30 December 2008.

[108] cf. Amartya Sen, *The Argumentative Indian: Writings on Indian History, Culture and Identity*, London 2003.

CUSTOMARY LAW, GENDER JUSTICE AND THE INDIAN LEGAL SYSTEM

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Human rights organizations seek to establish legal norms that are based on universal principles rather than on local concepts of justice which privilege religious or community interests above individual choice. The disjuncture between "global visions of justice and specific visions in local contexts create a fundamental dilemma for human rights practice"[109] and one of the major problems encountered by the human rights organizations is to negotiate the gap between the global and the local on the question of establishing universal principles of justice , equity and rights. The Convention on the Elimination of Discrimination against Women (CEDAW) set up by the United Nations General Assembly, has adopted certain universal principles for gender justice which seek to protect women from all forms of discrimination that violate the principles of equal rights and human dignity. Article 1 of the convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex in the political, economic, social, cultural, civil or any other field."

The customary laws recognized and practiced in many parts of the world are discriminatory against women and they are repugnant in nature to the universal principles of natural justice. It has been noticed in many parts of Africa and India where plural legal systems exist and the customary personal laws of different ethnic and religious communities are not interfered with by the state, that women's rights are compromised in several spheres including

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[109] Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*, The University of Chicago Press, 2006, p.102

inheritance, succession, right to carry out one's livelihood and obtain business contracts on an equal footing with men. Observing the prevalence of such discriminatory practices in many parts of the world, the CEDAW has emphatically stated its principle of abiding by universal norms of gender justice and resisting the arguments put forward by some countries that specific local situations need to be addressed while adopting a universal set of laws on human rights of women. Significantly, the CEDAW has resolutely met the challenge posed by certain local forces which argue that customary laws should be given precedence over statutory laws even in a democracy because such laws reflect the culture of a community and so the issue of community identity is involved in them. The CEDAW has taken the position that in many cases customary laws are oppressive towards women because they are based on religious laws which are deeply patriarchal in nature.

In its response to the CEDAW report the government of India has admitted that "the persistence of stereotypical attitudes and certain cultural and traditional practices and customs have posed major obstacles to achieving de facto equality for women". The report also acknowledges, that legislative reform to eradicate customary practices which discriminate against women has "not brought about the desired changes in the role and position of women in India".[110] The CEDAW Committee, during its deliberations on this response asked the government to "provide information on whether a comprehensive strategy exists, including enforcement of all laws to prohibit customary practices which discriminate against women, to develop a socio-cultural climate to the benefit of women"[111]. The CEDAW committee also sent several queries to the Government of India seeking clarification about the steps taken by the government to "make each of the personal laws gender-just by repealing discriminatory provisions," and whether this is being

[110] Ref.Committee on the Elimination of Discrimination against Women, Pre-session working group, Thirty-seventh session,15 January-2 February 2007.[The pre-session working group examined the combined second and third periodic report of India (CEDAW/C/IND/2-3).]

[111] CEDAW/C/IND/Q/3

done with the participation of all stakeholders, including community and religious leaders. While ratifying the CEDAW in 1993, however, the Indian government expressed its reservation about Article 16(1) of the Convention which calls for the elimination of all discrimination against women in matters relating to marriage and family relations. India's Declaratory Statements in this connection reads as follows: "With regard to Article 16(1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any community without its initiative and consent".

In its hearings on the government of India's report, the CEDAW Committee was critical of this stance of non-intervention in the personal laws of the communities unless the community leaders asked for reforms. Many experts noted that the position held by the government of India went against the CEDAW principles because ethnic and religious groups tended to maintain patriarchal traditions. They further observed that "perpetuating the personal laws of these ethnic and religious communities was incompatible with women's rights".[112] The experts also suggested that in order to ensure the success of India's policies on health, education and other areas, "there should be one comprehensive code to ensure equality of women in all aspects of Indian life regardless of religion or culture"[113]. The CEDAW committee urged India to make a break with its past practices on personal laws and to adopt a policy of secular universalism on legal matters so that the rights of women are not violated. The CEDAW committee took special notice of the statement in the Government of India Report (mentioned in paragraphs 163,183) that the representation of women in the state legislatures as well as in the judiciary, Lokadalats and other decision

[112] UN Press Release , 24 January 2000, in Merry, Sally Engle,(2006), *Human Rights and Gender Violence: Translating International Law into Local Justice*, University of Chicago Press, Chicago and London, p.10

[113] UN Press Release, WOM/1161:5

-making bodies continued to be "abysmally low." The assurance given in the GOI report that the 10th Plan will take the "necessary steps to guarantee equal access to and full participation of women in decision-making bodies" has not yet been achieved in the case of the north-eastern region . In order to understand government of India's position on customary/personal laws of the religious and ethnic communities, it is necessary to briefly examine the legacy of the legal administration in India before and after independence.

A significant body of literature has explored the continuity of the legal and state institutions in India before and after independence[114]. The personal laws in India, particularly, provide a key site for the study of this continuity of the colonial legacy. Recent studies on the legal history of India dating back to the pre-colonial times have pointed out that plurality of laws and customs were the essential characteristics of the ancient Indian communities. [115] Flavia Agnes, while underscoring the fact that in the ancient period, there was no sharp distinction between religion, law and morality, argues that the smritis for instance were generally based on well-established local customs because it was agreed upon by the smritikars that time-honoured customs have a greater validity than the scriptures. Since, customs vary from place to place and since the smritis were orally transmitted, it was natural that the original precepts were re-interpreted by new commentators. There were some eighty -odd smritis in existence in ancient times which differed considerably from each other because each smriti was influenced by local customs of its region.[116] Feminist scholars have noted that the smritis belonging to those regions which were traditionally known for pro-women practices , granted more liberal property

[114]Rina Verma Williams ,*Postcolonial Politics and Personal Laws*, op.cit, Upendra Baxi, *The Crisis of the Indian Legal System* , New Delhi 1982; Janaki Nair, *Women and Law in Colonial India* ,Kali for Women, New Delhi, 1996.

[115] Flavia Agnes, (1999), *Law and Gender Inequality: The Politics of Women's Rights in India*, OUP,New Delhi.p.12

[116] Agnes, p13

rights to women under the stridhana property rights. [117] So, customary laws had not always been totally discriminatory against women in some parts of India. But, in regions where Brahmanical customs predominated, women were deprived of the right to immovable property and stridhana(the property that a woman is entitled to under the smritis) was reduced to a few movable household goods and ornaments that a woman received as gifts at the time of marriage. The Dayabhaga school of Hindu law which was applicable in many parts of northern and eastern India, approved of only a few movables as stridhana property. But, Mitakshra, the other principle school of Hindu law, gave wider scope for the inclusion of movable as well as immovable property as stridhana. Thus, even within Hindu law , there were wide variances regarding women's property rights based on customary practices.

The practice of non-interference by rulers in the customary laws of the different communities was an ancient one in India and it was maintained even during Muslim rule. Under the Delhi Sultanate, while criminal law was uniform for both Hindus and Muslims, personal laws of the Hindus were not disturbed by state intervention. The Mughals too followed a similar policy regarding personal laws. While Muslim personal laws were applicable to the Muslims, the Hindus were allowed to function within their own system of personal laws. Certain local customs and usages were applicable regionally, or along family, caste or ethnic lines and were not strictly based on religious division. The colonial administration for the first time introduced the system of dividing the communities in India along religious lines and setting up a legal system that disregarded the variations in customary practices which are not strictly based on religious precepts. When the British set up legal administration in India, they were confronted with the complex problem of bringing about homogeneity in the diverse systems of law which they found in existence here."Not only were there literary traditions of Hanafi and Ithna Ashari Muslim Law and the Dayabhaga and Mitakshara schools of Hindu Law , but there were also numerous practical

[117] Agnes, pp.18-21.

traditions of Customary law, applicable to caste, tribe, lineage o family group."[118] The Hindu Law which was used in the colonia law courts was a mixture of the newly codified Shastric Law customary practices, caste-law and a dose of English legal concepts[11] Such a conglomeration of legal notions was bound to lead t serious anomalies during application.

One of the first tasks taken up under colonial rule to facilitat legal administration was the collection, compilation and translatio of legal texts which were considered to be authoritative texts by th British administrators. In the process of selection and compilatio of the texts, however, there was a tendency to overlook the non textual oral tradition and to valorize the written texts as the sourc of all authentic laws applicable to the Hindus. J.D.M Derrett says "The sastra tells us little or nothing about the customs of th mlecchas, forest or hill tribes or other untouchables living on th fringe of Hindu society: the jurisprudence did not grow to includ them"[120].Since the Islamic texts were considered to be reliable an uncomplicated in nature, the main attention of the British wa focused on the codification and reform of Hindu laws. The sol interpreters of the Hindu code were the Brahmins and the traditiona pundits who exercised a monopoly over learning in a rigid caste based system. The British rulers were completely dependent on th authority and judgment of these intellectuals and those texts whic were prioritized by them were also given recognition by the colonia scholars as authoritative ones. In this process, many texts whic were relatively unknown till then were given precedence over other and the body of texts that were selected ignored many importan texts , for example , those from southern India [121] . The task o

[118] Lucy Carroll, "Law, Custom and Statutory Social Reform: the Hind Widows' Remarriage Act of 1856', in J.Krishnamurty ed. *Women i Colonial India: Essays on Survival, Work and the State,* OUP, 198 p.1.

[119] Ibid, p.7

[120] Derrett, *Religion , Law and the State in India*,1968, quoted in Janak Nair,1996, p 21.

[121] Janaki Nair, (1996) *Women and Law in Colonial India: A Social History* , Kali for Women, New Delhi, 1996, p25

compiling and codifying the Hindu laws was entrusted by Warren Hastings to a group of eleven Pundits who "brought a heavy Anglo-Brahmanical bias into law"[122] which was distinctly reflective of patriarchal interests in matters relating to women's rights.. *A Code of Gentoo Laws or Ordination of Pundits* by Nathaniel Halhead published in 1776 was a digest prepared by the pundits. The subsequent work of codification undertaken by William Jones showed a strong bias towards the Bengal school represented by Dayabhaga and his translation of *Manusmriti* gave this text the position of a central text in the British understanding of Hindu personal law. The translation of Mitakshara and Dayabhaga texts by H.T Colebrook finally gave the British what they considered to be a reliable and authentic body of texts to provide the necessary legal knowledge for adjudicating in matters relating to Hindu personal law. However, in this whole effort of codification, customary laws which had an existence outside the scriptural texts in the pre-colonial times, lost their importance in the legal administration of British India . Under the provisions of Warren Hastings Plan of 1772, the East India Company was granted jurisdiction over the natives of India and it was stated that in civil matters concerning marriage, inheritance or caste , Hindus would be subject to the shastras and the Muslims to the "laws of the Koran". Thus, all communities were deemed to be homogeneous religious communities belonging to the major religions of the sub-continent and customary laws were disregarded in the process of codification undertaken by the colonial administration. "Hindu law expanded its authority across large areas of society which had not known it before, or which, for a very long period had possessed their own more localized and non scriptural customs" [123].

Customary laws, however, had received some degree of recognition in the Bombay Presidency during the early period of colonial administration when the Presidency courts of Calcutta, Bombay and Madras functioned according to their own distinct

[122] Agnes, 44

[123] David Washbrook, "Law State and Agrarian Society in Colonial India", Modern Asian Studies, 15,3, (1981), p.653

patterns of judicature. The Bombay Presidency Court had adopted the English model of "King's Law" and "Common Law" where Common Law was based on customary practices of the common people. But, the Roman model of Canon Law and Civil Law which ignored the customary practices, was the adopted model of the Calcutta presidency and subsequently, this model acquired precedence over the Bombay model. The Elphinstone Code (Regulation Code of 1827) provides interesting insights into the customary practices of the Bombay region in the colonial period. [124]

The colonial policy of separating the "public" domain from the "private" or "personal" in legal administration, led to a policy of allowing the social relationships to remain in a primitive mould while the public law aimed at safeguarding and enlarging the individual freedoms that would suit the growth of the market. "Its purpose was to keep society in the structure of relations in which the colonial authority had found it and to construe the moral problems of the present against standards taken directly from the past."[125] The policy of the Indian State in the post-colonial period has also been shaped primarily by similar definition of the "private' and the "public" in the matter of legal administration. Such a policy adversely affects the individual rights of women in matters relating to inheritance, marriage and conjugal rights because all these important matters are considered community obligations of the individual and left out of the purview of statutes and courts that function according to principles of natural justice and equity.

The policy of non-interference in the personal laws of the communities which continues to define Indian government policy in the post-colonial period too, was based on the assumption that women's rights would be best protected when they are under the control of customary authority of a community. The gender-neutral community identity of women was always fore grounded at the expense of their identity as individual citizens who are eligible to all the rights enjoyed by citizens in a modern nation. When the British, at the time of codification of the personal laws, consulted

[124] see Agnes, 46

the opinions of the religious authorities, they were aware of the patriarchal bias of the pundits and Mullas. Halhead in his introductory remarks on the section on duties of women according to the shastras (in his translation of *A Code of Gentoo Laws*), sums up the ambiguous attitude of the British towards the traditional patriarchal laws that had been codified as the most reliable source of Hindu Law: "The Brahmins who compiled this code were men far advanced in years" and so, "the observations they have selected and the censures they have passed upon the conduct and merits of the fair sex," [126] can be overlooked . It has been pointed out by scholars that since the shastras generally ignored the customary practices of non-Aryan and non-patrilineal communities scattered all over the country which were more accommodative towards women's rights, there were many situations when the Hindu law was applied by the colonial administrators to communities who had been outside the purview of those laws in the pre-British days [127].

When the British recognized the compiled Hindu code as the only authoritative text to dispense justice in the British-Indian legal system, the authority of the unwritten customary laws was gradually eroded. However, judicial controversies often arose over the conflicting interpretations of legal concepts under Customary Laws, Statutory Laws and Hindu Law. For instance, when the Hindu Widows Remarriage Act of 1856 which sought to reform Hindu personal law was promulgated under active support of Vidyasagar and other Indian intellectuals , many legal cases came up before the courts which involved the interpretation of concepts like "chastity", " Hindu marriage" and the widow's right to property . These concepts were interpreted differently in different courts of law in accordance with customary practices, Hindu codified texts and Western ideas of jurisprudence.

In order to understand the Indian government's approach to

[125] See, Washbrook, p.652

[126] quoted in Janaki Nair, p.31

[127] J.D.M Derrett, *Religion ,Law and the State in India*, London, 1968, p206-207

customary/ personal laws, it is necessary to examine the continuing effect of colonial legal policies on the postcolonial Indian state. Recent studies have focused on the systematic comparison of the policies of the colonial government with those of the Indian state after Independence, on matters relating to personal laws[128]. It has been said that "India became a formative site for the British colonial endeavour from the eighteenth to the twentieth centuries"[129] and the knowledge that was produced and developed in India by the British was used later to rule the colonies in Africa and other continents. One of the most effective forms of colonial knowledge for dominance over the colonies was legal knowledge. Laws were forged and selectively implemented in India and the local population was permanently "containerized" according to their religion or caste[130] Significantly, though in the case of criminal and civil laws the pre-colonial system was gradually abrogated and a newly constructed system based on the western model was instituted, personal laws which were basically family laws were left beyond the purview of the colonial administration and the traditional authorities of each community were bestowed with the power to dispense justice in their own way. Warren Hastings' plan of 1772 provided for the establishment of civil and criminal courts in each district which were to replace the earlier system of judicature under Mughal rule. The Regulation II of 1772 (Article xxiii) however , made special provisions for the Hindu and the Muslim communities to apply their own religious laws in the matters of inheritance, marriage, caste and other religious usages or institutions. "This provision laid the foundation for the differentiation on the part of the English administration between laws applicable to "personal' and to other matters".[131]. In the Charter Act of 1753 too, the reluctance of the British to interfere in civil suits involving natives of India

[128] for example, see Rina Williams, op.cit.

[129] Ibid, pp.4-5

[130] Mahmood Mamdani, , *Citizen and Subject ; Contemporary Africa and the Legacy of Late Colonialism*, Princeton Univ. Press, 1996, New Jersey,

[131] Archana Parashar, *Women and Family Law Reform in India*, Sage, New Delhi, 1992, p.62

was evident. Even in this Act, the personal laws of the Hindus and the Muslims were made applicable to the two communities though the courts gradually assumed the right to apply the 'personal laws" of the communities according to their own understanding of the traditional laws (as interpreted by the pundits and the mullas). In all subsequent Regulations of the colonial government, the policy of non-interference in the personal laws of the two communities, the Hindus and the Muslims, was followed. However, in the case of the other religious communities of India such as the Jews, the Parsis and the Armenians, this policy of saving their personal laws from state interference was not followed.

Another interesting fact relating to this policy was that while matters concerning marriage, divorce, inheritance, caste, excommunication etc. were excluded from state interference and considered to be the exclusive domain of the traditional religious authorities of the Hindus and the Muslims, all other aspects of personal laws were regulated by the British administration in India. Various reasons have been offered to explain this policy of the British. According to one opinion, it might have been influenced by the British notion of ecclesiastical law, applicable in England, which governed all the subjects which were excluded from state interference in India[132]. But, it is more likely that the British policy towards family laws in India was a result of a sense of political expediency which guided British policy in this matter. Sir William Jones wrote in a letter to Lord Cornwallis that it would be wiser to reassure the Hindu and Muslim subjects in India through a legislative Act that the "private laws which they [the Hindus and the Muslim subjects] severally hold sacred, and violation of which they would have thought the most grievous oppression, should not be suppressed by a new system".[133]

When the British administration exempted the family laws from the purview of legislation by giving them religious sanctity, they were under the misconception that the personal laws of the Hindus

[132] see Parashar, p.64

[133] quoted in Parashar, 64

and the Muslims were not derived only from scriptural texts but were a product of a complex intermixture of scriptural rules and local customary practices. But, very soon the colonial administrators started realizing that in actual practice, the customary usages are often more familiar to the people than the scriptural texts. Thus began the practice of giving a special place to customs in cases where Hindu law was applied. Though in the case of the Muslims, this was rare, yet certain cases have been cited by Archana Parashar (p68) where customary usages were taken into consideration in cases where the parties belonged to the Muslim community. Gradually, the customary laws were given recognition through a series of legal Acts in different regions of British India including the Bombay Regulation IV of 1799, the Elphinstone Code of 1827, and the Punjab Laws Act of 1872.

The process of 'Anglicization' of traditional laws in India was a complex one and has been discussed at length by Parashar, Rudolph and Rudolph (1967), Derret (1968) and Baxi (1986), among others. Amongst the principle reasons for bringing in the Western concepts of 'justice, equity and rights' to modify and replace indigenous laws were the considerations of humanity and justice, the replacement of earlier untrained judicial officers of the Company by trained English judges brought from England who interpreted the religious and customary laws according to their own sense of justice and fair play. "Thus the judges managed to introduce their own notions of right and justice into the personal laws of the natives" [134]

Another significant change that took place because of the 'Anglicization' of indigenous laws was that customary and religious personal laws became more textualised because the British judges depended more on scriptural texts and evidence than on the oral tradition which was quite flexible in nature. In this, they were helped by the Brahmin pundits and the Muslim maulvis who were more likely to give precedence to the scriptural texts over customary usages. The scriptural texts continued to occupy an important place

[134] Parashar, 73

in the judicial system although by 1864, the courts began to give more importance to local customs. Customary personal laws, however, also lost their vibrancy and the capacity to adapt themselves to the changing times because the British legal system which depended heavily on evidence, tended to give a fixed form to customary laws which became more and more retarded after they became a part of the State legal system through this process of becoming incorporated into the law of evidence.

It was evident from the avowed policy of non-interference in personal laws of the Majority communities that a uniform civil code was not in the agenda of the colonial administration, though the task of establishing a uniform criminal law was taken up seriously during the early period of colonial rule. But, when one looks at the series of reforms brought into the personal laws, especially those of the Hindus, it appears that the policy of non-interference was often abandoned when adequate support came from the progressive section of the Indian intellectuals.

When the administration of India shifted from the Company to the Crown in 1858, the Proclamation of Queen Victoria stated specifically that the British administration in India should "abstain from all interference with the religious beliefs or worship of any subject". Since family laws had already been defined as religious, it was understood that the proclamation had enjoined upon the administrators to desist from state interference. But, the new system of legal governance under the Government of India Act of 1858 vigorously went ahead with the task of transforming the criminal and mercantile laws because these were construed as belonging to the public domain. Significantly, the categorization of matters as to be dealt with as personal laws always remained fluid and the British brought some of the matters within the purview of the public according to the needs of their mercantile economy. Thus, 'contract' which was originally considered as belonging to the sphere of the religious was later brought within the purview of legislation [135]. As stated earlier, the restrictions on legislation of personal laws did not

[135] Agnes, p61

apply to the communities other than the Hindus and the Muslims. A series of legislations were enacted which were meant for the Christians and the Christian converts in India which included the Indian Divorce Act of 1869, The Special Marriage Act of 1872,The Guardians and Wards Act of 1890 , which were modeled on Western family law.

The issue of women's rights and the need to reform personal laws of the two communities to accommodate those rights, began to occupy the attention of Indian nationalists when a large number of women emerged as leaders of the freedom movement led by Gandhi in the twenties of the last decade."Women leaders of the nationalist movement raised the demand for a comprehensive code regulating marriage, divorce and inheritance."[136] As a result of these developments, the Government of India Act of 1935 provided an opportunity for Indian nationalist leaders to seek legislations in family laws. G.V.Deshmukh introduced the historic Hindu Married Women's Right to Property Bill in the Legislative Assembly which sought to treat men and women as equals in the matter of property rights and inheritance. The Bill was vehemently opposed by the conservative section of the members in the Assembly and ultimately the Hindu Women's Right to Property Act of 1937 which was finally enacted granted only limited rights to women. In the case of the Muslims too, the Government of India Act of 1835 gave the opportunity to legislate in favour of Muslim women. The Application of Shariat Act of 1937 aimed at bringing all Muslims under the provisions of Shariat law which allows absolute rights to women over inheritance of family property and statutory right of divorce. The Act fulfilled the political objective of giving a unified identity to the Muslims by bringing them out of the purview of customary usages which many converts were still practicing.

The persistent demand for reform of the Hindu code put forward by the women leaders compelled the Indian National Congress to take up the issue in a serious manner. Though the political events of the days immediately preceding transfer of power

[136] Ibid, p67

led to the shelving of the issue till after independence, the matter was kept alive by forming two law committees to go into the matter. In the Constituent Assembly debates ,questions of national integration and rights of the minorities attained the top priority and women's rights took a back seat. Interestingly, even in the debate on the contentious issue of Uniform Civil Code, the question of women's rights did not find a place . The debate was focussed primarily around questions of national integration and minority rights.

The Indian government continued to "follow substantially the same approach towards the personal laws, operating within the same discursive and conceptual parameters as the British had done in the colonial period."[137] The legal policy of the colonial administration had been aimed at sharpening the difference between the communities by perpetuating religious and racial differences through the law. The policy of non-interference in the personal laws of the communities by identifying them as sacrosanct religious laws , helped to rigidify the authority of the religious heads and to create monolithic traditions within each community, sweeping aside the age-old customary usages that often straddled across communities.

The perpetuation of the colonial legacy of viewing personal laws as distinctly religious in nature, has given rise to a burgeoning of debates which have tried to address the issues of gender justice, national integration and minority rights in relation to state policy on personal laws and uniform civil code. It has been argued by some that the concept of uniform civil laws was against the idea of the secular state and minority rights and that Indian nationalism was not in threat from religious personal laws of the communities. But, feminists have argued that "because the personal laws are based on religion, custom and tradition, they are widely conceived as placing women on an unequal legal and social footing with men, and are often seen as being inherently discriminatory against women.' [138] Yet, Indian feminists have preferred to abandon their

[137] Rina Williams, p.91
[138] Rina Williams, p.56.

demand for a uniform civil code that would deliver gender justice, because after the BJP started demanding for such uniformity, they do not like to be seen as being with the "Wrong side".

Soon after independence, the recommendations of the Hindu Code Committee were placed in the Constituent Assembly by the Law Minister Dr.B.R.Ambedkar . But the Bill was opposed tooth and nail by a large section of the Congress members in the Constituent Assembly.

The bitter debates that followed the introduction of the Bill have been recorded in several recent studies[139] While Ambedkar represented the most radical voice in the Assembly seeking urgent reforms in the Hindu Code, Nehru represented the more moderate but progressive opinion which opposed the conservatives resolutely , but preferred to wait for an opportune moment to push forward the reforms. Though Ambedkar resigned as Law Minister over the issue of Hindu Law reforms, Nehru successfully saw through the passage of the momentous legislations that laid the foundation of ensuring women's legal rights over family property. It has been argued by some scholars that the Indian state has been following a discriminatory policy in pushing forward radical reforms of the personal laws of the Hindus, while excluding the Muslim personal laws from the purview of reforms. But, it has also been argued that "to reopen legislative debate about Hindu, but not Muslim, personal law after independence was an act not of state discrimination, but a continuation of state 'neutrality': reform was driven by members of the community, not the state'[140] Thus, the policy of religious 'neutrality' which was pursued by the colonial state with regards to

[139] Som, Reba,"Jawaharlal Nehru and the Hindu Code: A victory of Symbol over Substance?", *Modern Asian Studies* 28, 1, pp.165-194, Cambridge Univ. Press.1994, Flavia Agnes, op.cit, Lotika Sarkar 'Jawaharlal Nehru and the Hindu Code Bill' in B.R.Nanda ed. *Indian Women: From Purdah to Modernity'*, N.D 1990, pp.87-98

[140] Eleanor Newbigin, "The Codification of Personal Law and Secular Citizenship: Revisiting the History of Law Reforms in Late Colonial India", *The Indian Economic and Social History Review*, 46,1, 2009,Sage, p98

personal laws, was continued by the Indian Government and this policy was enshrined in the Constitution when the intention of the state to work towards a uniform civil code was "caught among the linguistic trappings of Article 44" [141]. To pacify the conservative Muslim opinion within the Assembly, the proposal " that the state should endeavour to secure for the citizens a uniform Civil Code", was placed in the non-enforceable Directive Principles of the Constitution (Part IV), to be considered at some future time when the leaders of the communities might seek such a code.

When the Hindu Code Bill was taken up by the new Indian government to bring about a series of momentous reforms in the Hindu personal laws that enhanced the status of women in the Indian society, it was seen as a step towards initiation of 'modernity' into the society. The reformed codified family laws were seen to be more progressive 'civil' laws compared to the customary laws of the earlier times. Significantly, the Muslim leadership too had supported the introduction of shariat laws in the 1930s as being more progressive than the customary laws that governed the Muslim society in certain regions like Punjab. They had argued that the shariat gave property rights to women whereas the customary laws denied them this right. But, since the shariat laws were based strictly on religious sanction they have now been seen as retrogressive whereas the reformed Hindu personal laws which were passed between 1955-56 have been "hailed by many as a thoroughly modern 'civil' legal code" [142]

The whole controversy over the question of state legislation on personal laws of communities without the demand coming from within the communities, again came up for bitter debates in the Indian parliament over a case involving the rights of a woman. The Shah Bano case which rocked the political , legal and social arenas in 1985-1986 , once more brought up the question of interference or noninterference in the personal laws of the communities. For the first time after the Shariat Act of 1937, the government of India had to deal with the question of reforming Muslim personal laws and

[141] Reba Som, p192

[142] Eleanor Newbigin, p100

as in the previous era, the question was dealt with in the interest of political gains rather than any consideration of gender justice.

Since customary laws are a very important component of the legal system of India from the pre-colonial to the post-colonial times, it is necessary to discuss briefly the complex nature of the terms "custom" and "customary laws" in relation to the Indian situation. Most scholars who have studied customs and customary laws in India have referred to the interpretations given by British legal experts of the colonial times in their judgments on different cases that came up before the colonial Courts. Summing up some of these comments, Sripati Roy says: "Customs differ from law in its flexible and plastic nature. This is the inevitable consequence of their respective origin. Law, rather, positive law, originates from the will or command of the Sovereign power, whereas custom has no direct author: it grows and fashions itself as the exigencies of a community arise and need. A law or statute once enacted cannot be altered or repealed by any other power than that of a Sovereign. A custom , on the contrary, may change or modify itself or may be abandoned by a community or a class without the intervention of any authority whatever."[143] "The value of customs", according to Lord Beaconfield in his famous speech on the Irish Land Bill , "is its flexibility and that it adapts itself to all the circumstances of the moment as of the locality... Customs may not be as wise as laws, but they are always more popular...They are spontaneous. They grow out of man's necessities and inventions, and as circumstances change and alter and die off, the custom falls into desuetude."[144]

The two principal schools of law, the Historical and the Analytical Schools, hold divergent views on the concept of "customary laws". According to the former, law was in existence even before sovereign states came into existence and so the laws that predate statutory laws are recognized as *"unwritten laws"*. Customary laws therefore may fall into this recognized category of unwritten laws. The Analytical School, however, does not recognize these unwritten forms of customary laws as laws; rather, they are

[143] Sripati Roy, *Customs and Customary Law in British India*, Mittal, New Delhi.,1986, p9

[144] cited in Sripati Roy, p9

termed as *"unwritten rules"* of morality[145] . Cicero, the Roman philosopher, has given recognition to customary law as "that which without any written law antiquity has sanctioned by common consent of all men"[146] So, Customary Law "is composed of a large body of rules, observed by communities, evidenced by long usages and founded on pre-existing rules sanctioned by the will of the community. It exists independently of a Sovereign authority. It forms the ground-work of every system of legislation"[147]

The debate surrounding the applicability of the British judicial system to India was at its height during the freedom struggle. Many nationalist leaders argued that India needed a legal system that was derived from indigenous systems of law because the British system of justice was too complex in procedure, too slow, expensive and 'promote endless dishonesty and degrade public morality'[148] However, it is significant that in the Constituent Assembly debates(1947-49) there were no spokesperson for restoration of a legal system based on the *dharmasastras*. But in deference to the wishes of the Gandhians, the provision for setting up of village panchayats as units of local self-government was included in the Directive Principle of the Constitution.During the early years of independence, when the Gandhians and the socialists spoke in favour of reviving traditional panchayati justice, they got little support from the legal professionals who were almost unanimous in the view that the Anglo-Indian law was the best form of law for India. In the late 1950s, when the government of India took the initiative to set up village panchayats as units of self-government, they secured the support of almost all the state governments in promoting judicial panchayats. However, the concept of these statutory panchayats was very different from the traditional caste panchayats based on caste and communal considerations. The new panchayats were aimed at securing village unity and secular representation based on election. The new judicial panchayats were

[145] Ibid,p.10

[146] *de Invent*,2.22, quoted in Roy, p10

[147] Roy, p10

[148] Shriman Narayan Agarwal, *Gandhian Constitution for Free India*, Allahabad, 1946, cited in Galanter, p.55

required to dispense statutory laws , but professional lawyers were barred from them. This led to neglect and rejection of these judicial bodies by the professional lawyers who questioned the validity of their judgment on criminal cases, however petty they might be.[149]Thus the attempt at traditionalization of law did not receive the necessary support either from the legal professionals or from the villagers themselves who were suspicious of the objectivity of the panchayats because the traditional courts were often seen to be oppressive to the poor and the lower castes and did not believe in secular democratic principles. Nor were the local customary laws very popular amongst the people to whom they were supposed to apply. As Mark Galanter comments:

"Customary law with its innovative, quasi-legislative elements restored would be a formidable counterweight to national unity, mutual intelligibility, free movement and interchange. It had no evident capacity to contend with nationwide problems and projects. Although there were vestiges of such traditional law extant, there was no pronounced widespread admiration for its contemporary representatives." [150]

In the legal system of modern post-colonial India, classical *dharmasastra* component of Hindu law is seldom revived. "Traditional law—Hindu, Muslim and customary—has been almost entirely displaced from the modern legal system... It [the *dharmasastra* component] remains the original source of various rules of family law. But, these rules are intermixed with rules from other sources and are administered in the common-law style, isolated from *sastric* techniques of interpretation and procedure"[151]. Only in a few tribal regions of the country, including north-east India, the local customary laws are given statutory status under special provisions of the Constitution. The question of applicability of traditional laws in a democratic state and the possibility of their

[149] For details see, Galanter, Marc, (1972), "The Aborted Restoration of 'Indigenous' Law in India", *Comparative Studies in Society and History*, Vol.14, Cambridge Univ. Press, p 62

[150] Ibid, p.62

[151] Marc Galanter, ,1972, p53

being "counterweight" to national unity , attains new dimensions when one examines the special legal provisions reserved for the tribal regions of north-eastern India. Though there are not enough records available to ascertain the exact nature of the justice system in the sub-Himalayan regions of eastern India in the pre-colonial times, yet the accounts of the early British administrators give us some information of the manner in which the different primitive communities living in the region governed themselves before the British arrived. The local village councils in most of these areas disposed of all cases including those relating to commission of heinous offences. The British did not alter the basic pattern of justice when they occupied these areas. However, the power to try certain heinous crimes was taken away from the traditional village authorities and divested on the district administrative officers and their assistants appointed by the government. Certain procedural rules were promulgated by the British to administer criminal justice in the regions. Though the rules varied from area to area , they had one special feature in common: while in the rest of British India, it was necessary to follow the letter of law in civil and criminal justice system, in the tribal regions of north-east India, the emphasis was laid on the observance of " the spirit" of the Civil and Criminal Procedure Codes rather than the letter. This procedure has been continued in the post-colonial times under the Constitutional provisions of the Sixth Schedule. But, whether there is any need in a modern democratic set-up to maintain a special system of justice for certain tribes of the north-eastern region. It has been argued that "it is not a question of having a different conception of justice but of a different set of cultural and socio-economic conditions which necessitated, and does still necessitate, a different method of meeting out justice in these areas"[152] However , with the gradual growth of awareness about modern democratic values and the need to give space to individual rights, especially the rights of women, over community rights, the problem of granting immunity to traditional

[152] Das, J.N, (1987), directed, *A Study of Administration of Justice Among the Tribes and Races of North Eastern Region (Excluding Nagaland and Meghalaya)*, Law Research Institute, Eastern region, Guwahati High Court, Guwahati, p.3

authority which has been recognized by the Sixth Schedule as the custodian of customary laws, from the interference by the laws enacted by the Parliament, has attained new significance. The debate centred round the problem of giving a special constitutional status to customary laws in the changing world where democratic values are gaining greater acceptance because of their inalienable links with human rights, has also raised the important question whether granting autonomy to certain backward communities implies ensuring immunity from the laws enacted by the Parliament and whether laws which are meant to guarantee important civilian rights under a democracy can be flouted with impunity by a traditional authority

The tendency amongst successive governments to entrust all matters relating to change or reform of personal/customary laws in the hands of the religious or tribal leaders who are invariably male, is based on the belief that these laws are markers of religious, ethnic and cultural identity of a community or nationality. Since customary laws are always flexible and subject to change according to the needs of a community, so they may also disappear and fall into disuse when a society changes and grows. This important feature of customary law needs to be kept in view while adopting policies of self- governance amongst primitive communities which are considered to be not ready yet to accept more universal concepts of democratic practice. Initiatives taken to codify the customary laws of the communities also should be carefully reviewed so that the fluid nature of such laws is not replaced hastily by rigid structures that do not ensure sufficient protection to the rights of the marginalized groups within a community, including the rights of women.

CO-OPERATIVES AND COLLECTIVE ACTION: CASE OF A RUBBER GROWER CO-OPERATIVE IN EAST GARO HILLS IN MEGHALAYA, NORTH EAST INDIA

P.K. Viswanathan•

Growing evidences demonstrate that the mountainous societies in South and Southeast Asian countries are underway of dynamic agrarian transition in the context of market integration leading to emergence of market-responsive farm-livelihood systems. However, the livelihoods of these communities remain to be at stake and highly vulnerable to the market forces in the absence or failure of effective state support and institutional interventions facilitating mobilisation for collective action and thereby internalise the positive outcomes of market integration. Set in the broader perspective of effective role of community institutions in local mobilisation for collective action, this paper explores the case of a rubber grower cooperative in East Garo Hills in Meghalaya, North East India, which has been instrumental in mobilising the tribal communities for collective action and scaling up of rubber development programmes in the region. In doing so, the paper also brings out the importance of synergy between external institutional (state/ policy) interventions and local community institutions in facilitating the environment for effective collective action outcomes among the tribal communities, so as to achieve the broader socio-economic goals of tribal upliftment programmes mediated through rubber integrated livelihood systems in the North East region.

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I. Introduction

A search for institutional alternatives for mobilising the smallholder peasantry in general and pastoral communities in particular brings forth the growing prominence of the new generation co-operatives (NGCs) as instruments in mediating collective action to overcome the market imperfections. It is widely held that in the face of market imperfections and high transaction costs, the smallholders are unable to participate in the markets and thereby exploit the gains from commercialisation (Key and Janvry, 2000; Jayne, Zulu, and Nijhoff 2006; Bernard *et al.*, 2007). The NGCs in this regard can act as alternative institutions and the NGCS in a way, are structurally modified versions of the traditional co-operatives. The NGCs have emerged when the traditional agricultural co-operatives became redundant following the dynamic transformation in world agriculture, necessitating them to restructure by resorting to pluri-activism along with well defined property rights[153] and resolving externality and transaction costs problems (Cook, 1995; Cook and Iliopoulos, 2000; Sykuta and Cook, 2001). The NGCs while providing even the small and marginal farmers a stake to compete in the global market also enable them to keep with themselves a certain portion of their farm surplus through facilitating value added grading and processing activities (Stefanson and Fulton, 1997).

In view of their potential impacts, the case of NGCs has been receiving considerable scholarly attention in recent times with much work focused on the rural and agrarian cooperatives as instruments

[153] While the traditional agricultural co-operatives centred on commodity marketing, basically acting as clearing agents for the members' products (Stefanson, *et al.*, 1995), the NGCs offer specified equity-based delivery rights as well as well-defined property rights. With the new broadened framework, these local institutions help reach large numbers of small and marginal producers in scattered and remote locations, achieving economies of time in communicating with producers, and economies of scale in handling inputs and outputs involved in an improved agriculture (Uphoff, 1986: 115).

for collective action and capacity building in fragile environments[154] (Bendick and Egan 1995; Cook 1995; Stefanson and Fulton, 1997; Sykuta and Cook, 2001; Madane 2002; Cross and Buccola, 2004; Fabio and Cook, 2004; Phillips 2004; Develtere and Pollet, 2005; Giannakas and Fulton, 2005). Many, if not most, NGCs are formed in response to some type of market failure, to secure additional profits through value-added enterprises, or as community economic development (Cook 1995). NGCs in agriculture focus on value added characteristics and processing rather than mere supply of commodities. In the global context, NGCs are operational around wildlife meat, dry edible bean, cattle, corn, soy, and sugar beet processing. Besides, In addition, aquaculture, dairy products, straw particleboard, swine, fruits and vegetables, have been part of value-added cooperative activity (Downing, *et al.*, 2005).

In the Indian context, studies are suggestive of the positive impacts of the NGCs on the local economies in terms of mobilisation and collective action as reported in the case of industrial co-operatives in Kerala (Heller 1997); milk producer co-operatives in Gujarat (Chandra and Tirupati, 2003) and farmer co-operatives in Andhra Pradesh (Patibandla and Sastry, 2004). Particularly, Patibandla and Sastry (2004) demonstrate that the new co-operative institutions act as effective means of breaking the interlocked factor (labour, capital and output) markets in the rural settings through facilitating collective action and co-operative behaviour.

An important conjecture emerge from the above is that the NGCs as local institutions have immense potential for mobilising communities for collective action through their 'bonding', 'bridging', and 'linking' functions. Such interventions in turn, may have greater

[154] A study by Ketilson (2004) on aboriginal co-operatives in Canada reported particular benefits associated with the formation of co-operatives with respect to building/ strengthening of: a) physical infrastructure (physical capital); b) personal infrastructure (human capital); and c) social infrastructure (social capital) [Also see Bebbington 1997 & 2004, for a detailed review of the five forms of social capital].

welfare implications in community life leading to higher levels of local participation for resolution of collective action problems and further scaling up of development interventions to produce multiple and enhanced benefits to the community.

Objectives of the study

Based on the perspectives on the effectiveness of local institutions in mobilising communities for collective action as discussed above, this paper examines the case of a prominent rubber grower co-operative in the East Garo (EG) Hills district in Meghalaya, North East India, in fostering collective action and scaling up of smallholder rubber development programmes initiated by the Government of India. The case study pertains to the Mendipathar Multi-purpose Co-operative Society (referred as MMCS or the Society hereafter), located in Mendipathar village in East Garo Hills in Meghalaya.

The paper is formulated on three important objectives. First, it traces the specific socio-economic and institutional contexts within which the MMCS has emerged as an important stakeholder in the EG Hills. Second, it examines the strategic interventions made by the MMCS in the EG Hills having significant impact on mobilisation and collective action among the tribal communities. Third, it brings out the influence of the institutional roles played by the MMCS along with the socio-economic and demographic characteristics of the rubber growers in determining the collective action outcomes and further scaling up of rubber development programmes in the EG Hills.

The empirical analysis contained in the paper is based on a survey among the tribal rubber growers in the Mendipathar village in the EG Hills in Meghalaya. Information on the socio-economic and demographic profile and rubber farm management aspects have been gathered from 70 member growers out of the total 216 registered members of the MMCS through key informant and household surveys and group interactions conducted during 2005. The information on the various activities of the MMCS has been gathered from the official documents as well as discussions with

the officials of the society. A sample of 80 rubber smallholders with 40 growers each marketing their rubber through the state and private marketing channels have also been surveyed so as to bring out the contrasting scenarios of performance and effectiveness of the marketing interventions by the MMCS *vis-à-vis* the other two channels.

Rest of the paper is organised into four sections. Section II makes a brief account of the specific context within which the marketing interventions by the MMCS have become imperative in the EG Hills. It then examines the growth of the MMCS from a small marketing co-operative to a community development institution, followed by a brief description about the socio-economic, demographic and ethnic profile of the rubber growers in the study area. Section III deals with the strategic interventions by the MMCS and the resultant collective action outcomes among the rubber growers, as against the exploitative rubber trading practices persisted in the EG Hills. Section IV examines the specific influence of the institutional roles played by the MMCS along with the socio-economic and demographic features of the member rubber growers in determining collective action outcomes in the study area. Section V concludes the paper by reflecting on the significance of the institutional interventions by the MMCS in the EG Hills in the process of scaling up of sustainable rubber farming systems. It also highlights the importance of synergy between external institutional (state/ policy) interventions and local community institutions in creating a space for better collective action outcomes among the hill communities, so as to achieve the broader socio-economic goals underlying the rubber development programmes in the entire NER region initiated by the Government of India.

II. Situating MMCS in the Garo Hills Context

The Garo hills forms the western part of Meghalaya State, in India. Until 1972 when Meghalaya was formed as a separate state in the Indian Union, the Garo Hills district, along with Khasi Hills district and Jaintia Hills district were part of the Assam state. The Garo Hills has been further bifurcated into two in 1979, *viz.*, East Garo Hills, West Garo Hills and in 1992 the West Garo Hills has

been divided into two to make the South Garo Hills.

With low population density ranging between 54 and 241 persons per sq. km. (state average being 103 persons/ sq. km), the agrarian base of the tribal predominant state is characterised by abysmally low proportion of cropped area (12%) and persistent dependence on *Jhum* cultivation, ranging from 20 to 44 per cent across districts. Thus, the state has immense potential for agrarian expansion, as the proportion of uncultivated and fallow lands is as high as 38 per cent. Moreover, despite the relatively significant dependence on *Jhuming*, the proportion of area involved in shifting cultivation was rather insignificant in all the districts (below 5%). This gives a clear indication as to the dynamic agrarian transition in the state, from the swidden systems based on 'full belly production'[155] model to a well settled way of agriculture[156]. This is also borne out by the fact that despite a relatively lower proportion of the total cropped area (12%), the cropping pattern in the state shows a blend of food crops (50%) and commercial crops (35%) and is more diversified in terms of crop combinations, which was an

[155] In the 'full belly' type of models, the shifting cultivator household's objective is to fulfill a fixed target level consumption while minimising work effort or maximizing leisure. This fixed target level of consumption is equal to the minimum amount of output that ensures just the adequate amount of nutrition for the family to sustain its full productive and reproductive activities at their current level, and also meet its social and ceremonial requirements (Das Gupta, 2002: 3556).

[156] Earlier studies had also clearly indicated the declining phase of shifting cultivation in Garo Hills and Meghalaya. While swidden farming systems was the main occupation of 95 per cent of the total population in 1951 (Vaghaiwalla, 1952), it further declined to 88 per cent by 1981 (Tayeng, 1981).

outcome of state interventions in various historic contexts[157].

Rural market dynamics

However, the efforts to restructure the tribal economies of the entire North East region often have limited success due to various socio-economic, political, cultural and institutional impediments[158] retarding the development and growth of the region and its integration with the surrounding mainland Indian states. One of the persisting problems encountered in the Garo Hills in particular was the exploitative rural markets, which have been prevalent ever since the pre-colonial times. Though evidences suggest that the communities in the Garo, Khasi and Jaintia Hills were very active

[157] The British introduced commercial cultivation of cotton as early as 1870s, followed by promotion of plantation crops like tea, coffee, rubber, corn, lac, orange, cinchona, eucalyptus, guinea grass, etc. Later, the Baptist missionaries brought coffee seeds from Burma, Manila hemp from the Philippines, cotton seeds and potatoes from America and pineapples from Sri Lanka. After Independence, the central and the respective state governments have implemented sedentarisation programmes for the *Jhumias,* which were mainly focused on the promotion of commercial cultivation of horticulture, tree crops. such as cocoa, coffee, tea, cinnamon and rubber. The Soil Conservation Department has also been implementing special *Jhum control programmes*, especially, terrace cultivation in these states, particularly, Meghalaya (Kar 1970; Majumdar 1980; Gassah 1984; Singh 1990; Sachdeva 2000; Saikia 2005; Viswanathan and Shivakoti, 2006).

[158] In the Garo Hills, the Soil Conservation Department introduced terraced cultivation to control soil erosion primarily caused by shifting cultivation. Though this was initially welcomed by the Garos (reluctantly with Government persuasion), it was abandoned soon, as terrace cultivation as an alternative to jhum was not acceptable to them and they feared that the former was detrimental to multicrops system as prevailed in the jhum areas (Gassah 1984: 67). Besides, the religious sentiments attached to jhum cultivation (as a ritual) has also acted as a social constraint, which prevented the British from tampering with the age old mode of production.

in the periodic markets (Hats) at the interface of the hills and plains (Nair, 1986; Mohapatra, 1994), barter system was predominant especially in the Garo Hills[159] and the markets were controlled by the colonial powers to serve their interests. This process continued under the zamindari system[160]

as well, by which the communities were made economically dependent on the markets for commodities which they never produced. There were also no professional social groups of artisan or craftsmen, which hindered the process of local mobilisation and social formation in the Garo Hills. Thus, the market control by the zamindars, originally at the support of the Mughals and later of the East India Company, enabled them to extend their feudal holds over the entire Garo Hills and even the upland Garos were required to visit the markets and pay some duty in kind to the zamindars. The zamindars also derived profit by advancing money to Garos and thus securing to themselves an additional right of pre-emption to the produce of the hills (Bhattacharjee 1984: 198-199). Even the *Nokmas*[161] were reportedly submissive to the zamindars, which, in turn, had broken the kinship relations existed in the Garo society by reinforcing feudal relations with the latter having greater control over the village commons.

The exploitative market control has continued until the recent past with the emergence of new genre of zamindars comprising

[159] The Garos were seen exchanging cow, pig, goat, fowl, cotton, rubber, timber, chilly and ginger for salt, fish (dry and fresh), tortoise, rice, extract of sugarcane (Battacharjee, 1984).

[160] While Bengali zamindars controlled the market in the Garo Hills, trade in Khasi Hills was virtually the monopoly of the Marwari merchants (Nair, 1986: PE-65).

[161] *Nokma* (Gaon Bura, i.e., old man in the village) is the village head (chief) who is the custodian of the village commons and is the authority entrusted with the allocation of village lands for cultivation. As the kinship relations that existed among the tribals in the Garo Hills was a check on development of feudalism, the Zamindars of the colonial heritage have tried to bureaucratise the traditional institutions by recognizing the Nokmas as village chiefs, leading to a colonial reorientation of the Garo society (Bhattacharjee, 1984).

private traders, middlemen, petty retailers and moneylenders (locally known as 'Mahajans') dominating the rural agrarian transactions in the Garo Hills. One of the main reasons underlying the exploitative markets was the heavy indebtedness of the communities to the zamindari traders. Moreover, due to the geophysical conditions and lack of infrastructure facilities and absence of institutional arrangements including co-operatives, the rural markets were highly localized and hence, the market instruments such as pricing, backward and forward linkages, demand and supply of commodities have always turned to the disadvantage of the communities (Rajagopal, 2005).

Entry of rubber

Perhaps, natural rubber (NR) is the latest entrant in the state's agriculture sector to be entrapped by the exploitative trade practices. Notably, the NE region, including the Garo Hills, is underway of significant transformation with the introduction of commercial rubber development programme spearheaded by the Government of India through the Rubber Board[162] since the late 1980s. The status of rubber development in the NE region as of 2008 indicates that out of the total rubber planted area of 88865 ha, Meghalaya ranks third with a share of about 9 per cent, following Tripura (56%) and Assam (27%) and rest of the states, *viz.*, Nagaland, Manipur, Mizoram and Arunachal Pradesh account for 8.3 per cent. Out of

[162] The Rubber Board is a statutory body constituted by the GOI, under the Rubber Act 1947, for the overall development of the rubber industry in the country. The exploratory surveys by the Rubber Board in the early 1960s have identified a vast land area of about 450,000 ha in the NER with potential for rubber cultivation (Mohanan *et al.*, 2003). The rubber development in the NE region has become imperative to meet the ever growing domestic demand for rubber alongside serious operational constraints for expansion in the traditional rubber growing regions of Kerala, Tamilnadu and Karnataka. More importantly, rubber expansion in the region is viewed as a development intervention so as to sedentarise the swidden based tribal communities (Viswanathan and Shivakoti, 2006).

the total rubber production of 37000 tonnes as reported from NE region, Meghalaya has the second highest position with a relative share of 17 per cent, after Tripura (63%), followed by Assam (15%) [Rubber Board, 2008].

The three Garo Hills districts together occupy more than 60 per cent of the total rubber planted area in Meghalaya with average holding size ranging from 0.56 ha in East Garo Hills to 0.52 ha in West Garo Hills and 0.46 ha in South Garo Hills. The initial responses towards adopting rubber was not very much encouraging among the tribal communities due to lack of awareness about the crop. However, the successful outcomes of regular rubber output and higher profitability of rubber[163] as achieved by the non-tribals in the vicinities have motivated the tribal communities to grow rubber.

The rubber produced mostly as sheet rubber is marketed through a three tier network of private traders operating as local level dealers, town level dealers, and terminal market dealers, who are rubber manufacturers or manufacturer-cum-exporters. The rubber marketing system is institutionalized in India including the NE states, through the licensing system[164] regulated by the Rubber Board, Government of India. In Meghalaya, there are 15 licensed dealers (Rubber Board, 2004). However, following the expansion in rubber area, there was a spurt in local trade in rubber with the entry of numerous unlicensed petty traders to take advantage of the lack of poor transport and infrastructure facilities in the Garo Hills. The local rubber dealers are mostly non-tribal traders cum moneylenders who have greater access to and control over the

[163] The profitability of rubber cultivation in the NE region is about Rs. 44000 per ha per annum as against Rs. 26000 per ha from the existing integrated farming systems comprising livestock, shifting cultivation, rice cultivation and horticulture (Viswanathan and Shivakoti, 2006).

[164] Licenses are issued to individuals as well as co-operatives to purchase and sell rubber initially for a period of three years, which is renewed for a consecutive period of five years on satisfactory performance. However, licenses are liable to be cancelled or suspended in cases when the dealers are found to be indulged in unfair trading practices.

resources and the communities. As evident, there were serious imperfections in the local rubber production and marketing practices in Garo Hills due to the lack of knowledge about rubber processing and the absence of processing facilities. As the tribal communities were yet to come to terms with the entirety of rubber production process, including its market dynamics, the local dealers could buy rubber at cheaper prices from them in the pretext of 'high transaction costs' and thereby earn high marketing margins through the mere transaction of rubber from one end to the other. The prevailing rubber marketing practices based on `visual grading' further enabled the local dealers to exploit the tribals by offering lower prices for a `visually downgraded' produce.

The transactions of rubber and other agricultural produce were taking place in the weekly market located far away from the tribal settlements and the growers use to carry their produce as head loads in the absence of transportation facilities. Obviously, growers were ignorant of the actual price that a 'industrial raw-material' like rubber would fetch in the market. This resulted in extreme situations of exploitation and the growers were forced to sell rubber at 'throw away' prices. In fact, growers in the EG Hills were receiving only Rs. 12 per kg of rubber when the actual (officially notified) prices were Rs. 32-35 per kg during 1996-97. In most cases, the growers who carry their rubber as head loads found it difficult to carry the stock back home. Further, the cash requirements for buying essential food items made them sell their rubber at the depressed prices. By contrast, prices of essentials, including rice, sugar, oil, clothes, etc were kept very high by the traders to their advantage in the pretext that these items had to be brought either from Tura in Meghalaya or Guwahati in Assam, both located at more than 100 km away from the EG Hills. Surprisingly, the households had to buy kerosene at Rs. 25 per litre when the actual price was only Rs. 11-12 per litre (MMCS, 2003). In view of these double edged exploitative trade practices along with widespread recourse to consumption loans, the tribals knowingly or unknowingly were hard-pressed and deprived of the envisaged social welfare goals intended by the rubber plantation development in the region. Though institutional mechanisms are in place to regulate the

exploitative trade practices in the rubber markets through licensing as well as quality and price controls, often the local dynamics seem to outperform such state mediated institutional arrangements.

It was in this context that the MMCS was established (under the Meghalaya Co-operative Societies Act 1971) in 1997 in Mendipathar village in Resubelpara Development Block in the EG Hills. Initially, the objectives of the society were to effect an efficient system for marketing the agricultural produce especially, rubber and also empower the local communities through various development activities and interventions. The initial working capital of the MMCS was mobilized through a refundable share contribution from the Rubber Board and deposits from tribal members who voluntarily contributed Rs. 1.5 per kg of rubber sold to the society.

The growth of the MMCS was quite impressive as evident from the positive responses from the tribal communities, who never had thought of mobilising themselves to counter the economic deprivations they encountered. As evident from Table 1, the membership of the society had increased from 101 in 1998 to 244 by 2008 with a marked increase in share capital-cum-thrift deposit from Rs. 0.26 lakhs to Rs. 40.28 lakhs during the period. There was significant increase in the volume of rubber traded by the members in the Society over time, as evident from the value of rubber output traded from Rs. 7.42 lakhs in 1998 to Rs. 157 lakhs in 2006. Values of rubber traded were comparatively low during 2007 and 2008 due to lower prices. It is interesting to note that with the involvement of the Society in providing training to members in processing of rubber latex into rubber sheets had significant impacts as the almost 90 per cent of the rubber output traded was in terms of higher grades of rubber, ie., RSS IV, fetching higher prices to the communities.

The Society acts as a catalyst between the rubber growers and the Rubber Board by assuming mediating roles of delivering the planting subsidies as well as supplying farm inputs required for rubber production. This enables the growers to get easy access to the institutional and extension supports provided by the Rubber

Board through its Regional Office located far away in Guwahati in Assam. There was notable increase in the sale of farm inputs by the society from Rs. 0.11 lakhs (1998) to Rs. 8.31 (2008). The profit generated by the Society had also increased significantly from mere Rs. 0.14 lakhs in 1998 to almost Rs. 28 lakhs in 2008.

Table 1: Physical and Fiscal Performance of MMCS, East Garo Hills (1998 to 2008)

Indicators	1998	2000	2002	2004	2006	2007	2008
1. Membership (No.)	101	170	187	208	224	239	244
2. Share capital (Rs. lakhs)	0.26	1.25	0.85	18.82	24.57	30.49	40.28
3. Savings & deposits (Rs. lakhs)	0.11	4.85	6.92	14.30	25.00	27.01	37.21
4. Value of rubber traded (Rs. lakhs)	7.42	20.39	152.12	119.88	157.23	139.24	125.30
5. Share of RSS IV (%)	56.47	72.21	76.23	83.92	79.69	65.73	59.14
6. Share of RSS V (%)	24.78	14.92	14.36	13.97	15.12	22.83	30.85
7. Sale of farm inputs (Rs. lakhs)	0.01	1.07	2.77	4.26	8.63	8.55	8.31
8. Profit generated (Rs. lakhs)	0.14	1.36	4.54	5.05	6.22	17.34	27.58

Source: MMCS (2008).

The growth of the MMCS as an important stakeholder in the rubber sector in NE region has been evident from the fact that the volume of rubber traded by the Society constituted almost 20 per cent of the

total value of rubber output produced in the region. With a widened horizon of activities from the conventional role of a mere marketing co-operative, the MMCS has grown to the status of NGC with a wide ranging portfolios of activities aimed at empowerment of the tribal communities in the EG Hills in Meghalaya as further evident from Table 2.

Table 2: Expansion and diversification of activities by the MMCS, Garo Hills

No	Year	Description of activities
1	1997	Started as a Rubber Marketing Society
2	1999	MMCS was registered under Meghalaya Co-operative Societies act (1971) with refundable share contribution from the Rubber Board
3	1999	Started training programmes in rubber development and processing for tribal farmers
4	2000	Acquired vehicle for collection and transportation of rubber from interior villages, removing the hurdles in physically carrying rubber and other farm produce -enabled the farmers reduce transaction costs
5	2001	Started youth guidance programme and vocational training enabling unemployed youth to engage in activities, viz., crafts, tailoring, poultry farming, rubber planting, horticulture, mushroom cultivation, animal husbandry, setting up rubber nursery, etc
6	2002	Constructed warehouse for storage of rubber collected from the producers
7	2002	Started public distribution system through fair price shops for sale of foodgrains/ wheat, kerosene, etc at affordable prices [earlier, kerosene was available in the open market at Rs. 20-30/ litre, which was brought down to Rs. 11/ litre with this intervention]
8	2003	Formation of SHGs – formed 124 self-sustaining SHGs in 40 villages. The total corpus fund with these SHGs was Rs. 2.92 million in 2008. These SHGs are free from moneylenders and financial intermediaries as they have sufficient money to rotate among themselves
9	2003	Started new rubber marketing centre at Dandakol village to help the producers sell their rubber and other farm produce. This saved them from regular travels of 25-40 kms earlier to sell their produce at MMCS
10	2004	Formed second rubber marketing centre at Pangsudan village, 25 km away from MMCS to reach out to interior villages for collection of rubber and other produce
11	2004	Started poultry farms addressing the scarcity of chicken and eggs in the region. Started sales of coconut and arecanut seedlings with support from Co-Operative Department, Govt. of Meghalaya
12	2004	Launched support services - mini-truck for transportation of produce, water pump for irrigation facilities, rice/wheat grinding mills, smoke house for drying rubber sheets, etc under the NCDC-ICDP loan/ grant schemes
13	2005	Started turmeric processing- Garo Hills produce turmeric in large quantities which was fetching only Rs. 3-4 a kg to the tribals and was marketed to Kolkata for processing. The processed turmeric powder in turn was available at Rs. 100/kg in the local markets. The MMCS started turmeric processing and selling turmeric at Rs. 55/kg, benefiting both producers and consumers

14	2006	Farm support services: a) purchased 2 power tillers for helping members prepare their lands for growing food crops; and b) new land for establishing poultry farms, rubber nursery and dairy development
15	2007	MMCS signed a contract with Social Welfare Department, Govt. of Meghalaya, to supply foodstuffs under the ICDS. It thus supplies various kinds of nutritious food to the ICDS centres of Kharkutta and Resubelpara blocks

Source: MMCS, 2008

Table 2 enlists the variety of activities enunciated by the MMCS during the last 10 years of its existence. These activities depict the amount of enthusiasm shown by the tribal communities to act collectively so as to achieve the larger goals of social development, which was virtually non-existent in the Garo Hills. It may be observed that even prior to establishment of the marketing society in the name of MMCS, the lead member of the Society had helped about 500 families in 21 villages in Mendipathar to plant rubber with the financial assistance from the Rubber Board during 1986 to 1990.

Besides promoting fair trade and marketing practices, the MMCS also pays attention towards improving literacy levels, eradicate malaria, avert exploitation of money lenders, create awareness about the environmental degradation caused by poor agricultural/ unsustainable land management practices, etc. Arguably, the outcomes as described above are certainly reflective of the 'bonding', 'bridging', and 'linking' functions performed by the MMCS in the Garo Hills context. In view of the exemplary performance of the Society in various fronts of social development as described above, the MMCS has been bestowed with the Co-operative Excellence Award in 2007 by the NCDC.

Profile of tribal rubber growers in Garo Hills

It is important to understand the ethnic, socio-economic and demographic profile of the tribal rubber growers, as such attributes might have some bearing on their perceptions on collective action and participation in the various activities of the MMCS as described. A sub-sample of 70 growers (out of 244) has been considered in this study for a detailed analysis of the demographic and socio-economic status and the specific aspects of rubber farming and marketing practices and the collective action behaviour in the study area. Table 3 provides a summary of the demographic, socio-economic profile and ethnic status of the sample grower households.

Table 3: Demographic/ socio-economic profile of member rubber grower households

Household characteristics (n=70)	Marak	Sangma	Rabha	Momin	Others[1]	Overall (%)
1. Proportion in the sample (%)	36.8	41.8	7.1	8.6	5.7	100.0
2. Average age (years)	36.9	37.8	39.7	44.1	42.0	40.2
3. Experience in rubber farming (years)	10.3	9.4	6.9	7.7	4.8	7.9
4. Average years of schooling	8.6	9.6	10.1	9.4	6.9	8.9
5. Family size (No./ household)	5.9	5.8	5.7	5.5	5.4	5.7
6. Economically active members (%)	62.1	63.5	47.0	64.7	53.5	58.9
7. Female participation in rubber (%)	46.6	44.7	40.8	42.0	41.8	43.6
8. Children doing education (No./family)	2.2	2.1	3.0	2.2	2.5	2.3

9. Avg. size of total land operated (ha.)	3.5	3.2	3.0	2.8	2.1	2.9
10. Avg. size of rubber holding (ha.)	1.7	1.4	1.3	1.3	1.2	1.4
11. Avg. size of paddy land (ha.)	1.3	0.9	1.5	0.7	0.6	0.9
12. Use of hired labour for tapping (%)	38.5	42.3	53.8	57.5	56.6	48.8

Note: $ Others include clans such as Shira, Basumatari, etc.
Source: Survey (2005).

As evident, growers belonging to Sangma and Marak[165] clans together constitute 79 per cent of the sample growers. Table 3 represents demographic and socio-economic characters of rubber grower households. The variables of the two dominant grower communities- Sangma and Marak differ from other communities. However the uniform educational status of the communities including children education is an outcome of the increased access to educational facilities available in the EG Hills, mostly offered by the Christian Missionaries[166].

Though individual property rights exist in the study area, access to new land for growing crops requires the formal approval by the *Nokma*, who is the custodian of the village commons. The dynamics of land ownership brings out that Maraks and Sangmas dominate in terms of access to land as evident from the average size of total land operated (3.5 ha and 3.2 ha respectively) and the rubber holdings (1.7 ha and 1.4 ha respectively). In majority of cases, the growers possess more than one rubber holding, as the land allocation

[165] Originally, there were only two major clans in the Garo Hills, viz., Sangma and Marak. Later on, the clans, such as Momin, Areng and Shira were formed out of the two original clans (Sangma, 1984: 133).

[166] The Christian missionaries were the pioneers in the spread of education and healthcare activities in most of the Khasi, Garo and Jaintia Hills in Meghalaya (Lyngdoh 1999).

by *Nokma* for growing rubber is determined based on the number of working hands per household. Though land is allotted free of charge for growing rubber, development of rent seeking tendencies among the *Nokmas* is also widely reported in view of the growing demand for land to grow rubber due to its profitability in relation to other crops, including shifting cultivation. Since rubber is a new cropping system, the growers are yet to come to terms with rubber tapping and processing activities, which requires skill. This is evident from the relatively higher use of hired labour for tapping and processing especially among the Momin (57%), Rabha (54%) and other (56.6%) clans compared to Marak (38%) and Sangma (42%).

III. Interventions by MMCS in East Garo Hills

There are differences in views that mobilisation of communities for collective action becomes easier when the community in question is homogenous without major ethnic and economic divisions (D'Silva and Pai, 2003). On the one hand, this suggests that the outcomes of collective action in mountainous societies will be negative as the communities differ in terms of ethnic groups, languages, customs and traditions, access to property rights, socio-economic status, etc. Conversely, it is also argued that collective action in tribal communities will be of significant scale, as there are no 'natural hierarchies' combined with little or no differences in access to natural capital (village commons), education, income or life style. Such cohesive social structure in the absence of socio-economic hierarchies would have better outcomes in terms of mobilisation and collective action.

While such diverging perspectives continue to exist, it appears that local mobilisation for collective action has been completely absent in the Garo Hills earlier, as evident from the dynamics of the market, including the control of rubber market by the money lender-cum- trading class. Given this, any new development leading to creation of a local institution in the Garo Hills is to be understood as an outcome of interventions by an external agent. Williamson's (2002) theory of contracts also underlies the role of an external agent in fostering local institutions that reduce information

imperfections and transaction costs for individuals to get together and form into co-operatives. This is more so when the local people fail to form as a collective either because of high transaction costs or because their myopic 'prisoners dilemma' behaviour that constraints them from realising the benefits of collective action. The effective role of an external agent has also been highlighted in most cases of successful co-operatives, especially in the Indian context like the Amul in Gujarat (Patibandla and Sastry, 2004). It is also observed that the external agent with almost altruistic motives undertakes the initial transaction costs of organising low income groups into a co-operative, which sets the stage for mobilisation and collective action.

Viewed from this perspective, the emergence of the MMCS in the EG Hills may also be considered as an outcome of intervention by an external agent/ institution, as it was started by a social development organisation[167], which had been engaged in various development activities in the Garo Hills over the past three decades. Establishment of an efficient and fair marketing system was the prime objective of the MMCS as the tribal communities have been deprived in terms of depressed prices for their produce, especially, rubber against soaring prices for household consumables they buy. As at the national level where rubber trading involved three important links in the supply chain, rubber marketing in the EG Hills also involved three stages of transaction. Accordingly, tribal rubber growers at the bottom of the supply chain used to sell their sheet rubber to the local market dominated by the private dealers/

[167] The MMCS was formed by Sr. Rose Kayathinkara, a social development activist belonging to the Medical Mission Sisters, who came to the Garo Hills in 1977. Historically, Christian missionary activities originated in the Garo and Khasi Hills when David Scott first introduced it in the Garo Hills as early as in 1822. Between 1867 and 1877, successive missionaries, including American Baptist Mission worked in the Garo Hills with Goalpara (in Assam) as the mission station. Later, the Roman Catholic Mission set up their mission station at Tura, Meghalaya in 1933, followed by activities of Seventh Day Adventists and Medical Mission Sisters (Sangma 1984; Karna 1999; Nuh, 1999).

money lenders. The local dealer sells the stock to the town dealers located in Tura or Guwahati, who finally sells it in the terminal markets in Kolkata, where majority of the rubber product manufacturers/ exporters (both tyre and non-tyre) are located.

Being the responsible agency engaged in rubber development in the NE region, the Rubber Board by itself offers marketing services through a network of rubber producers' (growers) societies[168] (RPS/ RGS) at the local level. The MMCS, thus, has become the third player, besides the private dealers and the RGS operated by the Rubber Board, all making a competitive environment in the rubber market in the EG Hills. In order to make a definite margin from marketing transactions, the private dealers follow a strategy of buying rubber as ungraded sheets, which renders them a margin of Rs. 2-4 per kg of rubber purchased from tribals. Whereas, the RGS procure ungraded rubber from the growers relatively at a higher price than the private dealer as the motive of the RGS is to help the latter realize the maximum prices. However, selling rubber to the RGS involved some transaction costs to the growers, including transportation and cost for processing latex into sheet rubber, as majority of the growers do not have the processing facilities[169]. More importantly, local dynamics in terms of dominance of specific community/clan interests was also widely reported affecting the

[168] The Rubber Producers/ Growers Societies (RPS/RGS) are small voluntary associations of small growers registered under the Charitable Societies Act in 1986. This concept has got wider acceptance among the rubber growers and at present there are over 2200 RPSs in the entire country. The RPSs function as SHGs at village level (in a radius of 2-5 kms) and acts as a facilitator between the Rubber Board and the growers (Rubber Board, 2006).

[169] Processing of rubber latex into sheet rubber requires an additional investment of Rs. 12000 to Rs. 15000 per rubber roller, though the Rubber Board provides subsidy for the same. Size of rubber holdings being small producing only small quantities of output, the growers do not invest in the machinery. Instead, they either pay a sum to the growers owning the machine for processing, or sell the rubber latex to the RGS where they are members.

fair marketing practices of the RGS in the EG Hills.

It was in this context that the strategic interventions by the MMCS assumes importance in terms of its institutional roles providing tangible benefits to the member growers in relation to the other two players in the local rubber market. As an external agent striving to create a positive impact on mobilisation and collective action among the rubber growers, the MMCS made a strategic intervention by introducing the 'graded rubber procurement'[170] system in the EG Hills. This turned highly beneficial for the growers as they were ensured (for the first time) of higher returns for their transactions with higher grades of rubber (RSS IV and RSS V) fetching them higher prices. Thus, while marketing of rubber through the private dealer and the RGS channels resulted in 'zero sum game' for the growers, the transactions through the MMCS turned out to be a 'win-win' outcome for the growers and the MMCS. In an attempt to ensure reasonable marketing margins especially at times of uncertainties, the private dealers fix up higher transaction costs which was passed on to the growers (with no/ weak bargaining power), leading to lower farm gate price realisation. Thus, for the rubber growers in the EG Hills, co-operating with the MMCS worked out to be the best choice, as they are able to get premium prices for higher grades of rubber with zero or negligible transaction costs.

Results of the comparative assessment of the income gains of MMCS member growers from marketing transactions *vis a vis* the growers marketed rubber through the private and the RGS channels are shown in Table 4. To make the comparative analysis empirically more convincing, a cross section of 40 growers each representing the private and the RGS marketing channels in the EG Hills, has also been considered here along with the 70 MMCS member growers.

As is evident from Table 4, the MMCS member growers reported significant gains from the rubber marketing compared to the other two groups. This has been due to the price margins received by the

[170] New generation marketing co-operatives try to provide more favourable prices for members by grading, processing and/or transporting products in common or by storing and selling when the price is most advantageous (Uphoff, 1986: 128).

MMCS members for the higher grade of rubber (RSS IV) they sold. As a result, the MMCS member growers were able to get higher net income per unit area of rubber cultivated, despite the lower productivity (1032 kg./ha) and higher operational costs (Rs. 18655 per ha) incurred by them in comparison to the growers marketed rubber through the RGS and private trading channels. While the RGS and the private dealers procured all rubber output as 'ungraded sheets', the MMCS procured rubber by grading the sheets based on quality of the sheet rubber. Accordingly, about 67 per cent of the total rubber procured by the MMCS was RSS IV grade and 28 per cent was RSS V grade which enabled the growers to realise higher price margins as compared to the other two channels.

Table 4: Comparative costs of marketing transactions and income gains of rubber growers in the EG Hills

Rubber production / marketing	MMCS (n=70)	RGS (n=40)	Private (n=40)
1. Rubber tapped area (ha.)	1.09	1.81	1.45
2. Rubber yield (Kg./ha)	1032	1116	1207
3. Value of rubber (Rs./ha)	65375	52951	50901
4. Cost of cultivation[$] (Rs./ha)	18655	11232	10526
5. Net income (Rs./ha)	46720	41719	40375
6. Volume of RSS IV traded (Kg.)	734 (67)	Nil	Nil
7. Volume of RSS V traded (Kg.)	306 (28)	Nil	Nil
8. All grades of rubber traded (Kg.)	1095	1919	1476
9. Price realized for RSS IV (Rs./Kg)	56	Nil	Nil
10. Price realized for RSS V (Rs./Kg)	54	Nil	Nil
11. Price realized (ungraded rubber) (Rs./Kg)	55	52	50

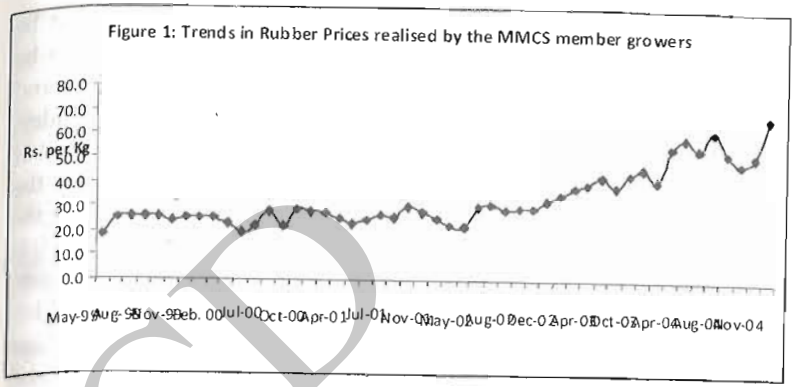
Notes: Figures in parentheses represent the respective shares in total rubber traded.

$: Cost of cultivation is taken as a simple measure assuming that the opportunity cost of alternative land uses, viz., fallow or shifting cultivation is negligible in the EG Hills.

Source: Survey (2005).

Table 4 also underlies the dynamics in the rubber market in the NE states in general and EG Hills in particular, where in, the state mediated institutional process becomes ineffective in implementing a fair trading system and thereby to ensure reasonable prices to the rubber growers. Notably, an important outcome of the market interventions by the MMCS seems to be the declining influence of transaction costs in upsetting rubber prices in the EG Hills, leading to a higher price realisation to the growers on par with the prices prevailing in the traditional rubber growing regions, especially in Kerala. In fact, rubber price offered by the MMCS has been found to be almost synchronizing with the prices in Kottayam market[171]. For instance, a closer look at the trends in monthly average rubber prices prevailed in Kottayam and the price offered by the MMCS for the three year period, June 2002 to June 2005 revealed that the price realised by a grower in the EG Hills as a proportion of Kottayam price has increased from 79 per cent (2002) to 94 per cent (2005). In absolute terms also, the price differences of RSS IV between the two markets has narrowed from Rs. 4.92 per kg (2002) to Rs. 3.54 per kg (2005). Notably, due to the increasing demand for rubber in the international markets, there was significant increase in rubber prices as offered by the MMCS to its member growers as evident from Figure 1.

[171] Rubber price in India is always expressed with reference to the prices in the Kottayam market in central Kerala on account of two reasons. First, Kottayam is the dominant rubber growing district in India. Second, major buyers, particularly, tyre manufacturers have established godowns in the district in view of better infrastructure facilities like roads, communications and banking. Though Kochi (formerly Cochin) is still a terminal market, it follows the Kottayam prices for trading as the tyre manufacturers procure rubber from Kottayam market. Rubber price reported in Kottayam market is also considered to be the maximum realisable prices, which is also compared with international prices.



Having examined that marketing of rubber through the MMCS turns out to be the 'best solution' for the growers among the three channels in the present context, it is important to consider how sustainable would be the beneficial outcomes of interventions by the MMCS. This is because, in an effort to capture the growing rubber market in the EG Hills, it is more likely that the private dealers and the RGS may come out with counter strategies by introducing grading system in rubber procurement and even offering higher prices than the MMCS. This may be detrimental to the MMCS, thus questioning its social relevance with implications on the continued participation and collective action among the tribals in the EG Hills. Seemingly, such concerns are misplaced as the MMCS has already broadened its horizon by diversifying activities in terms of formation of SHGs, women empowerment, organizing unemployed youth for group rubber planting, training for skill development in rubber, promotion of rubber integrated farming systems, etc as already discussed (see Table 2).

IV. What determines collective action outcomes among the rubber producers?

Thus, it becomes evident that the institutional roles played by the MMCS have been instrumental in mobilising the indigenous rubber growers against the exploitative trading practices prevailed in the EG Hills since long. Studies on responses of indigenous communities to external development interventions have

demonstrated that for interventions to be effective, they must be legitimate in the eyes of the community. For interventions to be legitimate, they must be coherent with the communities' beliefs and aspirations about the societal outcomes of such interventions (Haley, 2004). These considerations become crucial in the specific context of the EG Hills to determine the social relevance of the MMCS and the collective action outcomes of its interventions. Given that the development process in the entire NE region including the EG Hills is thwarted by various institutionalized forms of insurgency activism, any external intervention (like that by the MMCS) would be highly opposed by the socially and politically strong militant groups and activists, if the interventions are antagonistic to the cultural and development ethos of the tribal communities. In this regard, it may be noted that the positive responses as shown by the tribals by increasingly participating in the activities of the MMCS amply demonstrate the legitimacy of its interventions and their long term beneficial outcomes to the communities.

Nevertheless, for collective action to be more sustainable in the EG Hills, it is also necessary that the institutional interventions go further beyond mitigating the prevailing market imperfections. Reportedly, the MMCS has also been effective in mediating and thus creating an environment for successful scaling up of rubber development programmes in the EG Hills. Through its increased nexus between the tribal communities and the Rubber Board as well as the complementing nature of interventions aimed at the empowerment of rubber growers (linking and bonding social capital), the MMCS has been quite successful in mobilising about 1700 tribal families in the EG Hills towards adoption of rubber cultivation and other integrated farm livelihood systems. Besides, the 124 SHGs formed by the MMCS have already made significant inroads into more than 40 villages in the EG Hills. More precisely, the institutional roles played by the MMCS have also been effective in terms of betterment of livelihoods of the tribal communities with improved access to the five forms of capital assets, as is evident from the higher values of the livelihood assets in relation to the non-members in the neighbourhood (Figure 2).

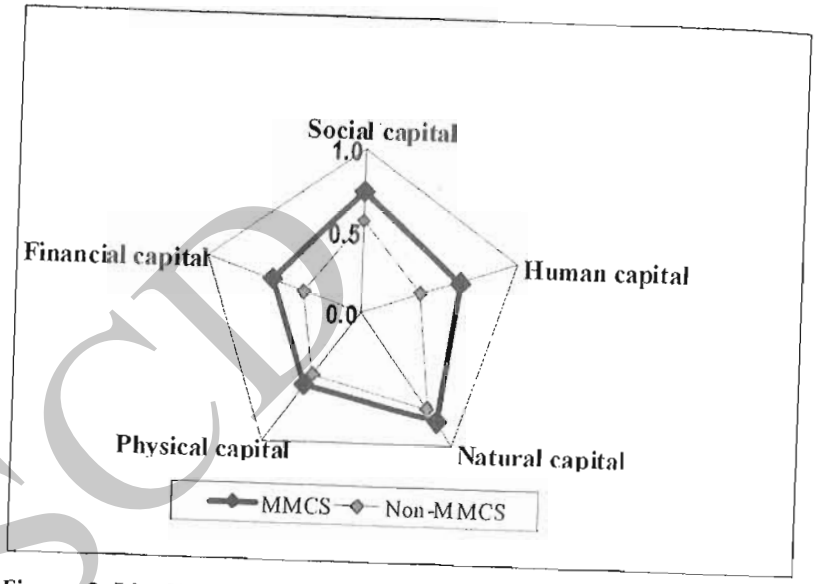


Figure 2: Livelihood asset pentagon of rubber growers: MMCS *vs* Non-MMCS

The various components of the five types of capital assets as shown in Figure 2 have been derived as index values[172] on a scale of 0 to

[172] The human capital included indices of: a) experience in rubber farming; b) educational status of the head of household; c) family labour availability; d) gender participation in rubber farming; e) childrens' education; and f) annual household expenditure on healthcare. Natural capital included indices of: a) rubber area operated; b) quality of land; and c) access to safe drinking water. Physical capital was measured using index of market access and the access to rubber processing facility. Financial capital included indices of: a) income sources other than rubber farming (wages, salaries, farm-off farm income); b) savings; and c) value of household assets. Social capital has been measured using indices for: a) access to R&D and institutional support (subsidy for rubber planting, subsidy for inputs, plant protection, etc); b) access to training in rubber tapping and processing; c) access to extension activities; and d) access to local development institutions, co-operatives/ SHGs, etc (Viswanathan, 2006).

1, with highest values indicating greater strength of the livelihood assets possessed by the MMCS members vis a vis others. Accordingly, it may be noted that the MMCS members are highly placed in terms of access to all forms of livelihood assets, *viz.*, natural capital (0.83), social capital (0.74), human capital (0.64), financial capital (0.58) and physical capital (0.57), all signifying the highly effective institutional roles played by the MMCS with better collective action outcomes.

The above points may be further elaborated in terms of determining the influence of specific institutional roles of MMCS in fostering collective action behaviour among the tribal rubber growers in the EG Hills. It is presumed that the institutional roles played by the MMCS along with the socio-economic status of the communities could explain the process of collective action as observed in the EG Hills. To determine the influence of the institutional as well as the socio-economic and demographic factors on the process of collective action, we use a multiple regression analysis covering the 70 member growers attached to the MMCS. Since the process of collective action is a broader concept and varies by context, we follow an operational definition for collective action here, as: *'the active participation of rubber growers in the SHG activities and various community development programmes initiated by the MMCS other than rubber marketing'*. The regression model takes the following form:

$$Z = \alpha + \sum_{i=1}^{n} \beta_i Xi + \varepsilon_i$$

Where:

Z = Collective action (1 = Participation in MMCS activities; 0 = no participation)

βi = i^{th} regression coefficient

Xi = i^{th} explanatory variable (X_1, X_2, X_3, ...X_8)

α = Constant

εi = Error terms

The explanatory variables used in the model include the institutional variables and the socio-economic and demographic features of the

MMCS member growers. The institutional variables represent the growers' access to institutional support and extension activities provided by the Rubber Board via the MMCS. The explanatory variables are:

X_1 = Family size (number)

X_2 = Economically active population in the household (%)

X_3 = Distance between rubber holding and MMCS (kms.)

X_4 = Income from rubber cultivation (Rs. Per ha)

X_5 = Share of Grade IV rubber in total rubber sold (%)

X_6 = Share of rubber area in total land operated (%)

X_7 = Access to institutional support (planting subsidy, extension services) from the Rubber Board via MMCS (1 = Yes, 0 = otherwise)

X_8 = Training in rubber tapping & processing by MMCS (1=Yes, 0= otherwise)

The results of the analysis are presented in Table 5. The Table shows that the institutional roles played by the MMCS (represented by X_7 and X_8) along with the socio-economic factors prominently explain the collective action behaviour of the tribal rubber growers in the EG Hills. Among the socio-economic factors, the higher share of Grade IV rubber in the total volume (X_5) as well as the higher share of rubber area in total land operated (X_6) have shown greater influence in determining the collective action behaviour. More importantly, the distance between rubber holding and the market operated by MMCS (X_3) does not seem to be a disincentive for collective action, in view of the efficient outreach facilities provided by the society even to the remote areas. Other important variables having significant influence on collective action include the presence of economically active population (X_2) and the income from rubber cultivation (X_4).

Table 5: Determinants of collective action behaviour of rubber growers

Explanatory variables	Regression Coefficients	T' statistic
Constant	-0.629	-3.208
X_1 = Family size	0.098*	1.736
X_2 = Economically active population	0.161**	3.224
X_3 = Distance between grower's house and the MMCS	0.109**	2.143
X_4 = Income from rubber cultivation	0.142*	3.102
X_5 = Percentage share of Grade IV rubber in total rubber output	0.180**	4.401
X_6 = Percentage share of rubber area in total land operated	0.121*	3.229
X_7 = Institutional support received from Rubber Board via MMCS	0.194**	3.159
X_8 = Training in rubber tapping received from MMCS	0.183**	1.928
No. of observations = 70	Adjusted R Square = 0.866	DW statistics = 2.163

Note: **Significance at 0.01 level and *Significance at 0.05 level.

Thus, the institutional roles played by the MMCS along with the socio-economic attributes of the growers determined the collective action behaviour of the communities in the EG Hills. The institutional roles played by the MMCS become highly important in view of the remoteness of the rubber holdings from the extension offices of the Rubber Board as well as the lack of awareness among the communities about the scientific aspects of rubber farm management.

V. Concluding Observations

The paper brings out an illustrative case study of institutional roles played by a rubber grower co-operative in mobilising the tribal communities for collective action in the EG Hills in Meghalaya, North East India. As the study amply demonstrates, the strategic market interventions by the MMCS, which was the antecedent of diverse community development programmes later on, have been instrumental in imparting economic dynamism in the EG Hills in particular with greater demonstration and linkage effects for scaling up of rubber development programmes in the North East region. However, though the interventions by the MMCS have been effective in curbing the age-old exploitative trade practices, including removal of imperfections in the rubber market in the EG Hills, rubber trading continues to be controlled by external and non-tribal actors in most of the rubber growing regions in the NE states. In this respect, the successful community development outcomes as emerge from the interventions by the MMCS in the EG Hills need to be properly assessed and integrated with the policy framework and institutional development agenda of the NE states targeted at the sustainable development of the rubber sector. Given the pace of ongoing rubber development programmes in the NE states and their potential impacts on the socio-economic status of the tribal communities, it is all the more important to create synergy between external institutional (state/ policy) interventions and local institutions in mobilising the communities for collective action and enhancement of social capital so as to achieve sustainable development outcomes.

It is also important to strengthen the loosely organised RGSs in the NE region along the lines of the MMCS so as to develop a holistic perspective on rubber farming system with proper integration of the existing farm livelihood systems, *viz.*, livestock, poultry, fishery, food crops, etc. which would also help sustaining the livelihoods of the communities with positive outcomes for mobilisation and collective action. The rubber grower co-operatives also need to broaden their domain of activities from mere 'marketing agents' to industrial co-operatives involved in value added rubber processing and manufacturing activities, the benefits of which would

flow to the communities in terms of increased employment opportunities and improved socio-economic status.

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ENCOUNTERING GLOBALIZATION IN THE HILL AREAS OF NORTH EAST INDIA

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Abstract

Historical periodization is often an arduous task and that too for a region referred as North East India, where the primordial exists with the streaks of the postmodern. The paper attempts to understand the various phases of development in the North East along with identifying the important traits that characterized those phases. From the pre-colonial to the colonial phases and from the liberal constitutional to the post-structural one, the region and its people have undergone varied experiences, the manifestations of which have not been often properly understood by our nation builders. The communitarian ethos of the population groups and the usufruct nature of agricultural practices and resource management were often ascribed as 'backward' by our policy framers who are more attuned to the intricacies associated with 'volumes of production' compared to 'relations of production'. Again, when the statist construction of the nation by the Indian state confronts different narrations of nationhood in the region, the situation gets further complicated. In this regard, how North East India in general and the Hill areas in particular encounter with contemporary phase of globalization seems to be an interesting area of enquiry. Can there be reconciliation between the security and the economic aspiration of the nation state, the historical ethnic aspirations of the people and the windfall profit expectation of global capital? The future of the region perhaps hinges on the answers given to these queries.

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I : Introduction

The contemporary phase of globalization has undoubtedly opened up new opportunities and widened the horizons for human civilization. But perhaps few would disagree if one reiterates that the process has simultaneously 'restricted' opportunities and limited the horizons for those who are unable to access its windfalls. The 'utopia' of globalization of ushering a conflict-free society arising out of a free market system transforms into a 'dystopia' for the ever increasing masses of marginalized people who are either denied, excluded or subordinated in the vortex of deprivation, which they also ascribe to globalization. The fact remains as to whether both these trends equally affect the nations and various population groups around the world; or, are there degrees of difference among them in terms of their stages of socio-economic development, endowments/ entitlements of resources, skills or related institutional factors? Existential realities suggest that contemporary globalization is a dialectical phenomenon of historic leaps and contra-leaps, where nations and population groups 'swim' and 'sink; albeit differently. The question therefore is to understand, analyze and interpret how 'they' are encountering it.

In the light of this framework the paper tries to identify the issues related with the tribal areas in their effort to encounter globalization. Are there any specific reasons associated with these areas which should be understood and analyzed in order to deal with this phenomenon? What are the broader characteristics of this contemporary phase for the North East that differs from the earlier eras? Do the term and concept associated with 'resource' have the same significance for industrial vis-à-vis tribal societies? The paper seeks to deal with these broader contours and the conflicts therein concerned with the tribal areas of the North East India in the context of globalization. In this regard, the much neglected yet vital 'land question' will be deliberated upon and the nuances attached with it shall be discussed briefly. The next section will highlight the salient features of the different phases of development of state formation and power structure in the North East and in its light try to analyze the changes either occurring or expected to occur in this region

while encountering globalization.

II : Development Phases and Accompanying Power Structure in the North East

Prior to the advent of concurrent phase of globalization, the geographical entity termed as North East has been marked by distinct phases of development with accompanying power structures. This process in itself may not seem to be much different from other areas of India's mainland but the short time frame within which the phases elapsed is certainly noteworthy. One may differ in terms of the terminologies related to each phase such as pre-colonial/ civilization, colonial/ imperial and post-colonial/ liberal constitutional, post-modern/ post-structural etc but there are broader agreement regarding the characteristics that marked these phases of development and state formation. We will try to highlight the salient features of each phase and in the subsequent sections try to collate them with the contemporary phase.

If one paints the pre-colonial phase of this region with one brush (which of course should be avoided) then certain broad traits emerge which seem to be an inseparable part of this era. It was a relatively closed system, which was primordial in nature bounded by clan/kinship boundaries rather than territorial ones. The economy was subsistence based and political structures were self-contained. But with the passage of time the economy of surplus emerged in the valleys giving rise to greater political structures. The dichotomy between the wetlands/valleys and the usufruct/highlands became apparent thereafter with the interplay of other related factors. It is observed that the wetlands in the valleys generated surplus which created dominant ruling clans who tried to subjugate the hills where due to *jhumming* (shifting cultivation) generation of surplus (at the scale of the wetlands) was not possible. But the dominant clans in the wetlands maintained only a notional control over the highlanders, where the latter maintained their internal affairs through their own political institutions and customary laws and simultaneously maintained a tributary mode of relation with the plains. The ideological rationalization to this structure was provided

through Hinduism, as an organized religion that got embedded in the plains of Assam, Manipur and Tripura during this phase. Thus there was a multiple authority structure in the region whereby the kinship based ethnic power structure prevailed in the highlands whereas the mendicant elements of organized Hinduism flourished in the plains.

Colonial rule is usually homogenizing in nature where the colonial state tries to impose an overarching homogeneity upon its subjects and resources. This process got initiated in India's North East but there were certain special traits that marked the colonial rule in this region. Although the region was subjugated by the colonial state at different points of time there were certain differences between administering the plains and the hills. It is observed that in case of the highlanders, the heterogeneity of the traditional power structure was maintained as anthropological categories yet they ceased to be independent politico-economic categories. In other words, it was a 'structured-subordination' where the tribal themselves maintained their internal affairs with minimum interference but the chiefs and elites within their set-up were subordinated to the colonial interest. In terms of the access to the resources in these areas there was a sort of 'conservation-dissolution' principle where anything that served the 'private good interest' was preserved but if it went against this interest, it was dissolved. So in the colonial structure, the institution of chieftainship and associated management of resources prevailed to some extent yet the basic allegiance of the system was towards the colonial state rather than the community[1]. Any deviation in this arrangement was to be crushed by military might of the colonial power state. On the other, the integration of the people of the region in general and highlands in particular was facilitated by Christianity and Evangelization, which provided the ideological rationalization for the power structure. Moreover, the colonial-positivist jurisprudence introduced such arrangements related to property, its use and ownership right that was hitherto unknown in the region. Thus the institutions of *Ramrilekha, Gaon Bura, Barik, Dobhasi* etc emerged with the Settlement Rights, Agreements and *Sanads* that influenced farreaching changes for the region.

Post-colonial Indian state has augmented germinating the seeds of inequality and differentiation which its colonial predecessors sowed but due to paucity of time was unable to reap fully. The difference was that now it was undertaken with the facade of liberal constitutionalism. The region due to its long international border has always been viewed through the prism of security and an ever looming threat perception haunted the Indian state from its inception. Moreover, the prevalence of unfamiliar politico-economic structures and a different socio-cultural milieu in the region and the repeated attempt by the nation-builders to understand the region with the yardsticks of mainland complicated the situation further[2]. The statist construction of the nation by the Indian state was confronted by different narrations of nationhood in the region; North East therefore symbolized the 'rebel consciousnesses'. The elites, whom the British had already bestowed with untribal features, now fluctuated between the allurement of liberal constitutionalism of the Indian state and the rebel consciousness of the region, as their tribesmen went through the serious problem of coping up with the changed environment. Different tribes became attuned to reactive politics, which when acting as a countervailing force against the overarching homogenizing tendency of the Indian state became overwhelmingly identity based as well as territoriality based in nature. The ethnic-state became the backlash against the powerful nation-state. But the elites of these ethnic formations were unable to forge a pan-regional tribal identity as they remained entrapped within the precincts of micro-tribal formations. Pluralization of ethnicities weakened the ethnic mobilization and thereby the all-enveloping homogenizing force of the Indian state prevailed (Ray 2006). No amount of administrative arrangements, ranging from Autonomous Region to formation of new states could preserve the progressive elements embedded among the tribes of the region. Instead it created a new power structure where the erstwhile chiefs along with the power-brokers, bureaucrats and a section of the middle class usurped the community resources and muted any voice opposing them in the name of preserving exclusive cultural-identity. Thereby, the tribal masses of the region in general and the highlands in particular suffered from the same amount of deprivation, inequality and pauperization as their non-tribal counterparts while the state surged

ahead with its spree of *nationalizing the non-space* and transforming these frontiers, termed as North East, into borders albeit through its avowed imperative of developmentalism.

Under this scenario, what lies ahead for this region in terms of dealing with globalization? While we will deal with the question of land and resources vis-à-vis globalization in the next section, here we try to identify the broader features associated with globalization briefly. Postmodernism deconstructs the concept of power from supra-legal sovereignty to multiplicity of agents, where 'power' shifts from the centralized state to multiple organizations of community and civil society institutions which redefine and relocate the relations of power. Deconstruction of the centralized power structure yields to decentralization of power locations and therefore instead of one counter-hegemonic reaction there are multiplicities of micro-social movements namely gender, environment, minorities, tribals, indigenous peoples and other sections of the civil society. But there appears to be a contradiction between the issues related with institution and structure governing globalization (Datta Ray and Ray 2006). While restructuring of the grand institution of the centralized nation-state happens through multiple locations of power and movements yet it appears that post-structural edifices seem to be toothless to the caprices of the global capital and its arms in their effort of appropriation of natural resources and accumulation of capital from the decentralized locations, in order to feed the process of globalization. In North East while the competitive demand for political autonomy may add to the process of locating power at the decentralized organs, which to many may seem to be a return to the bygone era of the *pristine institutions*. Nevertheless the same institutions due to their power structure succumb to the pressure of the hegemonic global capital and its effort for windfall gains through usurpation of community resources. Here, ethnic elites, by and large, facilitate the process of globalization by aligning with the global elites albeit as facilitators as they acted as compradors of the national bourgeoisie during the era of liberal constitutionalism (Chakraborty 2006).

Now how does this power structure act under the dispensation

of global capital? It is an emerging picture and this paper will try to highlight this issue vis-à-vis land relation in the region and highlands in particular. In the next section, we will deal with the various connotations attached with land in its historical perspective and then forward a prognosis of the changes associated with it at the present juncture.

III : Land and its Changing Connotation

With a change in the structure of the economy the connotations attached with resources and resources use changes. This is apparent in case of land too where the values and perception related to land changes substantially. In this section we try to deal with this changing connotations and perceptions in the North East both in its historical perspective and contemporary reality.

One of the sources of the hiatus of perception concerning land between traditional and non-traditional societies is historico epistemological. Broadly, there are two major perceptions related to land. According to one, land is simply a form of property that the individual-owner trades at will, while according to the other, the community has an interest in it and a sense of stewardship is always attached to land. According to the later concept, the real value of land can never be expressed in terms of market and this inability constitutes a fundamental difference between traditional and market economies in assigning importance to land and perceptions attached with it. It is observed that the traditional societies are more concerned with the products of land and not with land itself. To them, land is rarely valued for its accessibility to a market or production of marginal yield or rent. However, these aspects are inseparably linked with land among the non-traditional societies within the ambit of market economy[3].

In a community-individual interface (which is also true in case of the tribes), property in land has a dual connotation. While on the one hand, devolution of property is from the community to the individual, the devolution itself is subject to the control of community, on the other. So in ontological terms, individual right

(in whatever way) is subsumed within the community right since "no person or group can have property in anything except as it is acknowledged by the relevant community" (Taylor 1966: 109) and therefore in this sense "property is never private" (*ibid*). Again, property being an organic part of the social economy, any change in the economy brings about changes in property relations and this change in the community's concept of property alters the economy. But how is property in land linked to the social economy? This linkage is established through a changed power structure that controls the political reins in a society. Thereby, when the importance of land increases, political activity increases substantially. This brings about a change in the community to the connotation that it attaches to land and land based resources[4].

Land ownership patterns among the traditional tribal societies have been largely communal (although there were degrees of variation regarding the role of chief, ownership and management of their respective land) with few exceptions of individual ownership, mainly among limited number of tribes who practised terrace cultivation. [See Table I & II][5]. Under such a situation one may question, could there have been enough dislocation within the *loci* of social, economic and political realms during the pre-colonial era, which could have brought about a change regarding the connotation attached to land among the tribal societies in North East India? One might argue that there was some degree of lineage preference (Datta 1992), landlessness and slavery (Sen 1987) within the somewhat egalitarian base in the region yet in the fairness of judgement it can be assumed that the existence of these aberrations were certainly not strong enough to entail changes regarding the community's connotations attached to land. The practise of *jhumming* with primitive tools and instruments of production could not have risen to such a level which could bear the burden of an economically lazy class i.e. who do not take part in production but enjoy the fruits of it. Thus, although the internal organization of most of the tribal societies contained strong elements of an emerging landlord– serf relationship, the value attached to land was less likely to change substantially due to the interplay of endogenous factors (Datta 1994).

Things started to change with the advent of the colonial power. Although the British had little plans to colonialize the hills of north east yet in order to maintain their suzerainty, they thought of weaning over the traditional power elites including the chiefs by bestowing them with certain rights which were absent (or not prominent enough) during the pre-British era. This process was first attempted in the Khasi Hills since they were the first among all other hill tribes, to come under colonial administration and also showed more prominent signs of an emerging but nascent feudal order. The British administration in order to entrench its hold over these areas allowed the elites, including the chiefs to become authoritative which enabled them to usurp community land to be placed under plantation, permitted them to collect market tolls and also lease-out mining activities to outsiders, which helped the elites to amass substantial wealth. These *untribal* features corrupted the tribal elites of the Khasi society within a short period, which had wide ranging ramification for the community as a whole. So penetration of market forces, monetisation of the economy and increase in cash income opened up vistas whereby a major section of this newly acquired wealth was diverted as investments in land[6]. Thus, the connotation of 'occupancy' attached to land got transformed into 'ownership' and it ceased to be a 'sacred' entity but became a commodity to earn profit in cash.

What started in the *Khasi* Hills, particularly in its southern part, where the *Syiems* assumed the status of superior landlords albeit with the blessings of the colonial state was gradually unfolding in other areas too. In the Jaintia Hills after the rebellion of 1860 the position of the chiefs was legalised as landlords. In Garo Hills, the *Nokmas* were virtually made the proprietors of their respective domain by demarcating the boundaries and offering them the documents of possession. In the Lushai Hills the same was achieved by offering *Ramrilekhas*. In other words, even in the areas of customary communal tenure where *jhum* cultivation was practised there were some variations among land systems. While the *Khasi* system exhibited emerging feudalism on the other extreme, the *Mikir* system approximated to pure communal ownership (Shah 1987). Changes in the institution of chiefs brought changes in the power

structure at varying degrees and the connotations attached to land also changed accordingly. While it helped the tribal elites, particularly the chief and his lineage to usurp community resources and concentrate land in their hands, on the other, landlessness also surfaced owing to transfer of these resources.

Did things change substantially during the post-colonial era? An impartial observation will suggest that things under the dispensation of liberal constitutionalism were not much different from their colonial predecessors. Of course, under the post-colonial set-up the tribals were provided the option 'to grow according to their own genius' through Schedules and various arrangements of Autonomous District Council and Village District Councils[7]. They were allowed to retain their customary laws and prohibited transfer of their land to non-tribals. It also reserved for the tribals the maximum number of seats in Legislative Assemblies and Parliament. But what has been the overall implication of these administrative apparatus on land relations, we examine this issue here briefly.

In hindsight, it seems obvious that these institutions adopted strange measures which had bizarre effects on the tribal societies and therefore land concentration and landlessness became more prominent under them, than in the colonial era. It is observed that in the Khasi Hills the local *elaka* authorities aided with *patta*, indiscriminately leased-out *Ri Raid* land to both Khasis and non-Khasis for cultivation. Under these circumstances, people from outside the *Raid* grabbed land by means of *patta*. Ironically, those who lost land were people from the *Raid* whereas those who profited were from the towns (Sen 1987). It was not much different in the *Garo* villages, where a class of landed gentry, mainly absentee in nature emerged (Majumdar 1983). Similarly, in the spree of encouraging plantation, wide ranging changes were observed among the Tangkhul Nagas inhabiting the remote hills of Manipur. Land that was traditionally classified into five different categories started loosing the community connotation as more and more community land was usurped by the emerging elites to further their effort of increasing the area under plantation. So as cash crops such as potato, maize, soyabean, millet, sesame, groundnut, plums, pears, orange,

pineapple, banana along with variety of vegetables gained acreage, the transfer of community land became more prominent (Ruivah 1987).

Here it is noteworthy that among all these selected cases community land has been reclaimed citing the provisions of customary laws since the same permitted an individual (read family) to lay claim on community land if permanent changes were brought about in that piece of land. This alibi, which was traditionally permitted for a small piece of land (although the 'smallness' was unspecified) was utilized by the tribal elites to usurp community land either through the erection of fencing or other forms of upgradation, which were ascribed as permanent structures or improvements made on land. So the tribal elites facilitated the process of usurpation of community resources into their hands by selective interpretation of their law which was actually meant for a milieu rendering *usufruct* rights on land. Therefore the erstwhile temporary users now became *de facto* landowners. Moreover, these landowners (many among them) do not cultivate themselves but lease-out to others for cash crop cultivation and collect a land tax known as *loushan* or *luisha* from the cultivators. It is due to this fact that today, in areas like Ukhrul, Hundung, Phungyar and many other places, purchasing, leasing and mortgaging the community held land has become a common practice (*ibid*). Concentration of land in fewer hands and the problem of rising landlessness among the tribal society have therefore become an alarming problem in the society of highlanders. These changes along with the penetration of the market economy helped the tribal elites to transform and consolidate their position. It brought about a change in the power structure.

It is ironical that this change introduced in the tribal areas of the North East by the post-colonial state was questioned by various studies. It was found that "the new technology and strategy having been geared to goals of production, with secondary regard to social imperative have brought about a situation in which elements of disparity, instability and unrest are becoming conspicuous with the possibility of increase in tension"(Karna 1987: 5)[8]. Yet the policy

framers did little either to change the ground situation or to reverse the trend. Similarly, the measures suggested by state level committees were also farfetched. These hardly suggested measures to tackle the twin problem of land concentration and landlessness. Although their Reports acknowledged the emerging problems related to land concentration in the tribal areas and suggested measures for land reform, the suggestions "instead of recognizing the rights and privileges of the tillers of the soil and identifying steps to improve their conditions by removing structural impediments seemed more interested in the measures suitable for rich and middle peasants who control substantial land in the name of customary laws and practices"(*ibid*). Even recent field level data reveals that it is no longer surprising to come across a Garo or a Naga owning a thousand acres of land. Nowhere in these areas, customary practices would have permitted such a concentration of land, but new linkages have brought hitherto unknown phenomenon like absentee landlordism, realization of rent from land, share cropping, land mortgages, landlessness and so on (Karna 1990). Similar incidents are observed among the Karbis also. There are number of instances where enterprising individuals come together to form committees and then with the blessings of official agencies secure land deeds either from the headman or the Autonomous District Council. The results of these activities today are that 'an influential, educated and well-connected Dimasa individual owns over 700 *bighas* of land in the name of homestead plantation' (Barbora as cited in Baruah 2005: 196). Similar situations have also been observed among the Aka's of West Kameng district (Fernandez and Bharali 2005) and Angami's in Nagaland (D'Souza and Kekhrieseno 2005) recently.

There is another dimension related with the development model of the state. In order to win over the tribal people from *jhum* cultivation to settled cultivation applying yardsticks of mainland India, the propagators of development advocated wet rice cultivation and dairy farming, which also had farreaching consequences in these areas. Roy Barman remarks:

Most of the states in the north-east have adopted programmes

of extending wet rice cultivation and dairy farming in the hills. But in most of the hill areas where these programmes has been introduced, wet rice cultivation is generally done by migrant Hindu and Muslim peasants hailing at one time or the other from Bangladesh, similarly dairy farming in the hills is frequently dependent on Nepali labour. This is happening not because the hill men are lazy or unenterprising. But these operations are based on experiences passed down from generation to generation on crop planning and activities concerning crops in different stages by relating to soil type and water management, ethno-meteorology; animal behaviour in dairy farming, indigenous system of treatment of animal diseases and so on. Gender related social organisation of labour and time budgeting for various activities are involved (Roy Barman 1994:58).

Lack of proper understanding of these issues has not only resulted in lopsided development but also given fillip to insurgency in the region. It is well known that although the non-tribals do not possess the legal right to own land in the tribal areas of the region yet due to their occupational skills (as mentioned above), they often become *de jure* owners since they cultivate a land for years together. Over the years these *de jure* owners try to extend their spree of cultivation to public/ unoccupied/ common lands as well, of course with the connivance of the local tribal power brokers. Under such circumstances, in the event of misunderstanding or petty skirmishes between the tribal and non-tribal over aspects unrelated to land, the situation boils down to the issue of 'identity-threat' for the tribal at the hand of the non-tribal and therefore securing the 'homeland' by regaining the land from the clutches of the *de jure* owners become the norm. It is interesting to note that the Fact Finding Report of Manab Adhikar Sangram Samity (MASS, a human rights group based in Assam) related to Karbi Anglong district of Assam points to this direction. Reporting what they observed in the field, they stated that it was but obvious that the Karbi youths in the district came under the influence of the Karbi insurgent groups with the aim of driving out the non-tribal from their homeland and on the other, the non-tribal cultivators (mainly Hindi speaking population groups) informally looked to the Indian security personnel stationed

in those areas as their protectors, as they shared common ethnic ties (MASS 2002). So a dictated top-down change in land utilization pattern imposed in milieus which do not possess the means to assimilate can often be a source of hiatus that might fuel insurgency activities in the region.

Again, it is worth mentioning that issues related to land have brought about identity-shifts among the tribes in the region during the post-colonial era. It is understood that traditionally both the Kuki and Naga tribes depend on communal land as their main source of livelihood although both have two different systems of control and management of communal land. Whereas the hereditary Kuki Chief controls the land, he allots fair share to each household for cultivation. On the other, in the Naga system the traditional village council controls the land and the chief is often elected where he may or may not be the heir of the preceding chief. Now, as mentioned earlier in this paper, during the colonial era, the Kuki chiefs were vested the ownership of land by the British to win over their support to the colonial flag and also for acting as buffer between the British and the warring Nagas. But in the post-colonial period (early 1950's), whereas chieftainship among the Mizo-Kuki group was abolished in Mizoram, the chiefs were thrown out by the commoners in Manipur. But during this phase no legislation for abolition of chieftainship was enacted till 1967. In the intervening period two contradictory legal pronouncements were made which had significant impact in the process of identity-shifts among the tribes. In early 1960 there was a judicial pronouncement which recognized communal ownership of land but in the same year Manipur Land and Land Reforms Act was introduced in Manipur through an Act of Parliament that did not recognise the community as a legal person. Under these contradictory pulls, in order to save the land from the hands of the Indian state, one strategy could have been to project the chief as the owner whereby an appeal can be made to the Government for compensation and the other strategy would have been to make it politically impossible for the government to take over the land. The smaller Kuki tribes adopted the later strategy and shifted their ethnic self-definition to the Naga pole. Here one should not forget that this period coincided with the peak

of Naga insurgency (Roy Barman 2002).

Thus, the *modus operandi* adopted by the British to maintain their suzerainty over the tribals by wining over the chiefs/elites with rights over their community held resources has also been continued by the post-colonial state in an institutionalized way *albeit* with the sanctions under liberal constitutionalism and *developmentalism*. Under these circumstances how will this region encounter globalization? The next section deals with this issue in a nutshell.

IV : Encountering Globalization

Capitalism has an inherent tendency to subjugate the sectors external to its essence of working. But does it mean that the pre-capitalist sectors disappear and assimilate in an exclusive manner? There are debates regarding this process of capitalist accumulation and its likely aftermath. However, contemporary situation suggests that the interaction between these two sectors may very well mean that a subjugated, pauperized pre-capitalist sector continues to linger on rather than the world becoming, overtime, more and more exclusively capitalist (Patnaik 2003)[9]. The pre-capitalist and the semi-capitalist regions are needed for obtaining markets, raw materials and labour power (*ibid*). Can the situation in India's North East be collated with this viewpoint in order to understand how this region will encounter the various "push" and "pull" associated with globalization?

It is argued that with the formation of Nagaland, statehood in North East became de-linked from the questions of either fiscal viability or of compatibility with the constitutional architecture of pan-Indian polity (Baruah 2005), the states in the region became more and more economically dependent upon the Union Government for their survival. Under such a situation, when the State seems to withdraw from its ameliorative roles particularly related to the social sector there will be more and more clamouring for the 'diminishing pie' of state expenditure that will add to the existing contradiction in the region. So, there will obviously be more

and more mobilizations by different population groups either demanding Scheduled Tribe status or movements for autonomy, exclusive ethnic homelands and right to self-determination, in order to attract more share of the state expenditure or to assert the frustration generated by the economic model.

Again, globalization involves fracturing of the economic integrity of a nation as each state will compete against the 'other' to attract foreign investment that in the changed environment becomes the index of economic growth. Not only will the 'states' be pitched against each other in this case but the extent of comparative concession that they grant to global capital will bear a big question mark. Under such a situation if the natural resources and the environment of the region are traded as concessions then the situation will be adversely affected. There may emerge another set of contradictions since the price of the commodities that these new *avatars* produce (after attaining huge subsidies both explicit and implicit) will be determined by world market where the individual states will have no role to play.

Development of distinct skills and competences are in many ways related to the historical patterns of occupational specializations. When, the economic paradigm changes, it requires communities to diversify into alternative or new occupations. The time and effort required for such transition is not only underestimated but more than often misinterpreted by our planners. The example of shifting cultivation is one such example, where the planners and their pen pushers have discouraged this practice using their mainland 'yardsticks' of production, yet *jhumming* as a 'way of life' and livelihood has continued unabated throughout the region. Beating the neo-classical drum of 'economic' rationality to the population groups who are more attuned to the paradigm of ethnic institutions has helped little. Neo-liberal globalization which is itself based on the neo-classical rationale of 'market' and 'efficiency' will surely aggravate the process further.

Moreover, due to restricted trade links in the region, particularly during the post-partition era, land (along with its resources beneath)

happens to be the only 'capital' worth its name. Now, when there is an attempt of transition from tradition to modernity there will certainly be replacement of authority-based transactions to contract-based exchange relations. In this respect, allocation of property rights over land and other productive resources will be a matter of great concern. In case of the region, though it is true that there are institutional arrangements that require the consent of the community for transfer of tribal land in practice due to a bizarre interpretation of these arrangements, particularly to suit the interest of the elites, the administration treats the *gaonburah* (village leader) as the owner and negotiates land deals only with him. Under such a situation the 'rules of the game' get distorted. Similarly, Common Property Resources plays an important role in the socio-cultural and economic life of the people but both in the Sixth Scheduled areas and non-Scheduled areas there are lot of controversies regarding the recognition of these resources. This will certainly aggravate the process of transfer of community resources to private hands. Although, one might argue that the process of replacement of authority-based exchange relations started during the colonial period, the present era of globalization will exert a qualitatively different and more ruthless pressure of exploitation and appropriation of resources in these regions than any other period in its memorable history. Lack of proper stock taking of the situation and inability to frame a proper institutional mechanism concerning the utilization of resources might generate further instability in the region. During the colonial era, the 'strategic' interest of the empire and the 'commercial' interest of the mercantile lobby became synonymous and so there was no conflict regarding the issue of exploitation of resources in these areas in general and the hills in particular. Whenever the people raised their voices of protest against colonial exploitation of resources, the colonial historians referred it as *resistance of the savages to the civilizing mission of the whites*. Things changed during the post-colonial era, where there was a confrontation between the state control/management of resources vis-à-vis community control/management of the same. In the contemporary era of globalization, it seems that the state-community confrontation will be less but will be accompanied with a clash of 'interests' of metropolitan capital and its local collaborators on one

hand and the people's movement for preservation of resources and environment, on the other. Prof. Roy Barman states that a situation seems destined to emerge, where crafty individuals belonging to the community itself, with the backing of the neo-colonial money power will occupy the position and promote green capitalism in these areas. This process of usurpation of resources by the elites of the traditional societies (as described in the previous section of this paper), at the behest of 'metropolitan' capital, will surely add newer dimensions to the already flaming frontiers called the northeast (Roy Barman 1994).

Property rights in the northeast particularly among the highlanders and the traditional societies are in a state of continuous flux, where traditional local authority structure has eroded and the vacuum so created has not been replaced by new authority structures. In this regard, it is interesting to re-consider the case of land markets in the Hill areas of the region e.g. in Mizoram the number of pass holders (without heritable and transferable rights) far outweigh the number of settlement holders holding land under permanent cultivation, which restricts the size of the land market. It is only in case of non-farm lands i.e. trade and house sites the numbers of settlement holders are much greater than pass holders that indicate a fast growing urban land market. Similarly, among the Garos, all Hill land are *A'khing* (clan) land and out of the total land (7697 sq.km.) only 314 sq.km. (4.08 percent) is under permanent cultivation, which again indicates the narrow size of the land market[10]. But there is another side to this aspect, where it is observed that there are large scale lease markets that operate in the region particularly among the Khasi dominated areas of Meghalaya. Way back in 1976-77, the World Agricultural Census, estimated the total leased area in the state at 22,930 hectare, out of which 57.04 percent was wholly leased and the rest partly leased holdings (Das 2005). Tenancy is governed by customary law which varies from clan to clan and in the absence of a proper tenancy law; the tenants (who in many cases are non-tribal migrants from outside the state) are in all likelihood ejected at the will of the land owner. This also gives rise to various intermediaries in land as is common in the plain areas of the region.

The logic of globalization based on neo-classical paradigm deals with situations in which all features of commodity are fully known to everybody. But problems arise (about the existence of competitive equilibrium) when this logic is extended to situations in which states of nature are uncertain and information incomplete. Even for the sake of argument, if we assume that the equilibria exist; can it be a Pareto-efficient one? (Bagchi 2010) Under such a situation how will the forces of globalization deal with the issue of land market in the tribal areas of the North East which is not only limited but also ripe with market imperfections? Will it lead through market successes or market failures? [11]

This transitional flux is ideally suited for monopoly capital (both domestic and global) under the dispensation of globalization to exploit the resources of the region, to suit their design of profit maximization without caring for the people or the environment surrounding them. Only forging new types of institutions to accommodate the changes in the power structure will not lead to management of resources on an equitable, efficient and sustainable manner. How deftly the institutions reflect the communitarian ethos of the people embedded in their traditions while initiating development will ultimately have a decisive impact on peace and stability in this region? (Chakraborty 2008)

V : In Lieu of Conclusion

In all likelihood, globalization for North East India seems to have a *Janus* face. On one hand, the Indian state has started to look beyond the 'security' dimension associated with this region during the entire process of post-colonial nation building but while doing so 'it' seems to further the economic imperative by utilizing the cultural affinities of the people of the region with their ethnic counterparts beyond the international borders. The *Look East Policy* seems to be a policy document in this direction[12]. Apparently, the outlook appears to be 'pregnant with opportunities' for this otherwise land-locked region but if one wishes to juxtapose it with the various realities of the region, certain trends seems to be emanate e.g. can the 'constructed' borders be only regarded as gateways for

trade and commerce; to what extent the cultural 'affinities' can be used for acceptability and saleability of products of this region; can the ethno-space of the region be made fully compatible with the superimposed variant of economic-space.

For any dispassionate analyst it will seem apparent that "tribals are no longer tribals in classical understanding of Sociology, Anthropology or mode of production yardstick of Economics. They have been reduced to just another politico-administrative category. Relation of production among the tribals of North East are no different from that among the non-tribals surrounding them" (Datta 1994:18)[13]. Internal differentiation among them is perhaps as acute as the non-tribals because we, as policy makers have adopted such policies which actually suited the emerging *haves* of the tribal societies at the cost of the emerging *have-nots*. But there are seldom any references about acute internal differentiation plaguing the tribal societies today as the dispossessed are mobilized mainly for the ubiquitous cultural exclusivist issues thrust upon them by the elites within these population groups. So, while the state falls short of addressing the causes that enhances the emerging internal differentiation within the tribal societies, the same 'state' wants to utilize their cultural symbols to further its agenda of international trade. Can this continue in a compatible fashion?

The Look East Policy primarily aimed at prioritizing India's role as a global power in the post-Cold War era. It is attempted through trade by emphasizing the market interest. State policies are geared towards global financial players, so that they are attracted for foreign direct investments in India. The policy advocates for India's forward market integration with the immediate South and South East Asian regions, an opportunity that was suddenly lost (particularly by the North East) during the post-partition period. To attain this desired objective the cultural affinities of the people in the North East and its immediate neighbors were sought to be highlighted, which it is believed would augment the economic imperative of trade promotion. But in reality since the cultural affinity of the people in the region and their proximate neighbors became trade policy assets, it remain entrapped within the precincts

of state rather than embedded within the society and therefore fall short of delivering the expected dividends.

The desired forward market integration of the region with South East Asia as envisaged in the Policy has been sought to be implemented through connectivity and infrastructure development but ground reality suggest that this is inseparably linked with security environment of the region at large. So rather than trade, trade-related securitization is often found to occupy the center stage at all the regional forums associated with the region.

The complementarity assumption between regional trade and global trade needs to be demystified and analyzed properly. It is observed that both in the Indo-China and Indo-Myanmar borders brisk business is done not with *in-situ* produced industrial goods from the North Eastern region[14] but from those produced either in mainland India and/or outside India. So although it is a truism that the region is richly endowed with natural resources and has huge potential, North East has yet to make a mark in the regional trade other than acting as a conduit in the entire process.

On the other, lack of common market denies the producers in the region of the benefits of minimizing the cost of production and shifting resources to more efficient products. Similarly, inter-state movement of people is highly problematic considering the problem of influx associated with the region. Moreover, the uneven levels of development, limited taxation power of the states and lack of connectivity in the region pose threats towards proper economic development and participation in regional trade.

Domestic reforms in laws, regulations and institutions got limited to liberalization of quantitative restrictions and high subsidization policies of the states. This resulted in restriction of North East and its products to international competition, on one hand and on the other did not expand regional integration which hampered the growth of common market at both the intra-state and inter-state levels. So trade creation as thought about in the Look East Policy is yet to materialize.

Again, considering the region only from the rationale of economic imperatives and trading either from or through it by harping upon the cultural affinities of its people with their ethnic counterparts across the border surely will have wider implications, which policy framers from mainland India may seldom take into consideration. Many tribes inhabiting this region have migrated from different parts of South and South East Asia and have still maintained ethnic ties with their counterparts at varying degrees. There are many tribes who were separated from one another by international boundaries. In such a scenario, when the entire North East is already ripe with insurgencies of various hues and cries, it may not seem to be a day dream, if the ethnic groups aspire to mobilize for an 'extended' ethnic homeland. In that case *deterritorialization* and subsequent *reterritorialization* of space will not be a far cry. Consequently, repression and coercion of the state machineries of the concerned nation-states will increase, which will add to the existing societal dislocation among the tribal societies of the region. So, economic space *sans* ethnic space will perhaps fall short of its desired goal (Das 2008).

Thus, the contemporary phase of globalization for the people in North East in general and tribal population in particular will not be a *windfall in platter*. Of course, the new rich and the elites among the tribes or the non-tribes will thrive by aligning themselves with global capital and there will be more concentration of wealth and simultaneous dispossession of the masses, as well. Under such a situation, the predicament remains as to how the security and economic aspirations of the nation-state, the historical ethnic aspirations of the people and the windfall profit expectation of the global capital will be reconciled.

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Notes :

1. The British policy towards the tribe was mainly motivated by twin principles, namely subjugating the tribes against raids and securing the pathways for trade through the ethno-space that the tribe occupied. The formulation of the Kuki Policy is an example in this direction. Settling the migrant Kuki tribes as buffer between the warring Nagas on one hand and the Lushais on the other exemplifies this aspect. In order to suit the purpose, the institution of chieftainship was modeled in such a way that best suited the colonial interest. The traditional chieftainship system was added with territorial chiefs because it suited the colonial territorialization of space. So clan chiefs (*Inpipu*) now co-existed with territorial chiefs (*Hausapu*). It was similar among various other tribes in the region during the colonial era. For a detailed analysis, see Roy (2010)
2. The creation of Schedules was debated in the twilight of colonial rule and formed the basis of Nehruvian policy of tribal welfare. The Nehruvian view was essentially that the economic life of the tribals had to be upgraded and modernized even as the culture needed protection. This view was influenced by the ideas of the British anthropologist, Verrier Elwin ... The colonial origins of this policy and the twist and turns in the position of Indian National Congress can be seen as the debate progressed from 1935 to 1950. In 1935, the supporters of these Schedules considered the relationship between tribes and peasants to be exploitative in character. They argued that segregation of these people was the most effective way of modernizing them. Nationalist anthropologists and Congressmen contested these assertions, arguing that the basis of the creation of the excluded areas was completely unfounded. Stressing the development of an overwhelming Indian identity, the Congress felt that these provisions celebrated cultural primitivism and were roadblocks in the nation-building process. The advent of independence saw an unusual twist in the debate; the Congress that was earlier arguing for assimilation and opposing segregation now started arguing in favour of the creation of the Schedules. The main reason for this was that the new nation required the forging

of an identity that respected cultural pluralism. 'National integration' rather than 'assimilation' had become the buzzword of the new Congress government, which recognized that it had been unable to reflect the aspirations of tribals during anti-imperialist struggle. Therefore it was natural that the integration of tribals into the national mainstream would be slow, and that they would have to be treated with tolerance and empathy. Hence, the Schedules continued. For a detailed analysis see Prasad (2004)

3. An elaborate analysis is presented in Herskovits (1964), particularly in the chapter titled "Land Tenure"
4. Commons have dealt with the aspect of property and the connotations attached with it during the time of rapid economic transformation. He has analysed these issues in the context of rapid economic transformation in the US. For an insight into matter see Commons (1957)
5. From Table-I it is understood that land ownership patterns among the traditional tribal societies have largely been communal with few exceptions of individual ownership, mainly among limited number of tribes who practised terrace cultivation. In some tribes e.g. the Kukis, the chief was the owner of all land who distributed it among various households for cultivation. On the other, in case of Naga tribes, the community was bestowed with ownership rights. Again in case of the Mizos, the *Lal* or the chief owned the land and also collected *Fathang* or tax from the cultivators of his tribe. So although the material base of production among these tribes was similar yet there were some modifications among them, regarding the role of chief, ownership and management of their respective land.

Similarly, from Table-II it can be ascertained that the traditional tribal societies of the north east had self-governing institutions of their own. There were similarities as well as differences among these institutions. The Dimasa-Kachari had the institution of *Khunang / Dilik*, the Garos had *Nokma*, the Khasis had *Syiem*, the Lushai's had *Lal*, the Konyak Nagas had *Ang*, the Angami Nagas had *Phichh-U*, the Tangkhul Nagas had *Awunga*, the Reangs had *Kami Kachhkao*, the Jamatiyas

had *Luku / Chokdiri*, the Kukis had *Sangalthong*, the Adi's had *Kebang*, the Northern Monpas had *Tsorgen* and so on. There were certain differences in terms of ownership of land, payment of tribute to the chiefs as well as with matters related to succession.

6. It is observed that with the increasing nature of authoritarianism of the tribal elites due to the sanction of the colonial administrators, more and more communal land were brought under private jurisdiction i.e. *Ri-Raid* land was usurped by showing them as *Ri-Kynti* land to enhance private earnings. On the other, with the introduction of horticulture in these lands, landlessness increased as those who earlier had access to these community lands were denied the same. So cash income of these usurpers increased substantially at the cost of their fellow folks. On the other hand, with the establishment of the suzerainty of the British over the Khasi Hills, trade and commerce received major impetus and consequently, the earnings from market tolls extracted by the *Syiems* of Khyrim, Mylliam and Sohra in particular increased manifold, which also generated enough cash in the hand of these elites. Moreover, in the Khasi Hills land was leased-in by outsiders for mining that also has been a source of rising cash income of these elites. The increased cash income was mainly invested in land and the *Ri-Raid* lands and the vast stretches of the unsurveyed "wastes" were tacitly transformed into *Ri-Kynti* lands. The *Syiem, Daloi* and the *Wahdedars* along with other state dignitaries were transformed into the biggest of landlords. The Khasi State was virtually an estate, *inter se*, of the landlords. Thus land was no longer needed for subsistence farming but for earning cash profits. This has been widely discussed in Misra (1983)

7. The legacy of the colonial administration in the north east started with the Treaty of Yandaboo in 1826. Since then various parts of the region have witnessed the extension of colonial rule at different points of time. From the onset, these areas have been separated, in terms of administration, from other areas of mainland India. In 1874, the separate identity of these areas was legitimized by the Scheduled District Act and a

separate administrative set-up was mooted for the same. Thereafter, the concept of 'Backward Tracts', in Government of India Act, 1919, the 'Excluded Areas' and 'Partially Excluded Areas' under the Government of India Act, 1935 maintained the separateness of this region. The hill tribes of north-east came under the preview of the Sixth Schedule of the Constitution of India whereas other tribal areas were governed / administered under the Fifth Schedule, see Datta (1990)

8. Other than Karna there are few other studies which highlights the cases of land concentration on one hand and the problem of landlessness among the hill tribes in North East India e.g. Kaushal (1979), Mathew and Nair (1983), Datta (1984), Dutta and Datta (1986),

9. Rosa Luxemburg has argued about this aspect in her "Theory of Collapse" which was developed in contradiction with Eduard Bernstein. For an analysis see Patanik (2003)

10. Land in the hill areas of North East is generally governed by the customary laws of the concerned tribes. But these customs are far from static since they keep on changing with the internal dynamics of change in a particular society (customary laws related to land are no exception to this phenomenon). But these changes seldom take place in a uniform pattern. Until and unless these changes become dominant, which again takes a considerably long time, they rarely become a part of the legal framework. Now considering the impulse of globalization and its advocacy by various state agencies, one wonders how market led growth can influence the process positively when there is a limited market for land in the Hill areas of the North East. For a detailed analysis see, Das (2005)

11. In this regards it is interesting to have an insight from Prof. Amiya Kumar Bagchi. According to him capitalist colonialism works by introducing and exploiting markets. But the structure of colonial power is essentially political and not just a passive reflection of imperatives dictated by an impersonal market. Hence, market failures – deliberately engineered or systematically generated – are as much a component of the working system as market successes. For an elaborate discussion see, Bagchi (2010)

12. The Indian Prime Minister emphasized that affinity in the cultural background will make our products acceptable and saleable once the connectivity is improved, *Yojana,* December 2005
13. These changes along with the penetration of the market economy helped the tribal elites to graduate from the rudimentary *'class-in-itself'* stage to the *'class-for- itself'* stage Datta (1994). Simultaneously, it is also interesting to note that the term "tribe" is also under a flux and a clear cut framework for identifying "tribes" with specific parameters is nothing but an evolving process. It should be noted that during the last couple of years two drafts of the National Tribal Policy have been released by two different Central governments with conflicting, if not contradictory, contents particularly pertaining to the issues related to "definition", "assimilation", "mainstream" etc to name a few. For a contemporary analysis, see Srivastava (2008)
14. Over the period of 1980-81 to 1997-98, the share of manufacturing has been declining significantly at the rate of (-) 1.55 percent per annum for the North East India. In that case it is necessary to question the commodity basket with which the region will trade with to fit into the dictum of the much hyped *Look East Policy.* For a detailed analysis see Baruah (2005)

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Table-I
LAND OWNERSHIP PATTERN AMONG SELECT TRIBES OF NORTH EAST INDIA

Sl. No.	Tribe	State	Ownership pattern	Chief/ Institution	Tax (if any)
1	Sema	Nagaland	Communal		-
2	Angami	Nagaland	Individual	*Pehuma*	-
3	Mizo	Mizoram	Chief's Land	*Lal*	*Fathang*
4	Thadou	Manipur	Chief's Land	Chief	-
5	Tangkhul Naga	Manipur	Communal (Jhum Land) Individual (Terrace Land)	*Awunga*	-
6	Garo	Meghalaya	Clan	*Akhing Nokma*	-
7	Khasi	Meghalaya	Ri-Raid (Communal) Ri-Kynti (Individual)	*Syiem*	-
8	Jaintia	Meghalaya	Communal	*Raja / Daloi*	-
9	Riang	Tripura	Chief's	*Huklai Chaudhury*	House Tax
10	Jamatias	Tripura	Chief's	*Chokdiri*	House Tax

Source: Datta (1994)

Table-II
TRADITIONAL POLITICAL ARRANGEMENTS AMONG SELECT TRIBES

Sl. No.	Tribe	State	Designation	Succession
1	Dimasa-Kachari	Assam	*Khunang / Dilik / Haffiasko*	Hereditary (at times)
2	Tangkhul Naga	Manipur	*Awunga*	Hereditary
3	Hmar	Mizoram	*Lal*	Not hereditary
4	Mizo	Mizoram	*Lal* (*Sailo* Lineage)	Hereditary
5	Paite	Manipur	Chief	Hereditary
6	Garo	Meghalaya	*Nokma*	Not clear
7	Khasi	Meghalaya	*Syiem*	Not clear
8	Jaintias	Meghalaya	*Syiem / Rajah*	Hereditary
9	Angami Naga	Nagaland	*Pehuma*	Hereditary (at times)
10	Konyak Naga	Nagaland	*Ang*	Hereditary
11	Chakma	Tripura	*Maharaja*	Hereditary
12	Nocte	Arunachal Pradesh	Chief	Hereditary

Source: Datta (1994)

Table-III
TOTAL POPULATION, SCHEDULE TRIBES AND THEIR PROPORTION TO TOTAL POULATION IN NORTH EAST INDIA

State	Total Population	Scheduled Tribes (ST) Population	Proportion of ST population
Arunachal Pradesh	1097968	705158	64.2
Assam	26655528	3308570	12.4
Manipur	2166788	741141	34.2
Meghalaya	2318822	1992862	85.9
Mizoram	888573	839310	94.5
Nagaland	1990036	1774026	89.1
Tripura	3199203	993426	31.1

Source: *Primary Census Abstract, Census of India 2001*

INFORMATION ASYMMETRY AND INSTITUTIONS: RE-LOOKING AT AUTONOMOUS COUNCILS IN THE HILLS DISTRICT OF ASSAM

Saswati Choudhury*

I. Introduction

The transaction cost approach can be used as a tool for studying the political institutions which engage in sharing of power and responsibilities. The concept of transaction cost has been applied to study institutions governing the relations among political actors in the state polity, international relation (polity and economy), legislative organisations etc. Most of the scholars developed their theoretical perspectives on the two types of transaction costs mentioned above. Working from the *'Opportunism'* angle, the scholars have looked into economic development in the west (North 1990), Federalism (Montinola et al 1995). *Asymmetric information*, on the other hand, formed the core of most of the studies on delegation (Aranson et al.1982; Kiewiet and McCubbins 1991) and bureaucratic control (Weingast and Moran 1983; McCubbins and Schwartz 1984; McCubbins, Noll, and Weingast 1987, 1989) in American politics. These works brought in a new term "transaction cost politics" in political science (Dixit, 1996).

Central to the theory of transaction cost and economic institutions is the question of property rights and the surfeit of literature on transaction costs have dwelt on the two concepts of

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opportunism and asymmetric information (Akerlof 1970, Spence 1973, Stiglitz, 1974, 1981) in analyzing the transaction costs, economic institutions and the intrinsic issue of property rights.

Information Asymmetry

Asymmetric information assumes that at least one party to a transaction has relevant information whereas the other(s) do not. The information asymmetry leads to two different problems-*one* is the *adverse selection* problem and the *second* is the problem of *moral hazard*. *Adverse sel*ection occurs as some persons in the transaction, such as managers and other insiders know more about the current condition and future prospects of the firm than outside investors. *Moral hazard* arises when of the two contracting parties one does not have perfect information on the contract agreed upon; it becomes difficult to monitor the other side's behaviour. This uncertainty about the behaviour of the other side and the difficulty of monitoring means that there is a possibility of breach of contract or the other party may behave contrary to what was agreed upon. The mainstream literature on moral hazard is contingent upon a simple two player model - *one principal and one agent*. According to this model, the principal needs an agent to accomplish some tasks on its behalf. This is a common reality in our daily life e.g., a housewife hires a domestic help for to the daily household chores, parents hire a teacher to tutor the child etc.

In the case of an agency contract theory, moral hazard can arise when an economic good is not effectively controlled by its owner -the *principal* but by a different person called the *agent*, an employee. Information asymmetry produces moral hazard in conjunction with the separation of ownership and control. The agent, who is fully informed about his own activities, has an incentive to act in his own material interest against the material interests of his less informed principal. Whenever the principal cannot effectively monitor the activities of his agent, the latter has an incentive to increase his own (monetary and psychic) income at the expense of the former. The basic problem of moral hazard in response to this delegation of power is: *How does the principal ensure that the agent will not abuse its discretion and will conform to the orders given by the former?* This problem arises under two conditions: first, there should be information asymmetry –the agent has informational advantage about the local environment and the actions to be taken. The second condition under which the problem surface is when there is a conflict of interest between the principal and the agent. The conflict of interest ensures that the agent acts contrary to the task delegated by the principal and this deviation is proportional to the gains derived from the deviation. This assumption in the moral hazard problem leads to the problem of shirking. In politics, there are more frequent causes for principal-agent interests to diverge. Apart from the absence of initiative the political agent may be motivated by the personal desire to maximize individual profit and career prospects of re-election.

Controlling conflict of interests

The transaction cost assumes two costs- *first*, is the agency cost which, refers to the cost of delegation of responsibility to the agent by the principal and *second*, is the monitoring cost essentially meant for monitoring the activities of the agent and ensure compliance on the task entrusted by the principal. The monitoring cost is presumed to narrow the information asymmetry between the principal and the agent and allow for principal's observable monitoring system on the agent. Though theoretically sound, the real world stands contrary to this and the agent by virtue of his spatial and contextual advantage enjoys information supremacy and this inevitably leads to the difference between the principal's expectation and the agents' service outcome. The principal therefore has to face consequences of the imperfect monitoring as incompetent masters. This drop down in the principal's management is the agency cost. The precise puzzle for the principal is to frame and design institutional set up that will minimize the agency costs.

One of the possible arrangements is to retain the existing interest conflict in the principal-agent relationship and focus on regulating the agent's incentives through more cost-effective control mechanisms. The other approach focuses on the attempts to align

the interests of the two through institutional innovations. As conflict of interest widens, so does the agency cost. Hence, reducing the interest gap between the two can in effect lower the agency costs. Economists in their attempt to address the problem have analysed the institutional restructuring which involves some devolution of power to the agent who is more informed. In other words, the agent must have a stake in the reward linked directly to performance like the principal. The arrangement further requires conferment of decision-making power on the final output and the principal agrees to share this power with agent with positive incentives for the agent. When interests align, monitoring costs are reduced and that lowers agency costs. However, Akerlof and Kranton (2005) argue that monetary rewards and punishments are often ineffective at motivating subordinates; more important is the extent to which subordinates identify with the organization. Miller (1992) argues, purely economic contractual arrangements can hardly suffice, and cognitive differences in organizational cultures or norms are needed in hierarchies. This is so as because, in addition to economic gains, people also have other motivations to pursue different goals depending on their cultural and cognitive differences. Granovetter's famous embedded argument (1985) insists that any transaction is embedded in social networks, and the trust generated by personal interactions is helpful in discouraging malfeasance. He argues that within both markets and hierarchies, actor's interactions in a relationship network exist and serve as an important form of malfeasance control.

Multitask Multi Principals

In most principal-agent relationships, the agent is engaged in several tasks simultaneously by the principal. The agent's performance cannot often be measured accurately; the classic example is that of a school teacher who teaches the students basic skills like the three R's (reading, writing, arithmetic), which can be measured in standardized tests, but the teachers efforts to bring out their creativity, sense of responsibility are much harder to evaluate. Holmstrom and Milgrom (1991) analyzed optimal incentive provision in a multi-task principal-agent model. They showed that

there are important interaction effects between the incentives given for one task and the agent's incentives for engaging in other tasks. This naturally exacerbates the control problem for the principal in charge of tasks with low measurability. In addition, the agents can also play principals against one another as has often been the case with India's rural credit programmes (Choudhury: 2004). The problem becomes even worse if principals have diametrically opposing goals. In such situations, it is desirable and effective to assign different agents for different principals. The multiple agents may be under the control of separate principals in consonance with the line of task. Baker, Gibbons and Murphy (1994) suggest that if some aspects of the agent's performance cannot be contracted upon, relying on subjective performance evaluation and voluntary bonus payments might be optimal.

II. The Autonomous Councils

Genesis

The genesis of the Autonomous Councils in the region lies in the British administrative policy towards the region. The British Imperial Power made its advent in Northeast India in 1820's. The region was a part of the Lt. Governor- ship of Bengal till the early phase of 1874. Prior to culling out Assam as Governor's Province, in 1873, the British promulgated the Bengal Eastern Frontier Regulation of 1873 (popularly known as the Inner Line Regulation) which restricted contacts between the plainsmen and the people settled on the hill tracts (tribesmen). The British preferred to leave the tribes in their indigenous surroundings and excluded the remote tracts of British India from the operation of General Acts and Regulations under Scheduled District Act, 1874. As per the Assam Frontier Tracts Regulation, 1880, the Chief Commissioner of Assam was empowered to exclude any part of Assam from the enforcement and operation of general enactments in force there. Under Section 52A of Government of India Act, 1915, further amended by Government of India Act, 1919, power was vested in the Governor-General's Council to declare any territory 'backward tract' and

exclude such tract from the application of any legislative Act.[173] Following the Government of India (Excluded and Partially Excluded Areas) Order, 1936 these areas were declared as excluded areas.[2] The Excluded Areas were administered by the Governor of Assam and Partially Excluded Areas were made his special responsibility and these areas were excluded from the powers of the provincial legislature.

In the post independence period, North East Frontier (Assam) Tribal and Excluded Area Committee set up by the Constituent Assembly with Gopinath Bordoloi as its Chairman. recommended creation of District and regional Council to leave the tribal free from the fear of exploitation and domination by the people from the plains. The Drafting Committee accepted the recommendation of the Bordoloi Committee. Before independence the tribal areas in North-East India were divided into Excluded and Partially Excluded Areas. From 15th Auguest 1947, the administration of the Excluded and Partially Excluded Areas was entrusted to the Government of Assam. With the adoption and enforcement of the Indian Constitution, five District Councils were constituted in 1952 under Sixth Schedule (Article 244 (2)) of the Indian Constitution in all the hill districts excepting the Naga Hills in Assam. The District Council is a unique institution in Northeast India which is not existent in any part of the Country.

[173] Under this provision, the Garo Hills District, the Khasi and Jaintia Hills District (except Shillong Municipality and Cantonment Area), the Mikir Hills (in Nowgong and Sibsagar districts), the North Cachar Hills (in Cachar district), the Naga Hills district, the Lushai Hills district, and the Sadiya, Balipara and Lakhirnpur Frontier Tracts were declared as backward tracts.

[174] The Excluded Areas included (a) North East Frontier (Sadiya, Balipara and Lakhimpur) Tract, (b) the Naga Hills District, (c) the Lushai Hills District and (d) the North Cachar Hills sub-division of the Cachar District. The partially excluded areas included (a) the Garo Hills District, (b) the Mikir Hills in the Nowgong and Sibsagar districts, and (c) the British portion of the Khasi and Jaintia Hills District

The essence of the provisions under the Sixth Schedule are to provide the tribal people with simple and inexpensive administration of their own which would safeguard their tribal customs and ways of life and assure them maximum autonomy in the management of their geographical territory. The provisions in the Sixth Schedule provide for legislative, judicial, executive and financial powers to the Autonomous District Councils.

Devolution of powers to the Autonomous District Councils

In the sphere of legislative powers, the Autonomous District Councils (ADCs) are empowered to make laws related to land, forest (other than reserved forests), and water bodies, regulate shifting cultivation, inheritance of property, and regulate usury by persons other than schedule tribes. In respect of resource mobilisation, the Autonomous Councils are empowered to assess and collect land revenues, levy taxes on professions, trades, callings and employment, animals, vehicles, boats, roads, passenger tolls, goods toll and such other activities. The revenue mobilised is credited to a District/ Regional Fund and managed and guided by in accordance with the rules framed by the Governor. Like any other government accounts, it is subject to auditing by the Comptroller and Auditor General (CAG) of India.

The judicial powers under the Sixth Schedule provides for a two-tier system of justice: District council or any court constituted on its behalf at the district level and the Village councils and courts for the trial suits and cases of the Scheduled Tribes. No other courts of the state except the High Court or the Supreme Court of India have jurisdiction over such suits and cases. The Sixth Schedule has retained within it the original proviso of the Inner Line Regulation whereby any act of the State legislature or Parliament in respect of subjects and powers vested with the Council will remain inapplicable until the ADC decides to accept such acts. However the Governor is authorized to withdraw or modify any act of the judicial powers conferred on the autonomous councils. The Governor is also empowered to appoint a commission of enquiry into the administration of the autonomous councils and suspend an act or

a resolution of the council if he is satisfied that such acts or resolution is against national interest subject to the approval of the State Legislature.

The administrative powers of the Autonomous Councils include establishment, construction and management of primary schools in the district, dispensaries, markets, roads and road transport and waterways besides such activities as cooperative societies, social welfare, village planning, agriculture, animal husbandry and all such activities pertaining to management of the resources of the District under the jurisdiction of the Council.

State and the Autonomous District Councils in Assam

The State government has an overbearing presence on the ADCs. The senior officials of the Councils are deputed from the State government administrative services whose ultimate accountability lies with the State government and not to the Council. The financial devolution of resources to the Autonomous Councils is through the State government whether for the plan grants or the centrally sponsored schemes. Significant to note here, that the sectoral allocations for the two districts are done by the Development Commissioner Hill Areas of Assam which is then communicated to the council. Although the ADCs have a plethora of legislative powers but these are subject to the Governors assent after approval of the State legislature. The Council receives the sectoral plan allocation from the Commissioner Hills, Assam which is then passed on to the sectoral departments to prepare the annual action plan. The Council approves the annual action plan of the various sectoral departments based on the fund allocation made by the Commissioner. Once approved, the fund is transferred to the sectoral department. The plan and non-plan fund is released to the council on a half yearly basis in two instalments, the first instalment of 50 percent in the month of April and second instalment of other 50 percent in the month of October. Apart from plan and non-plan fund assistance under central sector schemes, central subsidy and share of centrally sponsored scheme directly go to the council. The Council submits quarterly utilisation report covering physical and financial

achievement for each sectoral department to the Commissioner Hill areas of Assam.

Principal-agent model of ADC

The principal agent model in ADC can be identified as two *principals and two agents' model*. The first *principal* is the people of the two Districts which elect the ADC members (CM) acting as their *agents*. The second *principal* is the State government leadership (SL) essentially the political party in State power which has its *agents* the bureaucrats (BC) to deliver the task. The BC is sent on deputation posting to ADC for delivering tasks. The *two principals* theoretically have same assignment for their agents viz. work for the growth and development of the territory under the two ADCs. However, from administrative and functional point the SL acts as the main principal in the model for both the BC and the CM.

The two agents too have same objective-maximizing personal gains. The BC aims for promotion in the bureaucratic hierarchy as higher ranks are associated with higher incomes and more power, better amenities and parks, and higher social prestige. CM wants to get re-elected to the ADC and enjoy the special privilege and power of the ADC with more discretion (bigger budgets and more manpower). The CM therefore will look for public support from below as well as approval of the SL while the career-oriented bureaucrats need to look for approval from above (SL).

As discussed earlier, moral hazard problem that plagues the *principal agent* relationship arises under two conditions. The first is *asymmetric information* and the second condition is *conflict of interest*. If BC and the CM share the same interests with that of the SL and the people respectively, the control problem simply disappears and asymmetric information, while still existing, no longer will be an issue in their relations. It is assumed that *agents* want to shirk responsibilities as assigned by the *principal* while the *principal* values more of it and this assumption underlies *agents'* incentive for shirking and the ensuing control problem for the *principal*.

Incentive Rules and Conflict of Interest

The players' incentives or interests derive not only from their preferences but also from institutional arrangements to which they are subject. In the democratic polity of the ADCs, CM prefers to stay in power and get re-elected. However, depending on what kind of electoral rules (majority, proportional, or mixed) they face, politicians have different incentives for adopting the median voter's position as their policy platforms. For BC, the promotion rule in the bureaucratic institutional arrangement plays an important role in shaping interest. Any organization needs some criteria to select and promote the right people. For BC to get promoted, the criteria hinges on two aspects: loyalty and capability to the SL. In short, the promotion criteria can be summarized as:

P (promotion) = *f (loyalty, capability).*

For the CM the institutional arrangement for incentive is to get re-elected to the Council. This they try to achieve by winning the trust and confidence of the SL and the electorate. This can be summarized as

E (elected) =f (trust, capability)

The dilemma for the BC is whether loyalty or capability- loyalty demands compliance and therefore implementing the policy faithfully while the capability encourages them to manipulate SL policy. The conflict of interest will also inflict the relationship between SL and BC. In respect of the CM, trust implies working to the best satisfaction of the electorate while capability gives them the opportunity to manipulate the demands and the policy of the SL. The question therefore is how the signals are generated when both the *principals* and both the *agents* are theoretically working towards the same goal. The answer to this can be found in the phrase 'encompassing versus narrow interests' coined by Mancur Olson, While SL is overseeing a State economy, BC and the CM are concerned with the growth and development of local economies under their jurisdictions. The growth and development of a State economy and a local economy are not conflicting in nature, but, in certain policy dimensions, what is good for the local economies

may not be universally true at the macro level in the State economy. For example, the ADCs may prefer to develop their own plan models of growth, have an independent industrial policy and negotiate trade and investment plans for their territorial jurisdiction. If each of the ADCs adopts this approach, the State economy will have to go in for too many micro management with additional transaction cost. The information asymmetry between the *principals* and their respective *agents* that leads to the conflict of interest between both the sets of actors is thus an endogenous factor in the framework of Sixth Schedule and the ADCs.

The two agents BC and the CM have same self interest and both perform the same sets of tasks at two different levels. Hence neither can reach their goal without the other's help and therefore will share information mutually which will not be available to the SL or the electorate of the council. A natural alliance develops between both sets of *agents* and a rational outcome will be one where both function according to capability by manipulating SL policies.

Asymmetric Information, Incentives and the Decision Problem

As explained earlier, because of information asymmetry and conflict of interest, monitoring costs is incurred by the *principal* to keep a track on the activities of the *agent* for detecting deviant behaviour. No monitoring can be perfect, and the *principal* therefore has to bear residual effects which are essentially the agency losses. For SL facing asymmetric information, the decision problem is to design appropriate rules and institutions to minimize agency costs by minimizing both monitoring costs and agency losses. However, reducing both monitoring cost and agency loses are inversely related. If monitoring can be increased agency losses can be minimised but monitoring costs will escalate. The challenge therefore is to adopt institutions to minimise the overall agency costs.

How the State Leadership can achieve this

The task before the SL is essentially to lower the agency losses

by narrowing the interest gap with BC deputed to ADCs. The *'administrative rule'* of better transfer posting and promotion are two such mechanisms used by the SL to minimise both monitoring cost as well as agency losses. However, such mechanisms do not deliver the desired results if an alliance grows between the BC and the CM given the functional coordination between the two. The argument is drawn from the clauses of MOU signed between the ASDC, Karbi Student's Association, N.C. Hills Students' Federation and the Dimasa Students' Union on 1st April 1995. The MOU states that the administrative control of the Council over BC is complete in all matters relating to inter council transfer and postings. Further, in respect of disciplinary actions against the BC, the ADC shall exercise the powers as the borrowing department and the relevant service rules of the State government will be binding in this respect. The chances of individual agent manipulating the outcome (alliance) are minimal. Each of the members in the *agent groups* are interested in maximizing their interests and the majority rule is one of capability in a situation of conflict of interests with the principal. It is this dynamics of relation between the CM and the BC which is central to the *agents' alliances* in the ADCs. Hence, in order to lower its agency losses SL would try to narrow the interest gap with the CM through 'interest convergence'.

Since this alliance between the SL and the CM narrows down their interest differentials, the monitoring cost can be minimized assuming that each party, the SL and the CM will respect each other's trust. The expected behaviour in such an outcome is one of compliance to the SL by the CM and not capability since capability motivates for deviant behaviour. However in reality, due to information asymmetry, this trust is dependent on ideological closeness and political power relations of each with the other and is a 'bargained issue'. The question therefore is how this balance of trust can be achieved between the SL and the CM and how can it be sustained?

A careful analysis of the autonomy structure of the ADC reveals that autonomy of the ADCs has been more favourable for the SL and the individual CM rather than ADC as an institution of the

people of the two hill districts. The autonomy of the ADC is built upon the trust made sustainable through interest convergence and compliance of the CM to the SL through the incentive mechanism. There are reasons for this argument-

First, the autonomy of the ADCs is essentially autonomy without any manoeuvrability on financial autonomy. The financial planning is done at the SL level and the ADCs are involved only in allocating the expenditure under different sector heads. Thus it leaves the SL with virtual control over the ADCs since autonomy without any financial power has no practical meaning. The ADCs as an institution has been assigned all powers except the funds flow which rests with the SL. *Second*, since finance is routed through the SL, it leaves enormous power with the SL in ensuring compliance of the ADCs by either squeezing or delaying the release of funds to the Council. Since CM want to be re-elected, they do not like the 'recurring development work' be stalled and hence compliance is one way of ensuring funds flow to the ADCs. The Sixth Schedule therefore leaves the ADCs with the scope for financial leakages through 'recurring developmental work'. *Third*, since the BC is deputed to the ADCs in consultation with the CM, it leaves the CM and the SL with the option to choose and pick a person who they deem fit can negotiate terms for their mutual benefit. Notwithstanding the fact that the BC is under full administrative control of the ADCs, the MOU of 1995, stipulates that State Government can initiate actions against an officer found involved in any prima facie case of misconduct/dereliction of duty etc. during the deputation period to council even after the officer has been repatriated to the state government. Hence the BC will always prefer a closer alliance to the dictates of the SL for safeguarding future career. Since, promotion and upward movement in bureaucracy is the ultimate interest of the BC, they can act as the conduit between the SL and the CM.

The political leadership of the Council comprises the newly educated middle -class who has found a distinguished identity through the ADCs. This leadership however has been more interested in consolidating its own power rather than grassroots empowerment of the people as because no sincere efforts have been

made by the CM to constitute the Village Councils and Courts. Contrary to the ethos of the democratic decentralization by involving people in decision making, the district councils expanded the administrative staff to the extent that the government subsidy meant for development activities had been diverted to meet administrative expenses (Sarmah:2002). This diversion cannot be achieved until all the three players SL *(principal)* and the BC and the CM *(agents)* have different interests and collusions of different order. The CM with their lack of administrative experience depends on the BC for execution of administrative and developmental activities. The BC by virtue of their administrative experience and departmental postings are more information rich have developed a cohesive relation each with the CM and the SL. This cohesion is built up on the incentives available to each of the agents and the principal (SL). The problem of underdevelopment that plagues the two hill districts essentially stems from the share of incentives (funds) available in the whole model of autonomy when put in the framework of *principal-agent* relation. Higher the rate of incentive (development funds of the ADCs available), higher will be the compliance of the agents. And it is in the battle of incentive shares that the development process of the district has suffered. If the two hills district of Karbi Anglong and N.C. Hills have been falling behind rest of the State in terms of their growth and development and are threatened with mushrooming of underground subversive activities and ethnic clashes, it is precisely because of the very structure of the autonomy given under the Sixth Schedule which conceals within it the problem of moral hazard beset with opportunism and information asymmetry between the different players. The two essential components of governance are administrative power and the financial power and it is the Sixth Schedule has left the SL with more efficient system of agency management (CM + BC =ADCs) by conferring on them the power to regulate career graph of the BC and funds flow to the Council. Thus, the SL as a *principal* with its command over resources has more power in manipulating the behaviour of the CM than the electorate of the two districts- *the other principal* as because alignment of interests between the SL and the CM and the accompanying incentives are far larger which can be used for manipulating the electoral outcome of the Council members.

Keeping at abeyance the functionality of the Village Councils and the Village Courts at the grassroots has been the control mechanism adopted by the CM to sustain the information gap between the CM *(agents)* and the people of the two districts who form the electorate *(principal)*. The cash poor electorates in the hill economies who have been made into insular and exclusive groups in their socio-cultural milieu are far less acclimatized to the democratic polity and market rules of transaction economies. Hence pre-election funds disbursement under various development schemes is used as a potent tool to capture the electorate by the CM. Since opportunism is an important element in the problem of moral hazard, the recent trends in the hills district reveal a clear play of such opportunism. 'Incentive shares (funds)' have been the noble control mechanism used by the SL to negotiate the alignment of interest incentives with the various *agents* (CM, BC). Autonomy to the peoples of the two hills districts sans their political consciousness on the autonomy has reinforced 'opportunism' in the structure of the ADCs.

Theoretical validity

In the foregoing sections, a micro-political foundation of governance in the two hills district under the aegis of ADCs has been discussed. It has been argued that information asymmetry is an important variable in the governance structure in the hills districts under the ADC and has influenced institutional choice mechanisms. It would be pertinent to see

how the problem of principal –agent relation affects the institutional functioning and generates conflict of interest between the CM and the SL and how different strategies are at work to mitigate the same.

1. Controlling the agents of governance

The control is not uniform across all areas of the ADC and SL and this variation emerges due to two reasons. The *first* is the *level* of information asymmetry and second is the conflict of interest

between the *principal and the agent*. The SL, CM and the BC are rationally assumed to have same identifiable goal as development practitioners. For the SL, their central concern is the overall development of the State while the CM and the BC are assigned to work for the development of the two hills districts within the broad framework of the State policy. However, the interests of the SL and the CM and BC may have conflicts under two conditions.

First, when policy issues are designed with a macro perspective. Theoretically, sum total of the growth of each individual constituent unit will contribute to the growth at macro level. When externality exists (e.g. when SL controls the funds allocation of the ADC as well as career promotion of the BC), career-oriented BC will be pitted against the CM to pursue policies that suits the SL. *The second*, is with respect to distribution of funds between SL and the CM and the BC i.e. fund transfers from the State government to the Council and then to the line departments executing the programmes. The two hills economies will obviously benefit from a larger financial support and a lower tax rate. The Sate however with its serious financial constraints takes recourse to delayed funds transfer to the ADCs since in terms of their contribution to the State GDP, both the districts do not contribute enough to the State kitty. The delayed fund flow from the State headquarter has led to diversion of funds from one head to the other head of expenditure at the convenience of the CM. Sectors like infrastructure, urban development receive greater thrust of spending and funds for expenditure under these heads are for contractual work which creates routes for leakages. The SL has failed to control or develop measures on such diversion. In fact, the statement of expenditure for plan funds and non-plan funds maintained at the Council office and the Commissioner of Hills Office are also at variance as reported in the Kumaran Committee. This clearly reflects the control problem of the SL over the ADC. Besides the ADCs are empowered to levy and collect all taxes within their territorial jurisdiction to which the state tax laws are not applicable. Such distributive roles generate conflict of interests. A wider interest gap leads to higher agency costs for the SL and the hence *higher the conflict of interests, less likely is the control of SL on the functioning of CM and hence the ADC.*

2. How to ensure monitoring

One effective way of lowering agency cost is to outsource the monitoring to third party. However, such third party monitoring in ADC is outside he ambit of its institutional design. The ADC encompasses within it an inbuilt monitoring mechanism through the Village Councils but which has been kept suspended by the ADC and no attempt has also been made by the SL to ensure its implementation.

The Development Commissioner Hill Areas (DCH) is entrusted with the task of review, monitoring and evaluation of the hills areas plans and development programmes implemented by the ADC which essentially is a quantitative evaluation of the statistical information. The DCH is also a part of the bureaucracy and under the direct control of the SL. Hence likelihood of grouping with the BC is higher as both have same career goals and interest. Notwithstanding such institutional deficiencies, the arrangements are politically more acceptable to the SL which can maintain an indirect control on the BC and also the Hill Areas Commissioner assigned with the task.

The other alternative is indirect monitoring through 'convergence of interests' between the CM and SL. To understand the importance of convergence of interest persuasion, it would be necessary to make a reference to the political context in the State and the hills district. Since the tribal and the hills people had been left outside the influence of national politics since the days of the British, the mainstream ideological forces of the state polity comprising of national parties and the regional parties have been distinctly different. However, as many theorists of political science term politics 'is a marriage of convenient alliance' the sharing of interests by the SL and the CM is therefore a potent tool in their hand. The transfer of more subjects to the control of ADCs has helped in furthering the process since the incentive available under such convergence is far greater. Ideally, this is the cheapest form of control where agency losses are least and the payoffs are highest for all the players. However, nature and effectiveness of the

mechanism will depend on convergence of interests between the SL and the CM. Therefore, as the strength of interest indoctrination weakens, the control will also decrease. Hence we can ague that *existing monitoring mechanism for the ADCs is only cosmetic and of limited usage. When there is convergence of interests the SL can effectively use the control mechanism on the CM. The BC accountable to both the CM and the SL follow suit since it is in their best interest to toe the interest of forces in power. However, in the absence of interest convergence between the SL and the CM, the BC is exposed to uncertainty of risks and this weakens the monitoring.*

The dissolution of the NC Hills District Council on May, 2009 which assumed office on December, 2007 proves the point of divergence of 'interest convergence'. The Congress party, which had ruled the district council for more than four decades since its inception in 1954, managed to win only three seats out of 27 seats in the last council election. The main opposition party in the hills areas, the Autonomous State Demand Committee (ASDC) won 12 seats and their ally, the Bharatiya Janata Party gained nine seats while three seats went to Independent candidates. The arrest of Chief Executive Member (CEM) of the NC Hills Autonomous Council for his alleged links with a militant group which is a break up faction of the militant group with whom the SL had signed ceasefire agreements reveals how ideological and interest divergence can call for *ex-post* actions from the principal. The arrest of a liaison official of the district council and a former Joint Director of the Social Welfare Department under the Autonomous Council exposes the uncertainty behaviour of the BC and the weak monitoring designs of the ADC.

3. Problem of monitoring costs

The SL in the State faces a tougher problem of controlling CM than the BC. The reason being, that between the BC and the SL the information asymmetry is likely to be lesser than between the CM and the SL. The BC which is ultimately accountable to the SL for upward mobility prefers to align its interest with that of the SL. Apart from the monitoring and evaluation by the DCH, the SL uses

the BC as the control point on the CM. A simple example may illustrate this point: the funds transfer to the ADCs is deferred towards the end of financial year with an oral instruction to the Principal Secretary to deposit the money back to the treasury as unspent balance (Sarma: 2002). This deferred transfer stalls the development works in the districts and add up to non performance of the CM. Therefore, one way of lowering monitoring costs is simply to use 'verbal quantification' of tasks to the BC *(agent)* and such 'verbal quantification' lowers measurement costs. The central dilemma in the moral hazard problem is that *agent's* behaviour is difficult to observe. Verbal quantification of tasks helps in mitigating the information asymmetry partly by making final outcomes more qualified. Administrative procedures on the other hand attempt to streamline different aspects of policy implementation so that the *principal* can detect deviations easily e.g. the ADC is responsible for implementing roads construction and maintenance works in the hills district. The CM prefers to implement as many roads construction projects as possible and issue tender notices as this leaves an opportunity for CM to seek private gains. But since the departmental officers report directly to their heads of department at State headquarters in respect of technical control and sanction, the SL can effectively check on the merit of such proposals. Such administrative rules may not lead to the most efficient outcome if the CM can offer higher incentives to the BC to manipulate the same for favour of technical merit. But given the final accountability to the SL, the BC is likely to be less deviant to SL. Therefore, it surmises to say that *in addressing their agency costs, SL will prefer actions that lower monitoring costs, such as un-quantified task delegation and quantified administrative procedures. However, the outcome depends on the BC who then becomes the central figure in the monitoring task and the strategy will be one of weighing the incentive shares by the BC with SL and the ADC respectively. The monitoring therefore becomes uncertain under the given circumstances.*

4. Credibility of punishment

All the possible arrangements as discussed above are based on simple cost-benefit principle on the part of the agents. The BC will

comply with the orders from SL if the chances of deviant behaviour being detected are high along with penalty. These mechanisms become less effective if such chances are less. The control of final accountability of the BC to the SL reinforces the credibility of penalty. To clarify this point it is pertinent to refer the clauses in the MOU of 1995, where the BC has been subject to control of both ADC (CM) and the SL in respect of his discharge of duties. The assumption made in the moral hazard problem in the ADC model is that BC and CM will align their interests for mutual benefit. While these two groups share many similarities vis-à-vis the SL, a subtle difference remains. As part of the strategy to rein in regionalism, the Constitution has designed the ADC by functional separation. At every level of local governance the BC has to follow commands from two sources: CM and the SL. Thus, BC now faces *dual principals*- the SL and the CM. The chances of BC following the commands will be determined by payoffs from non-compliance, probability of the deviant behaviour being detected and the penalty clauses involved. This overlapping in control of BC by the SL under the State Administrative Service Rules and deputation posting control under the ADCs is quite unique and important for understanding the incentives of BC. The line departments in ADCs hand down policy instructions to the BC but the power of deputing and removing the BC in the ADC rests finally in the hands of SL but the BC are functionally subordinates of CM. This creates a serious dichotomy in the form of hard functional authority and soft local authority in the administration of ADCs. Infact, all the senior level posts including the Principal Secretary and Secretaries which are supposed to be held by officers from the Indian Administrative service are in reality filled up from officers belonging to State Civil Service in view of the local politics prevailing between the CM and the SL (Kumaran: 2003). In case of conflict between administrative governance and regional autonomy interests of the ADC, career-motivated BC will have strong incentives to follow the SL as because even though the dossier on Annual Confidential Report (ACR) is certified by the CM, the SL reserves the right to take action under relevant Service Rules if any dereliction of duty during deputation to ADC even after being expatriated to the state government is detected. This significantly mitigates the problem of non compliance

and the severity of the punishment. Hence, we argue that *the effectiveness of ex post penalty is credibly built within the Service Rules for the BC.*

Now with CM as the agent facing two principals- the electorate of the districts and the more powerful SL, the institutional design of the ADC establishes the credibility of punishment for the CM. In the absence of interest convergence, it remains a fact that the SL can exercise the restraint on the behaviour of the CM under the proviso of dissolution of Council by the Governor with consent of the SL. As the CM is directly elected by the electorate of the districts, suspension of the ADC (CM) is likely to lead to chances of rejection if a deviant behaviour is exposed. Hence *the effectiveness of ex post penalty on the CM is pre determined by the SL based on the institutional design of ADC which may influence the electoral results if deviant behaviours of CM are exposed.*

A classic example of the weak monitoring but strong penalty clauses can be found in the statement issued by the State (Assam) Chief Minister Shri Tarun Gogoi on May 30, 2009 in the press;

"We have to find ways to check the pilferage of development funds to militants, if need be by making the officials running the administration accountable. We have to bring modification in the entire administrative set-up in the hill district. We won't spare anyone if found guilty. Yesterday, I asked the police to arrest NC Hills Autonomous Council (NCHAC) Chief Executive Member (CEM) Mohet Hojai within 24 hours."

5. Interest alignment and institutional designs

Mitigating the problem of penalty does not suffice to say that monitoring efforts are in vain. To ensure compliance (as a condition for mitigating penalty clauses) from the BC, the SL has often used verbal orders. Between CM and the SL, the interest alignment and institutional design has been reworked in such a way as to use the ADCs funds for those activities as desired by the CM. The institutional restructuring for alignment of mutual interest has been

well drafted under the transfer of sixteen departments to the ADCs in June 1970. However, the transfer left the SL with the power to exercise control over the ADCs e.g. community development and Panchayat were transferred to the ADCs but the centrally sponsored schemes were not given to the councils for implementation. Hence the SL continued to interfere with the functioning of the department and this created resentment among the CM. Hence the MOU of 1995 transferred 14 more departments to the Councils along with the Centrally Sponsored Schemes (CSS) and the District Rural Development Agency (DRDA) fund. Further, under the new MOU, the Executive Council of the ADCs have been assigned the responsibility to prepare the budget estimates which is passed by the Council and sent to the finance department of the state government for inclusion in the state budget without any change normally.

The power sharing provides strong incentives for CM to share SL interest. The alignment of interest between SL and the CM ensures compliance by the BC. While direct monitoring of CM and the BC is difficult for the SL, designating more focused tasks may offer some relief. The MOU of 1995, which incorporates specialized *multiple agencies* (*line BC*) on *multiple tasks* (transfer of total 33 departments and administrative restructuring of the officers) has helped SL to design appropriate incentive packages (e.g. budget preparation by the Executive Members of the Council, transferring the control over BC below the rank of zonal heads with the ADCs) to induce compliance. Further delegation of power and transfer of departments under the MOU of 1995 is an attempt to narrow the interest gap. As discussed earlier, there are three approaches to lowering agency costs and in some situations; giving away more power may align better, these agents' interest, with that of the principal. SL may have given up some power or resources (budget) through the MOU of 1995, which they probably could never have exercised effectively.

Therefore, *the SL endeavours to restructure institutions to realign interests and lower agency costs. Institutional changes incorporating share of power and resources are derived with specialization in distribution of*

tasks and assignments.

Within the framework of ADC and its institutional design, the *moral hazard* problem and the accommodation of the various agencies can be understood from the perspective of transaction cost and property rights. Central to this relationship between transaction cost and the property rights is the common pool problem. While Coase's theoretical examinations looked at bilateral externalities, Hardin (1968), Libecap and Wiggins (1985) analysed the common pool problem where there are many actors and the need for co-coordinating all the actors. Additional problems arise because different actors are differently situated, relevant information is scattered and cost intensive for verification, politicization and strategizing emerges. This requires consent among actors to evolve an organization/institution that can give effect to the plans agreed upon by the actors. Posited against the backdrop of the theory of the firm, it suffices to say that although the ADC (as an institution of the hills people) is the *de jure* owner of all resources in the hills districts but effective or *de facto* ownership had purportedly passed into the hands of the CM. The incentive structure generated by this ownership has made ADC into an instrument of profit maximization by the CM. A separation of the ownership and control helps in reformulating the objective function to reflect the *de facto* control rights. The MOU of 1995 is therefore an attempt at maximizing the management control by the CM, while the transfer of departments and administrative restructuring viewed from the perspective of the SL is an attempt at convergence of interests. The segregation of ownership and control rights and *de facto* control rights when cast against the CM one can see the applicability of the principle of sale maximization in the theory of firm. The growth of local ethnic political forces has to be understood from the incentive shares available in the *principal agent* model with SL as the *principal* and the CM as the *agent*. These forces comprise a section of politically conscious people who are indigenous and are information superior. The power to gain control over resources by differing warring forces has gained legitimacy from the 'incentive sharing' at two levels the SL and the CM due to weak monitoring and accountability of the ADC. The institutional weakness, has in fact led to strengthening of

the opportunism in the system. It therefore can be argued that *institutional structure of the ADC has the embedded problem of moral hazard. The presence of multiple agencies in delivery of tasks has led to battle of information access and the opportunistic behaviour. The weak monitoring and accountability of the ADC as an institution in fact reinforces this opportunism and presence of multi agency interest and incentive convergence perpetuates the process.*

That compliance rather than capability, and interest convergence rather than divergence has influenced the institutional designs and arrangement is reflected in the decision of the elected members of the dissolved NC Hills District Council. The nineteen executive members of the dissolved North Cachar Hills Autonomous Hills Council belonging to Autonomous State Demand Committee (ASDC), BJP and Independents members in a press statement issued on 17th June, 2009 expressed their desire to join the Congress. These members led by Sri Debojit Thousen told reporters that in order to ensure stability and all round development of the hill district the members were willing to join the Congress party which held the reins of power both at the State and the Cente. A senior minister of Assam and spokesman of Congress party Dr. H.B.Sarmah, told reporters that the decision to accept the members into the Congress will be taken by the state Pradesh Congress committee.

Ever since its inception in 1954, the Congress had ruled the NC Hills district council, the rejection of the party in the 2007 election, led to divergence of interest between the CM and the SL. The absence of credible monitoring opens scope for opportunism and alliances under the existing institutional design of the ADCs in the hills districts and presence of multi agencies and interest convergences reinforces the moral hazard problem.

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TERRITORIALITY, INSURGENCY AND INDIAN STATE: A READING OF A CONTEMPORARY ASSAMESE TEXT:

Dwijen Sharma*

With the signing of the Yandabo peace treaty on Feb. 24, 1826, the British brought the territories located towards the north-eastern side of the Indian sub-continent up to the river Irrawady, in present day Myanmar, under its Imperial rule. As such, the British administration in India annexed these territories and made it a part of British India. This is, apparently, how the North-East region of the present day India became a part of Indian territory after the British had left. Thus, along with the colonial rule, the people of this region also came in contact with its modern (western) education and plantation economy as well as with its political culture of parliamentary democracy, which ensures rule of law based on equity, distributive justice, fairness and good conscience. After independence, India appropriated the Western style of democracy with all its apparatuses unchanged and unchecked. In other words, India has retained many features of the colonial legacy both in the constitution of India and administrative structure. These borrowings from the West are adopted and adapted to the social structure, traditions and practices of India but even after sixty years of independence, they are found wanting. Referring to this, Gayatri Chakravorty Spivak says, "...the political claims that are most urgent in decolonised space are tacitly recognised as coded with the legacy of imperialism: nationhood, constitutionality, citizenship, democracy, even culturalisms, ... whose production was written elsewhere, in the social formations of western Europe." (Spivak 1993:167) Thus she points out that the transference of Western models to the postcolonial societies is one of the sources of epistemological and cultural destabilisation. The modern political apparatuses of the

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multi-ethnic and multi-national Indian nation-state are seemed to have gone awry while combing the threads of the socio-ethnic diversity. It seems the Eurocentric concepts of progress and development have been overlooking at the basics of Indian realities. It may be said that the western model of the nation-state built on a singularity of people, state, nation and government seems to have lost its relevance as far as the Indian nation-state is concerned. This apparent loss of relevance may be traced to the growing disjunctions between the adoption of foreign models and the social structure, traditions and practices of India. Analysing this, while trying to comprehend the turmoil in the third world nations, in his essay, "Postcoloniality and the Artifice of History: Who Speaks for Indian Pasts?," the erudite social scientist, Dipesh Chakrabarty, discusses the problematics of the political transformations attempted by these nation-states. He figures out that "in the history of modernity, there is accompanying repression, violence and tragedies and ironies attending it." (Chakrabarty 1997) He believes that that while the western concepts of "citizenship", "self determination" and "human rights," associated with the modern nation-state, have empowered several social groups, but the very process of modernisation and social empowering have also led to conflictual developments. However, in a democracy with strong centre and unequal social groups, the ideal western concepts of "equality", "justice," "rule of law," and "development" become irrelevant and incoherent. Thus, it seems, it would have been far better if political institutions and practices derived from Indian traditions – like the models Gandhi has given: ideas of non-party government, decentralization of power and authority, adoption of village self-government (Gandhi 1938) – were adopted to guide the course of Indian democracy. Unfortunately, the free India has not pursued Gandhi's policies to their logical ends. Therefore, religion, caste, class, corruption and regionalism/secessionism have become the problematic factors in the construction of a meaningful Indian nation.

In the post-independent India, various groups, based on ethnicity, religion, caste and language are asserting their autonomy and identity. The national consensus has also worn out as regional movements in Punjab not so long ago, Kashmir and many parts of

the North-East India have challenged the territorial integrity of the country. The emergence of little nationalities in India with an aim to carve out nations for themselves, the disparity in the approaches of the Centre towards the different states of the union, the failure of the state to ensure distributive justice to large segments of the population and the changes triggered off by demographic change in certain regions have all led to assertion of identity and intensification of violence against the body politic. In their attempt to redefine and relocate the nation, the ethnic groups and the ultra-nationalists have been resorting to violence, thereby causing a great human tragedy. All these disturbing trends call for a re-examination of the validity of political ideology of modern democracy. However, in this paper, I would like to dwell only upon the ideological and spatial conflicts of a little nationality of a peripheral region of India against the body politic. But, this study would be restricted to a critical reading of an Assamese novel, *Kalantarar Gadya* (1997), by Dhrubajyoti Bora in which he has addressed the complex issues of territoriality, insurgency, and the political ideology of Indian democracy.

Dhrubajyoti Bora's *Kalantarar Gadya* explores the struggles of a sub-nationalist group against the Indian nation-state, of which it is hitherto a part, to carve out a nation of its own. An eminent political scientist, Sanjib Baruah, in the article "Gulliver's troubles: The State and Militants in northeast India," argues that the rise of militant organisations in India's north-east, despite being thickly administered, is a "symptom of failing state." The militant groups take the role of the state in providing security to the people, though, in exchange for taxes. (Baruah 2002) However, the birth of insurgency in Assam has been discussed variedly by scholars. In an essay, "Insurgency in the Mainstream," Dhrubajyoti Bora analyses insurgency in the North-East of India in terms of "centre-periphery" paradigm. Insurgency is discussed as a phenomenon of the periphery. This periphery can be economic, psychological or politico-geographical. Thus, Bora states:

> All the parameters such as economic and social backwardness, lack of development or rather uneven development, establishment of extraction industries and

> siphoning off of the raw materials – the so called colony syndrome etc., are being sought to be fitted into this concept of periphery – frontier. It is indeed possible to fit even the problem of human imagination into this framework. (Bora 1997:289)

Similarly but critically, Udayon Misra, in an essay, "The Margins Strike Back: echoes of sovereignty and the Indian state," argues that the idea of the post-independent notion of North-east India as the margin/periphery of the Indian nation-state emerged as a result of the Partition and the consequent isolation of the North-eastern region from the rest of India. Referring to the rise of ethno-nationalism, Misra observes: "Once this region became a periphery of the centre, a variety of socio-economic as well as historical factors surfaced, eventually leading to the rise of militant ethno-nationalism." (Misra 2005:265) However, in a remarkable essay, "North-East India: Target of British Apartheid," Ramtanu Maitra and Susan Maitra dubbed the Government of India's policies in North-East India as the "British mindset at work". They argue that the practice of the policies of the British Raj, "encouraging ethnic, sub-ethnic, religious, and linguistic identities—as opposed to the identity of a citizen of a sovereign nation-state" by the neo-colonial masters of the Independent India has triggered violent secessionist movements throughout the India's North-East. (Maitra & Maitra 2006) Since 1873, the year British adopted the policy to isolate the tribals by prescribing "Inner Line," the tribals have never felt at home with the mainstream Indians. It has also resulted in developing a xenophobic mentality. Nevertheless, it is seen how the Northeast India has been split up into smaller and smaller states and autonomous regions, since 1947, to accommodate the wishes of tribes and ethnic groups. However, what matters a lot is that the Govt. of India has not been able to grasp the ground situation or never sincerely attempted to understand it. For why would a serious secessionist insurgency movement starts from a mainstream state like Assam, if not, in the words of Dhurbajyoti Bora, for "the threat perception, the threat of losing one's political rights, linguistic pre-eminence and cultural rights. (Bora 293) According to a vast majority of scholars from the North-East part of India, the Govt of India has,

in the name of national security, deprived economical and technological development to this part. Further, the federal structure has not been strengthened.

In the novel, a character, who is a member of an insurgent group and a disenchanted Indian, articulates that there is no proper democracy in India:

> *Brother, where is proper democracy? Is not the election basically a practice for legitimizing the system of control and domination? How is it possible to change the society in this way? The elections are held in the presence of guns wielded police and military personals ... The elections are held to form government, disregarding the boycott calls given by all the democratic forces; the elections in which one getting just hundred votes becomes a minister. Does the importance of or faith in democracy still there in such a nation?* (46-47, translation mine)

Thus, having lost its faith in Indian democracy, the insurgent group is initiating "armed struggle" against the "colonial and exploitative Indian government that merely replaced British colonialism," (46) to liberate Assam. Nevertheless, the insurgents are of the opinion that the only way to free oneself from the control of this 'colonial rule' is to put into operation the right to secession. If the Constitution of India was written to reflect the will of the people then why are the people not having the right not only to change it but also to demand plebiscite? However, the nation-state is an ultimate "power container" and it would not allow referendum as such. In an essay, "Reflexive Nationalism on the India's Northeast," Ranabir Samaddar reflects on the violence embedded in the category/concept called nation-state:

> In post-colonial South Asia, *the nation-state has marginalised, disciplined and punished the recalcitrant communities and classes*, and as house building measure has set up mirrors all around so that weapons do not strike back at it, but only reflexive images mirror back and the nation-state has thereby made itself a reality – a success ... such a situation cannot but produce a militarization of polity ... civic

> politics comes to agree that the nation as the form of organisation is the 'ultimate power container,' ... violence is at times the blanket category of total politics, i.e. the state. (Samaddar 1997:129; Emphasis mine)

Thus, in the novel, the insurgent group has been persistently using the mode of violence against the state in pursuit of its political objective. If it is successful in defeating India, this group intends to build an "independent nation based on scientific socialism." (49) For achieving its objective it has endeavoured to "unite all the ethnic groups living in Assam to forge one Assamese community, in fact, one identity by eliminating the distinct identities of various ethnic groups." (49) It may be mentioned that this was the avowed aim of the most conspicuous insurgent group of Assam, the ULFA. However, the various ethnic groups living in Assam were upset at this proposition and therefore, ULFA had to haphazardly withdraw it and had to promise that it would allow self-determination if it succeeds in seceding from India. On the other hand, the Indian government does not entertain any secessionist movement and its official policy, as stated by Paul R. Brass, is: "any group, which takes up a secessionist stance, will, while it is weak, be ignored and treated as illegitimate, but should it develop significant strength, be smashed with armed force, if necessary." (Brass 2004:6)

At a time when these pre-modern (in the Western standard) ethnic groups are trying to come to terms with the modern concepts of "nation-state", "distributive justice," "good governance," "territorial integrity" etc., the Government of India has to handle these people with rare sensitivity. But, it is seen that the Indian government has adhered to the draconian and repressive state discourse to address the problems of the alienated ethnic groups and those segments of ethnic minorities who are still unable to come to terms with their political association with the Indian state. It seems that the transition of India from a colonial society to a postcolonial society is still incomplete. The repressive colonial modes of redressing the problems/grievances of the various ethnic groups have resulted in alienating them to such an extent that they took recourse to insurgency. Insurgency is an arm uprising against a

state in an attempt to protect /preserve the culture and identity of a group/community. However, when the state attempts to break the nerve of the insurgency through the violent counter-insurgency operations, the common people get affected and consequently their sympathy for or empathy with the state wane. Therefore, in the process of erasing insurgency, the state becomes a parallel terrorist outfit and thus fails to resolve conflicts and fails to usher in peace. In the conflict between the insurgent group and the state, the innocent people are made victims. While referring to the state's involvement in the counter-insurgency operations and its consequent transformation into an authoritarian state, Sanjib Baruah points out the shrinking of the democratic space:

> *State's response to ULFA has been more militarist than political. The Indian army and paramilitary forces have been employed to deal with the challenge, and in the process extreme authoritarian methods have been introduced into the fabric of everyday life, especially in those parts of Assam that are seen as ULFA strongholds. (Baruah 1999:144)*

This view is also supported by Udayon Misra, but he adds to it that the shrinking of democratic space is not only due to the formation of authoritarian state but also because of the ever increasing militaristic role of the insurgent organizations. (Misra 2000:140) Therefore, we see in the narrative space of the novel that Partha, a journalist, repeatedly keeps on saying that all of them are victims of the system. Partha's words are concretized by the novelist through the story of Prabhat, a young college student who is picked up by police for interrogation for no faults of his own except, which was later found out by his father, a big leader of the insurgents group was his classmate in his school days. Police "groping in darkness" in the words of Journalist Choudhury tries through this young boy to find a lead to the big leader or perhaps to concoct certain charges against the boy so that they can officially show the big bosses that they are doing their duties. In fact, he is made a scapegoat. However, the frequent calling of the boy to the police station just for asking the same set of questions affects his study, his inter-personal relationships with his peer-group and even upsets his middle-class parents. His father, Narayan Hazarika, a

government employee, is disturbed by this event. He is unable to stop police from harassing his son and indeed he has persuaded his son to keep a date with police at the appointed time. For a person like Hazarika:

> *Whether the deeds of the police are legal or not, this question does not arise in the mind...To obey the system and to adhere to the system are the habitual reactions of the middle-class people. In sameness, the question of rationality or irrationality does not matter, what matters is the illusory hope of security, certainty and justice.* (11)

But when the members of the insurgent group also questioned the boy about his frequent visits to the police station and threaten him with dire consequences if he takes any of their names, Narayan Hazarika acts on his own to find the truth and once he got the truth, he informs the police. However, police records his statement before freeing the boy from the routine visit to the police station. So, the boy is now caught in the cross fire between the state's repressive force and the rebellious separatists force. In such a situation, people's faith in the government and the state cracks. Therefore, Journalist Choudhury tells the Intelligence officer:

> *This is foolishness. If such type of incident proliferates, I think, very soon, there will be disturbances. And see, the irrational and senseless deeds alienate common people from the state. It also weakens the moral base of a state. These are unnecessary (actions of police).* (35)

Indeed, there is a possibility that if such treatments are consistently met out to prabhat, he might get frustrated with the system and then he may actually join the insurgent group. In the Hindi film *Mission Kashmir*, we have seen how the small kid seeing his family killed by the police, grows up to be a dreaded terrorist with an avowed aim to separate Kashmir from India.

Again, when the operation against the insurgent group begins, Prabhat is forcibly taken away from his home by men in civil dress and tortured. Even these military personals badly behaved with his mother and brother. This according to journalist Choudhury has

become a "custom/ritual" (146) He further says:

> *In the present time, arrest is made to terrorize the person...if in a place a family gets terrified, this fear like the communicable diseases spreads throughout the area...(terrorization) aims at destroying the mental strength. For this reason, they (state force) behave badly with the victim and his family, insult them and even try to keep them in uncertainty.* (147)

The nation-state tries to impose its ideologies on its citizens through rational means. Althusser calls it "institutionalization of dominant ideologies," (Althusser 1971) which however, is the ideologies of the ruling elites. These dominant ideologies are institutionalized through certain state apparatuses, which could be schools or clinics etc. In his intimate chatting with the insurgent, Ron, in the narrative space of the novel, Partha tells him how his school imbues in them certain Indian values:

> *During school functions, we used to wear turbans. Our school gave a lot of importance in teaching us about Indian traditions/values...Our school followed strict regimental rules. Although it was not a military school, we were taught to respect the military forces and their traditions. The Indian military traditions were taught to us with great emphasis. However, I felt or perhaps thought later that those great heroes about whose glories we were taught, were the Hindu soldiers who had fought the Muslim invaders bravely...From that time, our young and tender minds were tried skillfully to be infused with Hindu communitarian feelings.* (69)

But, if a citizen fails to imbibe these ideologies of the state, s/he is "normalized" (Foucault 1973) or dominated by the state's repressive forces using "torture and coercion." (155) According to journalist Choudhury, a character in the novel:

> *The objective of torture is not limited to this (to make someone confess about a crime, which s/he has not committed) It has a deeper and wider purposes...I think, by breaking down the mental strength of the victim, which is the main aim of extensive torture, he, his family and the society are forced to obey the nation and its ineffective structures; compel to obey –to conform.* (150)

This is what the repressive forces of the nation did to Prabhat. Even when he is later paroled out from the jail by bribing the police officers, he is not in his old self. He is totally a broken young man and has also lost his mental balance. Therefore, the nation is successful in dominating him. Journalist Choudhury says:

> *A dominated person does not and cannot oppose the authorities or the forces of the state. Such a man always keeps himself low. He honestly obeys the legal system (of the nation), law and order, dictates and commands. He can never gather the courage to protest against the unlawful activities. He becomes mild like pet, domesticated animals.* (154)

However at times, these kind of repressive measures have a toll on its citizens and if the government does not ameliorate the citizens' predicaments, their allegiance to the government suffers and ultimately they disown the government.

The making of the nation in India is still an unfulfilled project, more so with the birth of inimical sub-nationalist forces, who harp on regional disparity to project their separatist tendency, challenging the very process of nation building. In my view, the nation's use of coercive measures in pouncing back has been an immature act. Since these fault lines in the body politic develop due to socio-political and economic factors, the nation should have looked at the growth of separatist forces as such rather than as law and order problems. This is what a young army captain tells Partha in the novel:

> *This insurgency problem is a political problem and it should be resolved in that way. In such internal matters, it is not proper to employ armed forces. Our duty is to defend the borders and to defeat the external enemies. But we obey commands. Since we have been ordered by our top brass to control the restlessness, we will do it as per our capacities.* (209)

Thus, the nation, which has its counter-insurgency policy based on using forces and other repressive measures legitimized by the law of the land, experiences moral strengths in its fight against

insurgents. However, the nation has to endure in the process the sufferings of its own innocent citizens, sometimes due to the highhandedness of the armed forces or due to their over anxious zeal in producing results. This is what Journalist Choudhury tells Partha:

> *The more the numbers of anti-insurgency operations in the region, the more would be the numbers of 'habeas corpus' petitions. The incidents of Human Rights violation would increase and the Courts would be compelled to take an active role in these areas.* (164)

The novelist tries to show us that in certain conflicts where the nation faces its own misguided people, the brutality commits by the security machinery of the state surpasses human imagination and dignity. For instance, a soldier of a search party searching for insurgents' hideouts rapes Sombari, a poor widow of a village. The district administration and the civil police refuse to help her fearing the draconian laws, which are legislated by the government giving all powers in the hands of the armed forces. Even the powers of the High Courts are curtailed and in its place Designated Courts are established. Sombari finding no ways of getting justice tries unsuccessfully to commit suicide. However, on hearing the state force's heinous crime, two young insurgents come to her house to offer her some money, a tactic they employ perhaps to woo the masses towards them. But Sombari does not need solace from these insurgents, what she seeks is justice:

> *Can you bring the man who has raped me to the books of justice? ... If you cannot protect a poor widow, why have you taken arms in your hands? Why have you brought about troubles for everyone? Is it a fun for the boys? This has happened because of your boyish nastiness.* (197)

Sombari understands that armed struggle against a big force as that of a nation is not a boyish fun. It requires maturity. It requires, in the words of Partha, "political direction", "mass mobilization," and "involvement of the masses to the cause." (54) The mechanical reproduction of Che Guevera's methods of warfare will not bring desired results in a situation, which is far removed from that of

Guevera's Latin America. Journalist Choudhury doubts whether the insurgents have actually understood the real Indian nation, which is born out of anti-colonial struggle against the British imperialism. He says, "India is a historical compromise, my boy; India is the culmination of a history of accommodation and sacrifice. The loss of these characteristics (of accommodation and sacrifice) will weaken India's position and this has happened." (78-79) However, Sombari finally gets justice. On highlighting her plight in the newspaper by Partha, the "imagined community" (Anderson 1983:7) stands in solidarity by her. Even the army authorities attempt to make amends with her by deciding to take action against the culprit.

At times, even nefarious designs of the state's forces come to light. The armed force in their anxiety for bringing law and order situation into normalcy shoots innocent persons like Babula, a dumb boy, and later claims success in the name of killing a dreaded terrorist. However, this kind of incidents alienates people from the state machineries and the discontent of the people against the state forces finds expression in protests, which could be either democratic or violent. As Udayon Misra observes, "The excesses committed by the State alienated it further from the people and its moral authority was severely eroded. The collapse of the moral authority of the State actually helped the proponents of *Swadhin Asom*." (Misra 2000:137) But it is equally important to understand that if one protests democratically against the nation, it does not mean that s/he is allying with the insurgents and espousing their cause. In an essay, "Assam: Insurgency and Disintegration of Civil Society," Samir K Das argues:

> ULFA never took any active measures to boost its public image and whatever support and sympathy it enjoyed were conferred on it by the general public (*raij*) more out of their own disenchantment with the prevailing political system than out of any affirmation of its politics. The public, the argument goes, read their disenchantment into its politics. While a good deal of such support and sympathy came from a widespread sense of disenchantment that had gripped the society in Assam, there were, nevertheless, some very significant and positive

initiatives on ULFA's part to reach out to the masses, not only to communicate what they intended to accomplish, but also to receive precious feedback from the public. (Das 2002:98)

Therefore, the need of the hour is to promote good governance along with timely dispensation of effective administration followed by political decentralization.

Dhrubajyoti Bora, through this novel, is also charting out the transformation of the insurgent group into a sophisticated terrorist organization having network around the world. He is pointing out that the insurgent group is responsible for many misdeeds, which include killing of many person who do not subscribe to its views, bombing at the civilian zone, collections of money at gun points from the people, kidnapping of innocent officials with an idea to put pressures on the government and experiencing pleasure watching the helplessness of the government. Bora has also shrewdly brought out through Partha the hollowness in the insurgent group's ideology and also the gap between its rhetorics and practices. In a pointed question of Partha's, a top leader of the insurgents, Bharat Hazarika says:

> *Some people have been killed. We do not deny it rather we have openly accepted it. For the sake of the revolution, sometimes it becomes necessary to kill ... We do not believe in any terrorist activities, however, it is not possible to do everything perfectly even if one wants it. It is not necessary to show compassion to the enemies of the revolution. (...) Though it is important to involve the common people yet it is not always possible,* ***and I feel it is not necessary also****.* (57-58, my emphasis)

From these statements of a member of the insurgent group, it becomes evident as to how far removed the organization is from democratic principles and how increasingly wedded it is to fascist means and methods. While it embarked on its mission against the nation-state because of the latter's undemocratic practices, yet it had ended up now by subverting / deconstructing itself.

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Journal

The journal Social Change and Development intends to provide an academic platform to scholars belonging to the northeastern region of India as well as outside to project issues focused particularly on the region, express their views and analyse the issues putting them in proper perspective, both historically and as guidelines for the future. However, issues cutting across the region's border are also welcome.

The unique diversity of the region in terms of ethnicity, culture, language and social institutions makes the region a challenging area of study for the researchers. Although, there has been a prolific growth of literature on the region, it is still lacking discussions with academic rigour. It is therefore, strongly felt that the social scientists would take up issues for academic debate and the journal acts as a platform for the exercise. This is expected to create a better understanding amongst the people of the region and the rest of the country. The geographical seclusion of the region from the rest of the country is sought to be broken through vibrant academic interactions.