

Functioning of Autonomous Administrative Areas of Northeast India: A Case Study of BTC Region of Assam

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Abstract

The administration of the tribal areas of Northeast India has always been a matter of concern for the Indian Government since independence. The process of safeguarding the rights of the tribal people of this region goes back to the British era when the Interim Government of India had appointed a sub-committee to the Constituent Assembly, viz. North- East Frontier (Assam) Tribal and Excluded Areas Committee under the Chairmanship of Gopinath Bardoloi. The Committee recommended setting up of autonomous district councils to provide due representative structures at the local level to the tribal population. The recommendation was later incorporated into Sixth Schedule (article 244 (2) & Article 275(1)) of the Indian Constitution. Along with that , preservation of customs, culture, language and ethnic identity of tribals of excluded and partially excluded areas other than Assam was incorporated in the fifth Schedule in Art 244 (1) of the Constitution of India. The Sixth Schedule was amended again with the reorganization of Assam and creation of Nagaland, Meghalaya, Mizoram and Arunachal Pradesh from the undivided Assam. Though these areas fall within the executive authority of the state, provision has been made for the creation of the District Council, Regional Council, Autonomous Council and Territorial Council for the exercise of the certain legislative and judicial powers. So far as the district council is concerned it is still functioning in Mizoram, Tripura and Meghalaya.¹ Further there are two Autonomous Councils and one Territorial Council in Assam. In the present paper focus is given to discuss about the functioning of Bodoland Territorial Council (2003) region of Assam. An attempt has also been made to study the challenges and future aspect of this Territorial Council.

Introduction

The tribal areas had drawn special attention of administration since pre independence era. With the acquirement of the Diwany of Bengal by Robert Clive in 1765, British rule had extended as far as the border of Assam. Governor General-in-Council had approved the recommendation of David Scot, Magistrate of Rangpur as regards the establishment of North East Rangpur Civil Commissioner by slicing some area of the Rangpur Magistrate jurisdiction in 1816. Consequently, the Regulation X of 1822 was enforced. It was the first Regulation enforced by the British for administering the tribal areas of North East

¹ Sixth schedule and autonomous administrative areas of northeast India, <http://www.gktoday.in/sixth-schedule-and-the-autonomous-administrative-areas-in>.

India. This Regulation laid down a special provision of administrative justice adaptable to peculiar custom and prejudice of the region.²

After that in 1873 the British administration had imposed Inner Line permit to some parts of Northeast India. This Inner Line permit was outcome of Bengal Eastern Frontier Regulation Act 1873 under which the British administration had tried to safeguard the tribal's of eastern part of Bengal. This inner line permit was enforced in kamrup, Darrang, Nowgong Sibsagar, Lakhimpur, Garo Hills, Khasi and Jaintia hills and cachar from 1st January 1873. After that in 1874, when Assam was placed under the Chief Commissionership, the Scheduled District Act was passed and the whole area under the Chief Commissionership was declared to be "Scheduled District" by this act. According to this act, those remote or backward tracts of provinces of British India which had never been brought under the operation of the general Acts and Regulations and jurisdiction of ordinary court were supposed to be administered by the spirit of indispensable laws. Besides these above mention laws the Britishers passed various Acts like Assam Frontier Tract Regulation Act, Government of India Act 1935 in order to protect the tribal areas of Northeast India.

After that when cabinet mission came to India on 16th march 1946, it suggested to form an advisory committee on fundamental rights, minorities and Tribes. As a result two advisory committee was set up i.e.

1. North East Frontier (Assam) Tribal and Excluded area Committee.
2. Excluded and Partially Excluded areas in Provinces other than Assam.

The North East Frontier (Assam) Tribal and Excluded area Committee was also known as Bordoloi Committee as Gopinath Bordoloi was the chairman of this committee. The other member of this committee was Rev. JJM Nicholas Roy, Rupnath Brahma, Av Thakkar and Mayang Nockcha . The committee submitted its report on 28th July 1947. The report dealt with various aspects relating to the administration of Tribal areas. The Committee put emphasis on the establishment of district Council under Sixth schedule. However the report of the committee has been criticized by various sectors. After a long heated debate in the Constituent Assembly and after certain amendments were made, the sixth schedule finally emerged and was incorporated in Art. 244(2) read with 275 (1) of the Constitution of India. Along with that , Preservation of customs, culture, language and ethnic identity of tribal's of excluded and partially excluded areas other than Assam was incorporated in the fifth Schedule in Art 244 (1) of the Constitution of India.

The Sixth Schedule was amended again with the reorganization of Assam and creation of Nagaland, Meghalaya, Mizoram and Arunachal Pradesh from the undivided Assam. Four different Council appear till now under the provision of the sixth schedule of the Constitution. These councils are Regional Council, District Council, Autonomous Council and Territorial Council. So far as the district council is concerned it is still functioning in Mizoram, Tripura and Meghalaya. . In Assam there are two autonomous

² Formation Autonomus District Council as a part of administrative reforms,
<http://kanglaonline.com/.../formation-of-autonomous-district-councils-as-a-part-of-administ> .

council and one Territorial Council is working. These are Karbi Anglong Autonomous Council, Dima Hasao Autonomous District Council Bodoland Territorial Council,. In the present paper the focus has been laid on the functioning of Bodoland Territorial Council . an attempt has also been made to examine the impact of this council on the development of the area.

Creation of Bodoland Territorial Council

The Bodoland Territorial Council came into being as a result of a prolonged movement spearheaded by the Bodo people since independence. In the pre-colonial and colonial era the Bodos like any other tribal's of Assam remained backward, since they were not categorized under the feudal system of production. Though they knew about the highly developed irrigation techniques, they could not afford them and preferred to use ploughs instead of hoe for cultivation for a much longer time. For this they failed to cope up themselves with growing economic status with other forward sections. As a result, they got themselves relegated to the position of utter backwardness compared to the advanced sections of Assam. With the steadily deteriorating socio-economic backwardness of the Bodos and the persistent reluctance from the side of the government to give recognition to the languages and the distinct culture, the budding Bodo middle class became considerably conscious and assertive of their rights. Since then this budding Bodo middle class developed a deep rooted conviction to mobilize and consolidate their people to fight under one same banner in a bid to assert their constitutional rights as the most befitting measures to extract maximum gain for their development. Consequently, by the late 20th century the Bodoland movement exerted its force with its political character. They for the first time launched a vigorous Bodoland movement under the banner of All Bodo Students' Union (ABSU) for safeguarding their distinctive identity and socio-economic status. However, the genesis of the Bodoland movement can be traced back to the pre-independence period when Gurudev Kalicharan Brahma submitted a memorandum to Simon Commission on 4th January, 1929 at Shillong. Subsequently, the Bodo Sahitya Sabha established in 1952, initiated language movement for the recognition of Bodo Language as a medium of instruction in the Bodo dominated schools and colleges, Plains Tribal's Council of Assam (1967) for a separate state what was called Udayachal and the movement for Roman Script in 1974, which finally was given Devnagri Script in 1975. Moreover, in the meantime All Bodo Student's Union formed on 15th February, 1967, under the Presidentship of Baneswar Basumatary, cordially welcomed the decision to restructure Assam on the basis of federal structure by the then Prime Minister late Indira Gandhi on 13th January 1967. This decision virtually speaking became a great source of inspiration for the Bodos to continue their fight for the cause of statehood.

The emergence of Upendra nath Brahma as the President of All Bodo Students' Union (ABSU) brought about a turning point in the Bodoland Movement, especially for the cause of a separate state. As a part of their strategy the All Bodo Students' Union (ABSU) declared the start of a democratic and peaceful Gandhian mass movement on March 2, 1987. Moreover, the ABSU thought it prudent to have a backing force to reinforce the movement that resulted in the formation of the Bodo Peoples' Action Committee (BPAC). Both the organizations started the movement jointly under the

stewardship of U.N. Brahma. For this purpose they chalked out a 92 point charter of demands which primarily centered around three demands viz.³

- (a) Establishment of a separate Bodoland State on the North of the Brahmaputra River comprising nearly half of the territorial area of Assam.
- (b) Creation of Autonomous District Council for the Bodos living on the south bank of the Brahmaputra River.
- (c) The recognition of the Bodo-Kacharis living in the district of Karbi Anglong as scheduled tribes (H) under the Indian constitution.

However, in course of time, a section of Bodos perceived that democratic method of movement was insufficient and irrelevant to get their demands realized and preferred violent means to non-violent one. Such perception eventually turned the Bodoland Movement violent under the banner of Bodo Volunteer Force (BVF). As a part of political strategy, the BVF applied a slew of violent means which basically included killing, kidnapping, burning of houses, bandhs, picketing and so on. Thus, the Bodoland Movement was initially carried out by the ABSU and BVF based on non-violence and violence respectively. Of course, these two organizations put pressure upon the state machinery that ultimately persuaded the Government to convene a dialogue. As a result, a tripartite talk was held at the Assam Bhavan, New Delhi among the Central Government, State Government and All Bodo Students' Union on 28th August 1989. The talk came to an end without positive output. The failure of the talk provided a source of inspiration for the ABSU leadership to carry forward their movement in a more vigorous way than ever before. They made it a point that the Bodo people would remain restless unless their demand was fulfilled. Many a time untoward incidents took place while the Bodoland movement was carried forward. More importantly it was under the supervision of Upendranath Brahma, the Bodo People Action Committee (BPAC) was formed in 1988. The BPAC was virtually the armed wing of the ABSU because they developed militant tactics and provided armed training for their members for the cause of a separate state. Such a development invariably forced the Central Government to invite the ABSU on 28th August 1989, for the tripartite to be held at Assam Bhavan, New Delhi. The student body and the representatives of Bodo People's Action Committee (BPAC) accepted the invitation and agreed to sit for dialogue with the central government. It was followed by several rounds of talks and negotiations from time to time but they all proved to be futile exercise⁴. Finally, Memorandum of Settlement (MOS), popularly known as Bodo Accord was signed on 20th February 1993, which ensured the creation of a Bodoland Autonomous Council, comprising two bodies i.e. General Council and the Bodoland Executive Council, having jurisdiction over about 2000 (two thousand) villages and 25 tea gardens between river Sankosh and river Pasnoi (Mazbat) in Northern Assam.

³ Dilip Kumar Kundu, *The State and the Bodo Movement in Assam* (New Delhi: A.P.H Publishing Corporation, 2010), 70-71.

⁴ *Bodoland Movement 1986-2001*, (A Dream and Reality by All Bodo Students' Union) P. ix

A good number of organizations both political as well as non-political welcomed the Bodo Accord hoping that it would bring lasting peace and development in the trouble-torn area. However, resentment and opposition to the Bodo Accord came from some quarters regarding the demarcation of territorial boundaries of the Bodoland Autonomous Council that led them to denounce the Bodo Accord of 1993 by the Bodos. Moreover, it gave rise to unprecedented situations like violent conflict between the Bodos and the non-Bodos⁵. As a consequence, a section of disgruntled Bodo youths formed another militant organization named Bodo Liberation Tigers (BLT) under the Chairmanship of Prem Singh Brahma in 1996. The newly formed militant organization got involved in a series of violence, kidnapping and sabotage activities as a political tactics to pressurize the Government for the creation of a separate Bodoland within the Indian Union. This phase of Bodoland movement also witnessed large scale ideologically different fratricidal killing between the rival BLT and the NDFB formed on October 3, 1986.⁶

Meanwhile in the year 1999, the radical Bodo militant Bodo Liberation Tigers (BLT) announced Ceasefire and took over the leadership of the Bodoland movement. Finally, following a threadbare discussion a Memorandum of Settlement was signed at New Delhi on 10th February 2003.

Profile of BTC:

Location:

BTC is the gateway of North-Eastern region of India, which was created by carving out some area of eight district of Assam namely Kokrajhar, Dhubri, Bongaigaon, Barpeta, Nalbari, Kamrup, Darrang, Sonitpur within the State of Assam. The BTC (Bodoland Territorial Council) was formed on the 10th February 2003 under the 6th Schedule of the Constitution of India. Residing on the north bank of the river Brahmaputra, it is bounded on the north by the Himalayan kingdom of Bhutan; on the west by Indian state of West Bengal and in the south and east by other districts of Assam. The region is divided into four districts namely Kokrajhar, Chirang, Baksa and Udalguri, further subdivided into 8 civil sub-divisions and 40 development blocks.⁷

Table 1.1

Administrative Subdivision under Bodoland Territorial Council (BTC) by District

District	Date of Creation of New Districts	Name of Subdivision	Part of Old Districts
Kokrajhar	10 th February 2003	Kokrajhar (HQ)	Dhubri and Kokrajhar
		Gosaigaon	
		Prabhatijhora	

⁵ *Genesis of conflict and Peace : Understanding North-east India Views and Reviews*, Vol.-1 by Anuradha Dutta and Ratna Bhuyan, p. 100

⁶ Dilip Kumar Kundu, *The State and the Bodo Movement in Assam* (New Delhi: A.P.H Publishing Corporation, 2010), 80-85.

⁷ .piyali Dutta, *Women and Bodoland Conflict* (New Delhi: Akansha Publishing House,2016), 76-80.

Chirang	10 th February 2003	Kajalgaon(HQ)	Bongaigaon, Barpeta and Kokrajhar
		Bijni	
Baksa	10 th February 2003	Musalpur(HQ)	Barpeta,Nalbari and Kamrup
		Tamulpur	
		Salbari	
Udalguri	10 th February 2003	Udalguri(HQ)	Darrang and Sonitpur
		Bhergaon	

Source: Statistical Handbook of Bodoland Territorial Council, 2010

The region is composed of various ethnic groups like Bodo, Rava, Garo, Missing etc. Besides them the other communities like Bengali, Muslim, Assamese, Bihari, Marwari, and Nepali are also found in large numbers.

Table 1.2

Demographic Profile of BTC, 2011 Census

Sl.No	Name of District	Population	Male	Female
1	2	4	5	6
1	Kokrajhar	886,999	452,965	434,034
2	Chirang	481,818	244,675	237,143
3	Baksa	953,773	484,825	468,948
4	Udalguri	832,769	423,617	409,152
5	Total	3,155,359	1,606,082	1,549,277

Source: Statistical Handbook of Bodoland Territorial Council, 2010

The above table shows the district wise demographic profile of BTC region. According to the 2011 Census the total population of Kokrajhar district is 886,999 out of which 452,965 are males and 434,034 are females. The population of Chirang district is 481,818 of which 244,675 are males and 237,143 are females. The total population of Baksa district is 953,773 comprising 484,825 males and 468,948 females. Udalguri district comprises the total population of 832,769 including 423,617 males and 409,152 females. Thus according to 2011 Census the total population of BTC region is. 3,155,359 out of which 1,606,082 are males and 1,549,277 are females.

Composition of the Bodoland Territorial Council

BTC is a corporate body having perpetual succession under the provision of the Sixth Schedule of the Constitution of India. The BTC consisted of 46 members out of whom 30 members are reserved for the Scheduled Tribe, 5 for non-tribal communities, 5 open to all communities and 6 to be nominated by the Governor of Assam from the unrepresented communities from the BTC area of which at least two should be women. The nominated members have the same right and privileges as other members, including voting rights. The members, both elected and nominated, are known as Members of the BTC Legislative Assembly. The number of constituencies in each District Council depends on the number of elective seats provided for each Council. In case of the BTC, there are 40 elective seats. Accordingly, the BTC has divided into 40 constituencies to elect the Members of the BTC Legislative Assembly. The term of elected members of the Legislative Assembly is 5 years unless the Council is dissolved. There is a provision of Speaker and Deputy Speaker in the BTC Legislative Assembly, who normally preside over the Council sessions. The Speaker and Deputy Speaker are elected by the elected members of the Council Assembly. They can be removed at any time by a resolution of the Council as provided in the rules.

Powers and Function of BTC:

The BTC Accord provides more power to the autonomous council than the previous BAC Accord. The power of the council were extended to number of departments related to the management of land , forests other than those reserved by the state government, water resources for purposes of agriculture, establishment of village and town committees, matters relating to village and town administration , inheritance of property etc. It also provided for adequate safeguards and protection of the rights of land and other issues of non- tribal communities. Through this Accord Bodo language was introduced in the 8TH Schedule of the Indian Constitution. Further it ensured that Bodo language will henceforth be used as the official language of BTC.

Impact of BTC on the development of BTC area:

Positive Impact:

BTC has brought enormous development in the socio, political and economic development of the Bodos. BTC government has established various agro- farms and industry for the development of the region. For example BTC has acquired 20,000 bighas of Kokilabari Agriculture Farm from the State Agricultural Farming Co Operative in the year 2009. In the first year itself the BTC has developed this farm as central paddy producing farm. It has also acquired Lalpool Agricultural Farm in the district of Udalguri. It has been prepared and developed for producing 100 tons paddy in a year. The banana plantation has been developed by North- East Development Society in Kajalgaon area of Chirang district. BTC has also taken the construction of soil testing laboratory at the cost

of Rs 30 lacs at Kokrajhar.⁸ BTC authority has also given special attention to the sericulture industries in BTC areas through Sericulture Directorate at Kokrajhar. During 2004-2005 the Sericulture Department, of BTC has released Rs. 14.80 lacs for Eri Muga development schemes. A number of SHGs are also engaged in silkworm rearing, spinning and weaving.

2. BTC Accord has also brought many developments in the infrastructure, educational institutions, health etc. The establishment of Bodoland University, Central Institute of Technology (CIT), Engineering College, and Medical College are the result of the BTC Accord. From the present study it is also found that BTC has largely contributed towards serving multiple interests of the Bodo middle class..

3. The Accord has also led to the political empowerment of the people in the region. Many Bodo leaders have made their place in the state level and National level politics. The level of political awareness among the community has also increased.

4. Upliftment of the women in the educational and economic sector is one of the positive impacts of the BTC Accord. Many self help groups have been established for the empowerment of women. For example Mainao Agro-Multipurpose Society, a woman Self-Help Group is financially assisted by BPFWW. (Bodoland Peoples' Front -Women Wing).

Negative Impact

1. Besides positive impact the Accord has also many negative sides. Firstly, the Accords has benefited only to the middle class people of the Bodo society. A large section of Bodo society is not benefited by these Accords.
2. Another negative point is the violation of human rights. Failure of security personnel to maintain law and order has often led to more violence between the armed opposition groups and security forces. Arbitrary arrest, illegal arrest and torture are common. Innocent people continued to be the victims of such violence. Many were tortured on the suspicion of being members or having links with armed opposition groups.
3. The frequent occurrence of conflict in the region become as a hurdle for the social, educational and economic development of the region. The ideological difference between the Bodo groups also led to several conflict situations in the region. The region has experienced inter-community tensions and violence many a time even after the formation of BTC. Between August and October 2008, about 70 people were killed in clashes between Muslims and Bodos in Udalguri and Darrang districts. Recently in the year 2012 another conflict took place between Bodos and Muslims. The tussle over control of land is attributed as the main cause of enmity between the two communities. The conflict also took place between Bodos and Santali's, fratricidal conflict between militant Bodo Organizations i.e. NDFB (National Democratic Front of Bodoland) and BLTF

⁸.Amalesh Chandra Banerjee and Sourabh Singha Roy, *Problems and Prospects of Bodoland* (New Delhi: Mittal Publication, 2010), 32.

(Bodo Liberation Tiger Force). Conflict also has taken place between NDFB (P) and NDFB (R), between the local political parties, Bodoland People's Front (BPF) and Bodoland People's Progress Front (BPPF). All these conflicts stood as barrier in the development of the region. Moreover, it also led to distrust among the various groups.

4. Frequent occurrence of conflict has also led to retardation of educational system in the region. Most of the schools and colleges remains closed during the conflict times. As a result last one decade the pass percentage in high school and higher secondary level has come down.
5. Another negative impact is the lack of socio economic development. Many a time improper use of funds coming for the development works has led to corruption. In equal development is also one of the impacts. The development of the four districts is not same. Compare to Kokrajhar district, the development progress of other districts is very low.

From the above discussion it can be concluded that BTC has large impact on the region. It has both positive and negative impact on the society. Regarding the positive impact we found that it led opportunity to the people of the region to remove their backwardness and improve their social, political and economic status. Both the Accord has been a vehicle for significant social reform.

However besides positive impact it has also many negative sides. Firstly both the Accords has benefited only to the middle class people of the Bodo society. A large section of Bodo society was not benefited by these Accords. The ideological difference between the Bodo groups also led to several conflict situations in the region which also led to large scale violation of human rights. The frequent occurrence of conflict become as a hurdle for the social, educational and economic development of the region. Though various social and non-governmental organisations are playing a significant role the lack of Government's attention towards the activities of the organisation has minimized their role.

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