

The Honourable Shri Gopinath Bardoloi (Assam: General): Mr. President, Sir, I did not want to participate in this debate. But it seems to me that many Members are not fully cognizant of the tribal situation in Assam, and what is more, many have not been able to appreciate the background of the recommendations of the Advisory Sub-Committee set up by the Constituent Assembly for the purpose of enquiring into the tribal situation in Assam.

I wish to state, Sir, that there are three categories of tribals in Assam. There are the plains tribals-- men who were the original inhabitants and who have a culture and civilization of their own. They were gradually absorbed into the folds and the culture of other plains people, to put more appropriately the Aryan culture. These people have now been classed with the minorities, just as the Scheduled classes and they have been granted the same rights as the other minority community.

Then there are the hill tribes proper. These again can be divided into two clear categories. One such class of hill tribes is administered by the Governor as the Agent of, the Governor-General of India and the other class, coming under the Sixth Schedule, is proposed to be administered as autonomous groups. We are not concerned with the first category in the Sixth Schedule except to extent of the provision contained in paragraph 17 which says that any area now administered by the Governor as the Agent of the Governor-General, can be brought under the category of autonomous districts in his discretion only under certain circumstances. For that purpose the Governor has been given power as mentioned by me under paragraph 17.

Now I would like to give this information to the House that in the Agency area these tribes have no self-governing institutions of their own at the present moment. The draft Constitution provides that these areas should be administered directly by the Governor without any restriction whatsoever. But the time may come when they may become fit to govern themselves. The proposal is that at that time they may be brought under the category of autonomous districts. These areas lie on the northern banks of the Brahmaputra on the foothills of the Himalayas. The others who come under the category of autonomous districts are those who inhabit the southern bank of the river bordering Burma and Pakistan. There are some six different types of tribes among them and the autonomous districts are envisaged for them.

Now I want to place before you the background in which this draft had to be formulated. It is not unknown to you that the rule of the British Government and the activities of the foreign Missions always went together. These areas were formerly entirely excluded areas in the sense that none from the plains could go there and contact them. That was the position till 15th August 1947, when India became independent. The foreign rulers till then had in these areas power to send out of the place anyone they desired within 24 hours. Again, Sir, some of these areas were war zones. During the war, the then rulers and officers developed in the minds of these tribal people a sense of separation and isolation and gave them assurances that at the end of the war they will be independent States managing their affairs in their own way. They were led to believe that the entire hill areas would be constituted into a province and put under some irresponsible Governor. You might possibly have read in the papers that plans were hatched in England in which the ex- Governors of Assam evidently took part, to create a sort of a Kingdom over there.

Now, with this background, Sir, our investigation began early in 1946. People of this area were already fully suffused with these ideas of isolation and separation. The most important fact that presented itself before this Committee was whether for the purpose of integration the methods of force, the methods of the use of the Assam Rifles and the military forces, should be used, or a method should be used in which the willing co-operation of these people could be obtained for the purpose of governing these areas.

Sir, it is necessary to mention here that there are certain institutions among these hill tribals which, in my opinion, are so good that, if we wanted to destroy them, I considered it to be very wrong. One of the things which I felt was very creditable to these tribals was the manner in which they settle their disputes. Cases which would go in the name of murder according to our Penal Code were settled by these people by the barest method of Panchayats decision and by payment only of compensation. Then, the democracy which prevails there--through limited in the sense it is confined only to the tribals of a clan or region--will rouse the admiration of any disinterested student. And again take the instance of their village administration. The district authorities have indeed very little to concern themselves with the way things go on there. Take again the case of Ao Nagas who distributed the entire functions of the society through certain age groups of people in their society. The boys would perform certain simple functions, leaving the sturdier functions of the State to the adults, while the elders would give their judgments in cases of disputes and order distribution of lands for jhuming and things of that kind. In other words, they are exercising a certain amount of autonomy which, I thought, and the members of the Tribal Sub-Committee thought, should be preserved rather than destroyed. What is necessary for good government is already there.

It is true that some of these tribal people sometimes indulge in head hunting, but it should be clearly understood that this is only when there is enmity of one clan against another. These people nurtured a spirit of collective hatred in them for generations. The point therefore that presented itself to us was whether we should raise in their a spirit of enmity and hatred by application of force or whether we should bring them up under the broad principle of government by good will and love. The Advisory Committee thought that the latter course was the course that should be adopted. I myself am a firm believer in Gandhian principles. If therefore Gandhian methods are to be followed, there is no alternative but to adopt the course which we have thought was the best method. Now, with that background the draft was prepared and was placed before, you. In the meantime, great changes have come in the structure of the Government of India. More powers are being vested in the Centre today than it was contemplated then. Therefore those powers at present have to be put in the appropriate place. The trend of criticism on the amendments that have been submitted seems to indicate that we gave more powers to these autonomous Councils, perhaps very much beyond what the State Legislature of Assam could. I do not agree with this view. As a matter of fact, most of these provisions are nothing more than translating something which already prevails in the tribal societies, and therefore we are not giving too much as has been pointed out by some of my friends.

Then coming to the amendments which have been moved by Mr. Chaliha, excepting for what he was objecting to that a particular place Dimapur, has been included in the Naga Hills, the rest have all been accepted by the Drafting Committee. It is true that the, area was included in the Naga Hills only for administrative convenience. The Drafting Committee have however provided for two things. First, that any area as a whole could be excluded from the autonomous district Secondly it has also been provided that the men who are living there or similar area shall have the right of exercising their vote in a neighbouring general constituency.

I submit, therefore, that nothing has been proposed here which is not in line with the pattern and the structure of the Constitution which we are framing for the whole of India, and that wherever there was any anomaly, that anomaly has been removed. That is all that I have to say. I therefore request that the Movers of these amendments take into consideration the background of the draft and also the peculiar conditions which prevailed in the hills before.