

POLITICS OF NAGA FEDERALISM NORTHEAST-FRONTIER BROKEN CORNER MIRROR OF BLOODSHED, TEARS, AND TIES

Dr Samson S.Chiru*

**Vice Chancellor, Sangai International Uni. V M.Building Rengkai Road Churachandpur Mn 795128 India.*

***Corresponding Author:**

Introduction

Federalism has been a sort of my favorite term as it is uniting word between/among Centre and units, though in different ways of operational dynamism. In American sense of Northern hemisphere where one of the oldest experimentations of it that is pertinent to be a point of discussion in any deliberation so long civilizations exist. In the Southern hemisphere, largest democratic countries like India the term plays, though in a bit different way as explained below especially in the states such as Nagaland etc.

Review of Literature

Federalism is a unitary state with subsidiary federal features rather than a federal state with subsidiary feature.

Once Nagaland's Leader of Opposition, I Imkong has said that the grant of autonomy and recognition of diversity in federalism gives rise to innovations to make the systems work better. Addressing the International Conference on Federalism at New Delhi, Imkong said that although the 16 Point Agreement of 1960 was not the final answer to the Naga political problem, yet it had helped the Nagas evolve an identity and a unique direction for governance based on their tribal customs and traditions.

Elaborating upon the State of Nagaland which is the only State in India born out of a formal written agreement, Imkong said that there is a "practical manifestation" of the process of federalism in the State which has given rise to various institutions leading to the growth of federalism through the vast scope provided in the Constitution of India. The Naga leader said that the special Constitutional provision in the form of Article 371-A gave vast scope to the people of Nagaland to develop according to their own genius and to safeguard their various social, customary and traditional practices. Such tribal genius was encouraged by persona like Vallabhbhai Pant who gave a guideline spelt out in which to restrict their pastoral life is injustice for tribals especially in Northeast India. This implies non tribal exploitation should be avoided (this forms as a part of alleviation with plainsmen and foreigners in the form of British and Nepalis). So was by Pt. Nehru who coined a parochial treatment by avoiding the two extremes of too much domineering rule and not too far away from the central administration.

"The institutions being evolved are being recognized as deserving replication in other parts of the world," Imkong told the delegates and added that some of the unique institutions that have evolved are the Village Councils, the Village Development Boards (VDBs) and the latest concept of Communitisation **which he termed as "classic examples."** Stating that the creation of the Village Councils was based on the age old tradition and customary practices of the people, Imkong explained as to how this institution has evolved to become a strong and viable institution to maintain administration at the village level.

"With very little policing by the State Government, the communities are maintaining law and order in their respective jurisdiction. It is to the credit of the Village Councils as an institution that there are no police outposts in any of the villages of Nagaland," the Leader of Opposition averred and added that the local communities are able to organise themselves and act much more efficiently for their various requirements including the development process.

Imkong also explained as to how the Village Development Boards emerged basing on the strength of the Village Council. He said that a large chunk of the budget of the State Government is being provided to the villages in the form of Matching Cash Grant (MCG) to the fixed deposit raised by the villages as also 'Household Allocation' at fixed rates annually for village based planning and development activities.

Touching upon the concept of communitisation, Imkong stated that under this programme of the Government, various public institutions and services such as primary education, primary health care, power supply and water supply systems are being handed over to the communities for management and maintenance.

He said that it is fitting as an ideal reform and restructuring process in the present context of globalization and liberalization.

“On the one hand, the Government did not absolve their responsibilities to extend services to the people while at the same time, the people were made responsible and accountable for quality delivery of such services to the people

Taking the case of Nagaland, Imkong said that such examples are relevant to other federal and democratic countries who are confronted with similar problems as the issues of indigenous peoples and ethnic minorities are prevalent throughout the world.

“A serious look at Federalism from the angle as experimented in Nagaland could perhaps provide answers to many similar situations around the world,” he added.

It may be mentioned that the Prime Minister Dr Manmohan Singh addressed the inaugural session of the Conference where around 1000 delegates including President of Comoros Ahmed MA Sambu, Nigerian Vice President Goodluck Jonathan, President of the Swiss Confederation Micheline Calmy-Ray besides heads of states, experts and activists are participating in the three day conference.

Asymmetric federalism and the role of the Governor of Nagaland

The 16th Morung Dialogue by NPMHR, Delhi through a webinar themed, “Asymmetric federalism and the role of the Governor of Nagaland” was held on 5th August 2020 as a follow-up of the earlier dialogue on ‘Naga Peoples’ Aspiration and Law and Order’ in light of the Governor’s letter to the Chief Minister of Nagaland.

The panel included Tapan Bose, Human Rights defender, screenwriter and documentary Filmmaker; Chanmayo J. Aier, Administrator, Charis High Academy, Chumukedima; and Anuradha Bhasin, Kashmir Times.

Mr. Bose set the ground for the discussion by revisiting the Governor’s letter. He said ‘the **governor has painted the Naga issue as a law and order problem and used words and phrases like armed gangs, criminals freely roaming around doing all kinds of illegal activities.**’ The Governor even went on to warn the state that he would control allocation of development funds, writing assessment reports etc. thereby taking control of governance. This, according to Bose, is reducing Democracy to Governor’s rule.

Bose said that ‘asymmetric federalism’ is enjoyed by about 11 states in India. **Like 371-A is for Nagaland, other states enjoy certain special rights under different articles of the constitution. Some of the rights under 371-A includes Nagaland’s right to decide what kind of central law extends to the state, complete control over customary laws, culture, language etc. A criminal can also be tried according to the customary law of the land(Nagaland Tribals and other citizens).** The same constitution under Article 371 A (1) (b) also provides special responsibility to the Governor that undermines the elected representatives.

This according to Bose is a complicated situation. He went on to state that under the current dispensation, there is no regard for the constitution. **Even an article signed between two sovereign entities like that of 370 can be abrogated easily.** There is no guarantee that Article 371A will be kept intact(but later when Article 370-35 was abrogated the Government of India assured that such cannot happen to Nagaland as it is not temporary arrangement but a permanent one in Nagaland’s case). **According to Bose, the Governor’s intention to take over day to day function of the state shows the inability of the Indian government to proceed with the peace process. Rightly the Governor, RN Ravi being made interlocutor of the Indo-Naga Talks derailed by producing Fake Framework Agreement and not the original one as duly signed by Isaac and Muiva, the collective leadership while the former was in his dead bed in Delhi.**

Chanmayo J. Aier echoed the sentiments of the Naga people. She expressed inability to comprehend how the interlocutor can also be the Governor. **The double-role of Ravi has compounded problems instead of solving the issue and posed how the governor will ever parley with Naga political groups again whom he has painted as ‘armed gangs.’ She said, “the vital bridge has been broken and therefore the Nagas are worried.” The ultimatum to sign the agreement in 3 months’ time in 2019 was painful and does not inspire confidence, and the Kashmir issue has created even more doubts, she said. The notion that the fate of 370 will not happen to 371A despite many assurances, is hard to trust.**

Despite all the problems and issues faced by the Nagas today, Aier is still positive that the Naga people will rise to the occasion. This, she said, is exemplified in how people and the villages are responding to the COVID-19 pandemic. As the Government struggled to contain COVID, the Naga public joined hands together and has been very resilient, she shared. According to her, the people still trust the leadership even after so many rounds of talk and the general public not knowing what exactly is being negotiated. She hopes that the COVID-19 pandemic is taken as an opportunity to bring about unity between all the Naga political groups.

Anuradha Bhasin related the Kashmir experience to the situation prevailing in the Northeast in general and Nagas in particular. According to her, what happened in Kashmir in the last year may have a bearing on the rest of India particularly North East. This is because of the similar history of armed conflict and aspiration of the people to protect the local identities and resources.

In the lead up to the abrogation of Article 370, Bhasin said, “the Government tried to disempower the people politically, socially and economically” and shared how there was a sudden pause to talks, the Governor’s power was increased and the centre encroached in local politics. The local governments too were dissolved less than a year prior to the abrogation and subsequently the Legislature was dissolved giving all power to the Governor and all democratic spaces were closed down. These were followed by locking up the entire mainstream leadership and crushing and trampling civil liberties and in one year since the abrogation, many laws were amended. One such change is the recent domicile law that allows outsiders to buy property and settle down, enter state services and institutions and vote in assembly elections.

According to her, people who celebrated the creation of the Union territory of Leh and Ladakh are today becoming more anxious, wondering whether their tribal rights and land will be protected. She called for solidarity between peoples. The J&K experience according to her should be a lesson especially for the people of North-East. The diversity in Northeast is used by the centre to divide the people more.

After the initial remarks from the three panelists, an interactive session followed. On the question of drawing the Kashmir experience to discuss the undercurrents of the Naga issue, Bose, taking cue from Bhasin’s remark, pointed out that New Delhi right from the beginning used different communities in J&K to politically exploit the people. The same has happened in Nagaland where the differences between tribes and the different political groups is being promoted. He continued, “After the Abrogation of 370, they removed the provision that protected the people of Kashmir.”

Today anyone can settle in Kashmir with land entitlement. The big corporates are brought in by the government in the name of development and the locals cannot compete with the big corporates. Today, Nagaland enjoys similar provision under 371 A. Patkai hills are known to be extremely mineral rich and the rain forests are commercially very attractive. Collapsing of the peace process can bring about removal of 371 A.

Mr Bose is concerned that the same can be done in Nagaland. According to him, the Government is virtually bankrupt with corruption. The only thing the government can provide to their masters i.e. industrialists and corporates, are resources and virgin forests. Therefore, the political groups, the civil society and the people should strongly organize itself to make sure that the Government. does not repeat a Kashmir in Nagaland.

Mrs. Aier supplemented and said that attempts have already been made to give away the land, resources and forest to the big corporates. Therefore, it is very important that the Naga people keep a vigil by carrying out our due diligence.

Chuba Ozukum, the former president of the Naga Hoho, also expressed the anguish of the public that have heightened in the midst of the COVID pandemic due to several recent incidents such as the intrusion of the state into the private affairs of the Naga kitchen and dictating what can be consumed there, and the profiling of state government employees being conducted.

A question was put forth by a participant on whether a president’s rule is mandated due to systemic failure of all sorts in Nagaland, where the elected representatives do not have any control, the prevalence of rampant mismanagement of public funds, back door appointments, illegal collection of taxes etc.

Bose responded with a Bengali proverb which says, “Build a canal, bring in the crocodile and then you cry.” NSCN has levied taxes since more than 40 years ago and this was justified by the general public by its support for the movement of the Naga struggle against forced integration with India. He cited the example of the boy killed in Kohima apparently for extortion. According to Bose, he should have been arrested and not gunned down. By doing that, the Governor has subverted the peace process and created a Frankenstein’s monster.

The massive extortion and taxation happening in the Naga society today is created by the Indian government by empowering various political groups. The question should be, why is the extortion happening today and not 10 years ago? Bose categorically said that, President’s rule will not solve the issue but make the issue worse. Bose was also concerned about people in society who compromise for the love of power beyond their due. Society at large should be cautious about such individuals.

Any kind of constitutional guarantee is not a permanent guarantee under the current dispensation according to Bose. The peace process is still in a good lane and should be supported by civil societies in unequivocal terms. The constitution and the flag are more than cultural symbols and represent the struggles of the Nagas. The agreement should form the constitution of Nagaland. This can form the architecture of a more democratic governance model of the state as well as the relationship between the Centre and Nagas. It even holds the hope of being a model that others may learn from.

The participants also pointed out that the negotiators should recognize the fact that there will always be hidden clauses when negotiating with the India State whose machinery still bears colonial imprints. Human interaction should not be approached with absolute faith in the words spoken. It is important therefore to bring back the third-party observers to the negotiating table once again.

The dialogue ended with closing remarks from the panelists. Aier concluded by saying, “The Nagas should harness the spirit of love and respect for each other and live together”. Bose is hopeful and trusts that the long struggle of the Nagas will bring forth its fruit.

The Root Causes of Ecological Crises

The word ecology, economy, and ecumenism originate from the same Greek word *oikos*. In fact, the human relationship with one another, particularly managing economic resources is an important aspect of ecology (Granberg 1984). Unfortunately, ecological crisis occurred through the crisis of broken relationship. The misinterpretation of humans created in the image of God gave rise to anthropological supremacy resulting in ecological crisis. Christianity is blamed for the crisis in ecology (White 1967). He based allegation on the fact that Christianity taught man had dominance over nature so man treated nature in destructive way. He said, “What people do about their ecology depends on what they think about themselves in relation to things around them. Human ecology is deeply conditioned by beliefs about our nature and our destiny—that is, by religion. Worldview will spill over into the external world.” Besides, the dualism in philosophy with its outright interplay to theology treating reality as one higher, superior, dominative, and active and the other is considered as lower, inferior, subordinate and passive. Therefore, the environmental crisis is also concerned with the kind of creatures we are and is an outward manifestation of crisis of mind and spirit (White 1967).

The eco-theologians and the ethicists’ term of ‘Integrity of Creation’ is used in describing the singleness, wholeness and wholesomeness of the cosmos as an ecological and systematic unity. From the ecological view point human beings are part of nature. Therefore there is a need to focus stewardship with the concept of integrity. In this regard, it is pertinent to mention the following points (Douglas 1987):

1. It insists upon the solidarity of the human with all other creaturely existence; the steward, in the Biblical material, is servant amongst servants.
2. It insists upon human accountability for the trusteeship of nature: the steward is neither owner nor master, but must report to another, and must observe the inherent rights and worth of that in relation to which he/she has oversight.
3. The steward symbol as it is developed in the continuity of the two testaments maintains the responsibility of the human creature: the steward (*oikonomos*), without ceasing to be a servant amongst servants, is given particular responsibilities within the household (*oikos*) from where is the common origin of ecology, economy, and ecumenism.

Stewardship

This approach of Christian theologians and ethicists re-interpreted ‘rule over’ or ‘to have dominion’, ‘subdue it’ tended to be re-examined. God has made all other creatures including non-human i.e., animals and plants etc. He wanted man to exist under the rubric of stewardship and relational terms. Man is given greater responsibility of taking care of creations. God cares for all His creatures equally, living and non-living and provides food to each of them (Ps. 104: 13—31). The creator God is the absolute owner. As the Psalmist says, “The earth is the Lord’s and everything in it, the world and all who live in it.”

This stewardship of His creation work can best be understood with (White 1967): “Christian stewardship is based on the concept that everything we have was given to us—our health, our emotions, our intellect, our talents, the social and economic benefits into which we have been born, and all we do or earn or make with what God has given us—all ultimately are gifts from God for which we cannot take credit. In fact, God created everything. He owns everything and they are only loan to us. We are not owners but caretakers. And as the Biblical parable of the Talents (Math. 5:14—30) tells us, we will be held accountable to God for what we do with the resources He entrusted to us.” Care for the environment is Christian concern. The Church and its civil society have sung: “This is my father’s world” (Lawrence 2009) in which included are all His creation which we have been insulting through misuse of air, water, soil and space (Lawrence 2009). Therefore, Christians are global community that should act as a model in the care for the creation-kingdom ethics for unbelievers and steward the earth as part of worship of God (White 2006). When the earth is the Lord’s and all that is in it, the world, and those who live in it, for He has founded it on the seas, and establish it on the rivers (Ps. 24:1—2; Deut. 10:14; Lev 25, 23; Gen. 3:20; Ps. 115: 15—16; John 1:3; Acts 14:15; 17:24—26; I Cor. 8:6; Eph. 3:9; I Tim. 6:13,17).

St. Paul’s ecological tone is seen in Ephesians (Kanagaraj 1998) where he deliberately used the term *oikonomia* in reiterating the ecological concern in which those who are incorporated in Christ share in God’s stewardship by protecting and recreating the whole phase of creation and they participate in God’s administering the ecological economy by sharing their resources with the needy among their fellow beings. Therefore, Christology facilitates Paul’s ecological concern on eco-justice which involves the well-being of humans and of nature. Human activities over two centuries committed drastic ecological and climate change. The Christian response to ecological crises would involve traversing the path that the missionaries traversed (Fernandez 1998). They contributed in discoveries of the old value of the culture of dominant classes amongst the colonized people and renewed the planet rediscovering the value system of the ecosystem people. Although Christian’s engagement with the environment is of long history yet they are blamed for

their lukewarm attitude towards environmental concern (White 1967). For evangelism pre-dominates care for environmental concern. The postmodern theory (Thomson 1914) calls for careful study that pertains to ecological crisis. Creation theory needs special revisit for ecological concern. For God created man in His own image and has responsibility to relate with God and nature. Therefore, this needs reinterpretation to correct the misinterpretation of 'over dominance' that contributed in exploitation of man upon nature.

St. Paul describes the groaning of creation anxiously waiting for liberation/salvation and healing (Romans 8:19—22). Charles Birch pointed out: "An ecological sustainable earth is a necessary requirement for distributive justice. There is no possibility of justice in a world in which the rich exploit resources at the expenses of the poor and of other life." This echoes what in fact, the human relationship with one another, particularly managing economic resources is an important aspect of ecology (Granberg 1984). Thus, some of the causes of the ecological crisis are development, modernization, and industrialization.

Modernization and Violence

The level of social mobilization and the level of economic development are directly associated with political stability (Sen 2009). And this view, of course, varies from one period of time to another period. It also needs to be noted that modernity means stability and modernization instability. For, urbanization, increases in literacy, education, and media exposure all give rise to enhanced aspirations and expectations which, if unsatisfied, galvanize individuals and groups into politics (This is rightly applicable in the place where I stay in Manipur, Northeast India). There is ever increase of consciousness in terms of land and its resources. There have been insurgency and militancy movements to claim autonomy and some even de jure sovereignty and independence by various ethnic groups. In the absence of strong and adaptable political institutions, such increases in participation mean instability and violence. It is observed that the more modern the society is the more stable and suffers less domestic violence (Sen 2009). India has mammoth electorate and successful democracy. However, the rate of development and for whom tends to remain a big question. India has a growth rate of Gross Domestic Product that chases for 9 per cent (presently 7.6 per cent). But it is doubtful even when this target is achieved India will still have disparities and desperados. With the signing of Pan Naga Framework between the Government of India (GOI) and the Nationalist Socialist Council of Nagalim (Isaac—Muiva), the charter of demands ranging from 50 to 100 points wherein included demand for reserved forest which is under the GOI (or to be more precise, the concerned state governments). Nagalim (Nagaland, consisting of contiguous Naga inhabited areas) has rich mineral resources (Souvenir, NSCN 2009). Here in dramatic form can be clearly seen the paradox that modernity produces stability and modernization instability (Sen 2009). So the apparent relationship between poverty and backwardness, on the other hand, and stability and violence, on the other, is a spurious one (Sen 2009). It is not the absence of modernity but the efforts to achieve it which produce political disorder. Nagas are in the process of modernization. Thus, the definition of modernity and modernization defined. It is not backwardness but modernization that exists to suggest the causes of violence. Now this can be understood likewise: wealthier nations tend to be more stable than those less wealthy, but the poorest nations, those at the bottom of the international economic ladder, tend to be less prone to violence and instability than those countries just above them (Sen 2009). Where does my country lie in these three? Whichever may be the case, India has strong democratic institutions which act as different from other countries, say that of China? But human rights violation is rampant both in these countries of passing reference compared countries.

Entitlements and Ownership

The scope of ownership relations can vary immensely with the practice of economic system. A capitalist economy permits private ownership of the means of production: land, labour and capital (Sen 2009). Whereas, a socialist economy may restrict this. In all these economies, irrespective of judgmental on bad or good, a person will be exposed to starvation if the exchange of entitlement set does not contain any feasible bundle including enough food. However, starvation is the characteristic of some people not having enough food to eat. It is not the characteristic of there being not enough food to eat (Sen 2009). This is the scenario of poverty in the midst of plenty. A person may have enough money and yet still go hungry sometimes. That is because he mismanages his money. He may not wear proper cloths and no proper roof either. Is this poverty? No. Poverty is the state in which a person cannot afford to live in minimum standard prevailing in particular society (a state of condition where it is below the minimum standard). This may vary from one society to another. The opulence of some people in another society may not be poverty, at least may be lower standard in another society in developed West as the standard is high? The viewpoint of industrialization and modernization were explained. It was discussed here that the poor in whichever society they may belong to but undergoes a situation where they are deprived of benefits of development on account of lack of equity and equality of justice. Now further impact of exploitation of ecology against the relational terms in technological application will be discussed.

From the ecological view point justice is a form of authentic and life-enhancing interdependence between man and between society and its environment. With development comes technology. Technology plays an important role in today's world of the 21st century. It either destroys or creates depending on its right application and wrong application. Ian G. Barbour criticizes technology on three different issues: 1. Exploitation of the environment, the exploitative attitudes which have led to environmental deterioration; 2. Reliance on power-military force/equipment which is mainly for destruction; and 3. The impoverishment of experience. Rev. J. ThungjamoLotha in his article cited example of exploitative technology in Nagaland in which before the coming of technology destruction of forests in Nagaland was

negligible. But now with the introduction of technologies such as saw mills, veneer mills, plywood factories and the paper and pulp industry, forest in Nagaland are fast disappearing, and the profit of which goes to only a few elite. There are numerous causes of the ecological crisis. My paper is concerned about Christian theological perspective and its scientific relational to this as held responsible as anthropocentric. Modern science and technology are products of Western culture, and because Western culture has at its roots from Christian attitudes and principles, and because Christianity is arrogant toward nature and views nature as having no reason for existence except to serve mankind, then Christianity bears burden of guilt for our current ecological crisis. It is referred here to Genesis 1:26—28. From anthropocentric perspective ‘to rule over’ or ‘to have dominion’, ‘to subdue it’, resulted in indiscriminate destruction of nature.

The human relationship in terms of justice and dilemmas of technological choice opined by climate thinkers revealed that the climate change is a serious and long-term global threat and disproportionately affects the poor and vulnerable people. According to the scientific reports, the greatest risk of relative impacts is expected in regions and countries, where emissions are the lowest. In this respect, distributional considerations affect policy decision-making across all scales of governance (Ms. Arzuhan Dogan Yalmdag, Chairperson of Board of Executives, Turkish Industrialists’ and Businessmen’s Association n.d.; Hindustan Times 2016, 2). The issue of climate change is now widely recognized as one of the major challenges for mankind in the 21st century, not only because it may ultimately affect many areas of our environment, nature and human activity, but also its mitigation may have far reaching consequences for almost all sectors of the society and economy. But the effects are different depending on their location, economic status, history of development and governance patterns (Dr. Atiq Rahman, Executive Director of BCAS, Dhaka and the Winner of the UN Environmental Award—the Champion of the Earth, 2008). He said, “Three factors are having direct impact on the environment: population, consumption, and technology which decide how much spaces and resources are used and how much waste is produced to meet consumption needs.”

Hence, for reducing on the impact of consumption levels, working on eco-friendly technology and controlled rate of population are advisable. It is predicted that by 2050, the world population will reach 9.2 billion (from 6.7 billion marks). Most of the environmental changes have taken place as people have started to exploit the natural resources. This is done through modern technology (Source: World Development Indicators, January 2011). Technology is itself good to enhance the quality of life. But how it is used, by whom, for what purpose, and at what cost to the community of all life? The theories discussed here spawn understanding crises and cries of the ecological imbalances.

Scientifically it can be said that, other than the relational crisis of the creator and the created, the ecological problem has many facets, such as depletion of ozone layer in the stratosphere, greenhouse effect resulting in global warming, air and water pollution, erosion of soil, extinction of wild animals and deforestation etc. The world is experimenting with ever increasing carbon dioxide and other greenhouse gases in the atmosphere. The greenhouse emissions destroy the hope for the survival of future generations. The gases act like greenhouse to capture solar energy and, gradually, the earth warms up. Glaciers and polar ice melts, ocean currents change, and sea levels rise. I hail from the North Eastern Region of India. The growing concern about in the region is increased degradation of the environment. Seventy per cent of the area being hilly, it is felt that much of the deterioration is due to indiscriminate felling of trees, shifting cultivation, and mining. There has been massive increased of human activities towards utilization of natural resources affecting the climate and ecosystem of the region. One of the major problems, as anywhere else, in the region is population problem of the people. The region occupies approximately 7 per cent of the country India in terms of area i.e., 2.35 million square kilometers. In thirty years (1961—1991) there was 2.5 folds increase with the figure as high as 13.3 million to 31.38 million. Therefore, the region witnessed signs of severe strains of the problem of land degradation water stress, food shortages, and depletion of natural resources particularly forest resources.

Scope and methodology

Federalism is a term derived from Latin word *foedus*, this means a covenant. Federalism is a legal politico device. India has a federal character of Centre-State relations--a centralized federalism. The arrangement of powers between the central government and the state governments is made as per an agreement or covenant that is usually made a part of the federal constitution. It is more of a centrifugal in Indian case than a centripetal as it is in USA. In a centripetal process of formation of federation a number of smaller states having geographical continuity tend to come towards the centre to form a bigger sovereign state by surrendering some of their powers to the emergent federal polity. The current 50 states of the US federation were unconnected colonies of the British that gradually joined the United States federation by revolting against the British. The federal government enjoys a set of definite powers, known as the enumerated powers, which are clearly spelt out in the Constitution whereas the residuary or the reserved powers are vested in the people that are, in fact, the powers of the states. However, the judicial review in its verdict *McCulloch v. Maryland* of 1819 had considerably expanded the powers of the federal government. Whereas, Indian federal structure, though which came into existence through a centrifugal process after the commencement of the Constitution of India on January 26, 1950 (adopted in Nov., 26, 1949), is an example of the administrative units going away from the centre to exercise more powers than previously enjoyed now, yet the British India was technically a unitary colony under the British. For administrative convenience the British had created provinces but these provinces exercised though provincial governors were delegated to them by the Governor-General who was under the direct control of the Secretary of State for India, a member of the British cabinet. Thus, it was a highly centralized arrangement wherein the real powers belonged to the British Parliament. Although Dr. B.R. Ambedkar’s opinion on the, “The States under our Constitution are in no way

dependent upon the centre for their legislative or executive authority” has been contested, however, by an expert, Granville Austin, who points out that “in theory Articles 200 and 201 invalidate the division of powers for there is no means of overriding a President’s veto in case of State legislation.” This statement is endorsed to the extent that the Article 200 that empowers the Governor of a State to reserve a Bill for President’s assent and Article 201 under which the President may veto such a Bill practically negate the spirit of federalism. However, the usage of the term ‘Union’ instead of ‘federalism’ was deliberate and not without justification. As in his speech of November 4, 1948, in the Constituent Assembly, Dr. B.R. Ambedkar said this about Indian federalism: “All federal systems including the American are placed in a tight mould of federalism. No matter what the circumstances, it cannot change its form and shape. It can never be unitary. On the other hand the Draft Constitution can be both unitary as well as federal according to the requirements of time and circumstances. In normal times, it is framed to work as federal system. But in times of war it is so designed as to work as though it was a unitary system...” There were historical, financial and ethnic reasons for creating a federal structure with a strong Centre. The Constituent Assembly was under tremendous pressure to frame a Constitution that could effectively protect the unity and integrity of the nation. Briefly the following are some of the other reasons of strong centralized tendencies by design: 1. Jammu and Kashmir issue which was resolved by its abrogation of the Article 370 and 35 A (2019) but continuance of internal and external conflicting dimensions; demand for return of Pak Occupied Kashmir from Pakistan(gaining momentum in 2025). 2. North-eastern India of which Naga secessionist issue and other subsequent developments of the region through subversive activities realized by movements in the region including Mizoram(Lusei Hills in 1950s in its Autonomous District Councils and later in its Union Territory and in 1984 full-fledged statehood, by giving up Mizo sovereign country)(Pan Naga Framework under consideration). 3. Public Finance power by Union Government to allocate financial resources to comparatively backward in terms of economic, social and educational development than while in British India. 4. The ethnic diversity was one of the overriding reasons to create linguistic States (As is the present conflict between states/going for election soon, specifically Tamilnadu etc. and Centre) and a strong Union to keep these diverse federating units together. 5. Single Citizenship 6. Single Constitution. 7. Unified Judiciary. 8. All-India Services. 9. No Equality of State Representation(the total members of Rajya Sabha are 250 out of which 238 are elected by the members of Legislative Assemblies of the States and the number of elected members is assigned to each state as per its population(varying from 1-34 number of members). The remaining 12 members are appointed by the President of India for their distinguished services in the fields of literature, science, art and social service. 10. Strong Central Bias. This central biased feature of federalism is remarked as quasi-federal (K.C. Wheare). Though this point is critiqued as there is nothing quasi or semi about federalism but simply a new federalism which has taken root and is now increasingly assertive (Arora: 2012). This is further strengthened through the process of participation by state-based political parties at the national level that has reduced the incidences of the use of President’s Rule, which had often been used in the past to keep the state governments under check (Ibid). Federalism and other components of the Indian constitution in its manifestation for flexibility and diversity are remarked as “stretchable as a rubber band/balloon (Kamson M: 1997 a personal interview; He influenced the policy of Indo-Naga unconditional talks initiated by the then Prime Minister Narshimha Rao as seen in his status note to him (PM) as Minister of State, Home Affairs. In fact he was specifically assigned for to initiate. Wherein in his Status Note to the Prime Minister it was found that he consulted the then Chief Ministers: Rishang Keishing of Manipur, S. C. Jamir of Nagaland, and Chief of Army Staff, Shankar Roy Choudhury).” This is echoed in a similar fashion by Arora that India’s search for unity in diversity has led it, with the help of a flexible and adaptable Constitution, to experiment with a wide range of devices available in the federalism toolkit...and the sky is the limit, provided a space can be located in the Constitution...diversity has thus been federalized in diverse ways, retaining the essence of the federal principle but displaying remarkable pragmatism in adjusting it to suit Indian realities(Arora). This may be termed as identity or in other words diversities in India are an identity itself. The proposed Book publication through the aegis of Dream Book Publishing where India presently is projected as a country that would accommodate sixty percent youth force by 2050 as the largest country of youth force bypassing even countries from developed Western world including most populous China. To them (more than 60 per cent projected Indian youth force) this proposed publication would be preferably targeted at as a source of inspiration on the issue of Indian federalism, a flexi-intent enshrinement in the Constitution by the founding fathers? The preparation for that volume/quantum of populace India would be witnessing by then would hugely affect/impact the mentality and mindset is dependent on the volume of publications on issues that pertain to youth force (liberal and no more orthodox/traditional dependent upon which India is headed by political ideologies the ruling dispensation then and now) who would be drivers of change. As this volume is in English medium it is expected that large readership would be from English speaking youths and their readership as is--**English language made the British empire, but Gandhi and Nehru showed how it could be used to unmake it—how the language could be a tool of insubordination and, ultimately, freedom(Sharma M.: 2017)**. The foregoing quote is applicable also to any authoritarianism and its opposition in curtailment of freedom and right to life. The attempt of this volume is also to include the environmental issues and how such issues of global nature as rightly has been spearheaded by youth icons like Greta Thunberg. Ever since her debutant vocal attack on world leaders like President Trump (In his first term so in his second term...mind you he is preparing for his third term, perhaps he wants to go for the earlier unlimited terms similar to Indian election system) since his first term withdrawal from the Climate Change Policy, the world witnesses the role of youngsters in voicing their deprivation of their breathing air/clean air and related issues of survival. In Indian context the incorporation of Article 246 in List III—Concurrent List—of the Seventh Schedule of the Constitution wherein, the Constitution of India puts on the “State” as well as on the “citizens” a duty for protecting and improving the environment in order to achieve the objective of sustainable development which is

essential for the young generation(*ibid*). To tackle this area the volume/book would address the correlation existence of indigenous people(Northeastern India)and the biodiversity that has impinged the researches on Climate Change and Global Warming which is termed when we are rained down we need umbrella(conversation sharpen with identity in diversity of Chiru affiliation first with Naga Academic giant, late Professor Gangmumei in 2009: refer “Tribalism and the Tragedy of the Commons”) and this can be applied in both traditional and non-traditional security sense affecting all. The volume/book would conclusively arrive at the logic of how nature nurtures the need of humans but not their greed—leading to COVID 19 Pandemic crises (However the findings of the scholars/though in need of further investigation of the findings, how pollution caused by human activity in its absence during COVID 19 resulted into Amphan(super cyclone) with increasing wind velocity causing large scale havoc and destruction to human lives and infrastructure by wind and rain through the landfall: IANS, 19th May, 2020). The Northeast Indian section readership and its Diaspora/like-minded interested people from all walks of life through the process of reaching the readership wide publicity in social fora have been explored judiciously. The volume also shall perhaps give a new re-visitation of the practices and experimentation of federalism in India which shall inspire the readership (any discipline of persons interested in) with a wide range of issues that are worth, innovative, creative in nature and sensibility, and delve in the dynamism of the founding fathers of the Constitution of India.

This study would delve in detailed account on the subject and its historicity. In Naga federal structure, Nagas claim that they were never part of India as British India till 1947 ruled in which Naga world was cut off from India, even British India did not know in entirety that Nagas existed. Except Khonoma village was found where it was explored when the British expedition through enquiry from locals that there were Nagas beyond Khonoma(Asoso Yunou). There were un-administered Areas. When Nagas submitted memorandum called Naga Club in 1918 to British India, they stated Nagas were never part of India. This was signed by 16 tribes representing all Nagas including Kukis in Nagaland.

There was a treaty or an Act called Inner Line Permit signed in 1893 which restricted the entry of outsiders into Naga territory. I found that the Aborigines in Australia were treated similarly. This of course was done this way by the British to protect the people and land/resources of these highlanders. There was Criminal Act in 1873 by British India which when compared with Armed Forces Special Powers Act of 1958 (AFSPA) amended in 1972 was far harsher and draconian. For the former was empowered with the role of Commission Officer as now in 21st century Women in India are empowered too to the rank of Commission Officer. The difference further of women police presence made in AFSPA to deal with women and children by the security forces. However, hardly been implemented but Right to Information took some care of the plight of dealing of women and children by security forces. The security forces are dealt firmly through Right to information Act.

There was in recent history discovered by excavation that there was Naga civilization six thousand years beyond. Naga federal structure came into existence with the relations developed with British. This was initiated by Pawsey, the British officer after the First World War India with the signing of 1918 Naga club thereafter in 1929 with the signing of Simon Commission. British rule in India and 1935 Act leading to 1947(Nagas declared independence from the British India on 14th August,1947 as many Agreements entered between British India and later independent India with Nagas were derailed, though Nagas struggle/movement continued to this day as some factions especially NSCN(I-M) refused to accept to join Independent India(NSCN I-M was formed in 1988 prior to that they were part of A.Z. Phizo faction) in 1963 with the formation of Nagaland state in 1963 Article 371 freed Nagaland in Religious and Customary law and Cultural aspect and as such there is no federal relations on this count and if at all, Nagaland is independent so far as on religious and cultural moorings, Indian Parliament is defeated with no reason to interfere or intervene in this Article 371 inserted with due permanency unlike Jammu and Kashmir Article 370 and 35-A which was temporary in nature and was abrogated recently. Even Shillong Accord of 1975 was rejected by A.Z., Phizo NNC Supremo.

Federalism is a term derived from Latin word *foedus*, which means a covenant. Federalism is a legal politico device. India has a federal character of Centre-State relations--a centralized federalism. The arrangement of powers between the central government and the state governments is made as per an agreement or covenant that is usually made a part of the federal constitution. It is more of a centrifugal in Indian case than a centripetal as it is in USA. In a centripetal process of formation of federation a number of smaller states having geographical continuity tend to come towards the centre to form a bigger sovereign state by surrendering some of their powers to the emergent federal polity. The current 50 states of the US federation were unconnected colonies of the British that gradually joined the United States federation by revolting against the British. The federal government enjoys a set of definite powers, known as the enumerated powers, which are clearly spelt out in the Constitution whereas the residuary or the reserved powers are vested in the people that are, in fact, the powers of the states. However, the judicial review in its verdict *McCulloch v. Maryland* of 1819 had considerably expanded the powers of the federal government. Whereas, Indian federal structure, though which came into existence through a centrifugal process after the commencement of the Constitution of India on January 26, 1950(adopted in Nov., 26, 1949), is an example of the administrative units going away from the centre to exercise more powers than previously enjoyed now, yet the British India was technically a unitary colony under the British. For administrative convenience the British had created provinces but these provinces exercised though provincial governors were delegated to them by the Governor-General who was under the direct control of the Secretary of State for India, a member of the British cabinet. Thus, it was a highly centralized arrangement wherein the real powers belonged to the British Parliament. Although Dr. B.R. Ambedkar’s opinion on the, “The States under our Constitution are in no way

dependent upon the centre for their legislative or executive authority” has been contested, however, by an expert, Granville Austin, who points out that “in theory Articles 200 and 201 invalidate the division of powers for there is no means of overriding a President’s veto in case of State legislation.” This statement is endorsed to the extent that the Article 200 that empowers the Governor of a State to reserve a Bill for President’s assent and Article 201 under which the President may veto such a Bill practically negate the spirit of federalism(Also that to come to the level of this stage, the advice of the Legislative Assembly to the Governor is intact as per Article 200 which in a case like Governor Ravi of Tamilnadu who withheld Bills to be sent to the President of India which being ruled out by the Supreme Court of India in 202). However, the usage of the term ‘Union’ instead of ‘federalism’ was deliberate and not without justification. As in his speech of November 4, 1948, in the Constituent Assembly, Dr. B.R. Ambedkar said this about Indian federalism: “All federal systems including the American are placed in a tight mould of federalism. No matter what the circumstances, it cannot change its form and shape. It can never be unitary. On the other hand the Draft Constitution can be both unitary as well as federal according to the requirements of time and circumstances. In normal times, it is framed to work as federal system. But in times of war it is so designed as to work as though it was a unitary system...” There were historical, financial and ethnic reasons for creating a federal structure with a strong Centre. The Constituent Assembly was under tremendous pressure to frame a Constitution that could effectively protect the unity and integrity of the nation. Briefly the following are some of the other reasons of strong centralised tendencies by design: 1. Jammu and Kashmir issue which was resolved by its abrogation of the Article 370 and 35 A (2019) but continuance of internal and external conflicting dimensions; demand for return of Pak Occupied Kashmir from Pakistan(gaining momentum in 2025). 2. North-eastern India of which Naga secessionist issue and other subsequent developments of the region through subversive activities realized by movements in the region including Mizoram(Lusei Hills in 1950s in its Autonomous District Councils and later in its Union Territory and in 1984 full-fledged statehood, by giving up Mizo sovereign country)(Pan Naga Framework under consideration). 3. Public Finance power by Union Government to allocate financial resources to comparatively backward in terms of economic, social and educational development than while in British India. 4. The ethnic diversity was one of the overriding reasons to create linguistic States (the ongoing tussle between the Stalin of Tamilnad and other non BJP states who are going for state election soon) and a strong Union to keep these diverse federating units together(in times of war). 5. Single Citizenship (though persons of Indian origin settled in different countries of the world). 6. Single Constitution. 7. Unified Judiciary but independent one. 8. All-India Services. 9. No Equality of State Representation(the total members of Rajya Sabha are 250 out of which 238 are elected by the members of Legislative Assemblies of the States and the number of elected members is assigned to each state as per its population(varying from 1-34 number of members). The remaining 12 members are appointed by the President of India for their distinguished services in the fields of literature, science, art and social service. 10. Strong Central Bias.

Journey of the Indian Constitutional State

January 25, 2025

Why in News?

India celebrates the 75th anniversary of the coming into effect of the Constitution of India.

What is the character of Indian constitutional federal structure?

- **Union of States** - The term ‘federation’ has nowhere been used in the Constitution and Article 1 of the Constitution describes India as a ‘Union of States’.

- **Reason** - According to Dr. B.R. Ambedkar, the phrase ‘Union of States’ has been preferred to ‘Federation of States’ to indicate two things

- The Indian federation is not the result of an agreement among the states like the American federation.

- The states have no right to secede from the federation.

KC Wheare described the Constitution of India as “quasi-federal”. He remarked that “Indian Union is a unitary state with subsidiary federal features.

- **Canadian model** - The Indian federal system is based on the ‘Canadian model’ and not on the ‘American model’.

- The ‘Canadian model’ differs fundamentally from the ‘American model’ in so far as it establishes a very strong centre.

- **Co equals** - Dr. Ambedkar explained that the ‘Centre and the States are co-equal’ in matters of legislative and executive authority.

- The overriding powers for the Union are only placed “to be used in an emergency”.

- **Regular conduct** - The regular conduct of democratic business in India is within a federal framework and not to be mistaken for a unitary one.

- **Basic structure** - Constitutional courts have confirmed that federalism to be a part of the basic structure of the Constitution, in *S.R. Bommai vs Union of India* (1994) and *Government of NCT of Delhi vs Union of India* (2024).

What are the recent federal constitutional issues?

- **Interpretation of India’s federal structure** - Many of the constitutional issues that have been keenly debated in recent times have been around India’s federal structure.

- **States vs Governor** - Tussles between State governments and some of the State Governors have made their way to the Supreme Court of India.

- **Simultaneous elections** – Conducting lok sabha and state assembly elections simultaneously has been debated between administrative efficiency and federal significance.

- **Regional languages** - The neglect of 'regional languages' such as Tamil, Kannada, Bengali, Marathi and so on is being argued from the vanguard of multilinguistic equality and State autonomy.
- **Fiscal federalism** – It has been a major sticking point for States that are suffering under the dual regime of the Finance Commission and the Goods and Services Tax Act.
- **Delimitation exercise** – This will determine the democratic future of India and set to result in a showdown between the Union and States that have controlled their population.

What are the challenges to social democracy?

- **Threat of police state** - Preventive detention, arbitrary arrests, denial of
- **The Scheduled Districts Act, 1874:** In February 1874, the management of Assam was taken out from the Lieutenant Governor of Bengal, and Assam was formed into a separate administrative unit called the 'Chief Commissionership of Assam'. Soon after this separation, the Scheduled Districts Act 1874 was enacted in April, the same year. The main objective of this Act was to remove the uncertainty which had existed regarding the actual operation of a number of laws in various parts of British India. The uncertainty had related to the local enforceability of the enactments and even as regards their being in operation or not. The Act sought to remove such uncertainty and confusion. In this Act, the term 'Scheduled Districts' was introduced and used to mean "those remote or backward tracts or provinces of British India which had never been brought within or had from time to time been removed from the operation of the general Acts and Regulations and jurisdiction of ordinary courts or in which that operation was not complete, and officers were supposed to be guided by the spirit of indispensable laws or were actually guided by such laws as had somehow or other been considered to be in force." The Act vested in the local government the power to declare as to which laws were in force or not in force in certain specific areas in question, and also the power to extend to any Scheduled District or to any part thereof, any enactment which was in force in British India. Under this Act, the entire Chief Commissionership of Assam was declared as a 'Scheduled District'; and along with it 'Garo Hills', 'North Lushai Hills', 'Mokokchung Subdivision of Naga Hills District', and 'South Lushai Hills', and parts of Chittagong Hill tracts, were also made Scheduled Districts. The Assam Frontier Tracts Regulation 1880 empowered the Chief Commissioner of Assam to remove any part of that area from the operation of the laws and Regulations in force therein. The Preamble of the Act stated that it was expedient "to provide for the removal of certain frontier tracts in Assam inhabited or frequented by barbarous or semi-civilized tribes from the operation of enactments in force." In other words, the stage of backwardness of the tribes of such tracts was given as the reason for such separate treatment of them. The Montague-Chelmsford Report of 1918 which recommended for reforms in British India, was in favor of the continuance of the erstwhile British policy of separation of the tribal tracts from the operation of general laws and Regulations. The Report stated that there were certain backward areas (tribal hill tracts) to which the political reforms could not apply as the people of these areas were primitive and "there was no material on which to found political institutions." The Report recommended that such tracts should be administered by the Governors. The Government of India Act 1919 incorporated the recommendations of the Montague-Chelmsford Report. The accepted recommendation in respect of the 'backward tracts' was framed and inserted as 'Section: 52A' into the pre-existing Government of India Act 1915, and by inserting this Section (52A) into the Act of 1915, it became the Government of India Act 1919. Section:52A clause (2) of the Act of 1919 provided that "the Governor-General in Council may declare any territory in British India to be 'backward tract' and that any Act of the India legislature shall not apply to the territory (declared as backward tract) in question, or any part thereof." In exercise of the powers provided under Section: 52A of the Act of 1919, the Governor-General in Council specified and declared the following tribal inhabited territories of Assam as "backward tracts": (1). The Garo Hills District. (2). The British portions of Khasi and Jaintia Hills District (other than the Shillong Municipality and Cantonment). (3). The Mikir Hills (in Nowgong and Sibsagar Districts). (4). The North Cachar Hills (in Cachar District). (5). The Naga Hills District. (6). The Lushai Hills District. (7). The Sadiya Frontier Tract. (8). The Balipara Frontier Tract. (9). The Lakhimpur Frontier Tract. This specification of the tribal territories as "backward tract" as a separate category of an area different from the general population under the British administration, may be considered as the seed for the future "Tribal Areas" specified under the Sixth Schedule of the Constitution of independent India. It may be noted here that the consolidation of the British colonial rule and administration in northeast India from 1765 onward, took a long time – different parts of the region came under the British rule at different point of time. The Britishers established their rule over the Assam Plains in 1826, Cachar Plains in 1830, Khasi Hills in 1833, Jaintia Plains in 1835, Mikir Hills (now, Karbi Anglong) in 1838, North Cachar Hills in 1854, Naga Hills (now, Nagaland) during 1866-1904, Garo Hills in 1872-73 and Lushai Hills (now Mizoram) in 1890. A number of changes took place in the form of administration over Assam. On February 6, 1874, the management of Assam was taken out from the Lt. Governor of Bengal and put it under a separate Chief Commissioner. In 1905, when Bengal was partitioned, Assam was made a part of the Province of Eastern Bengal. In 1912, Assam was once again made a separate unit under a Chief Commissioner. Finally, under the provision of the Government Act of 1919, Assam became a Governor's Province in 1921. All throughout these stages of administrative, political and constitutional development, the British had continuity of policy for separate management of tribal affairs and tribal areas of northeast India. The Indian Statutory Commission, 1930, otherwise commonly known as the Simon Commission, examined in details, among other things, the political and administrative status of the tribal areas called the 'backward tracts' which were specified and declared under the Act of 1919. In its Report, the Commission stated that there were 'backward tracts' (as specified and declared under the Act of 1919) in five of the eight Provinces of British India, namely, Assam, Bengal, Bihar & Orissa, Punjab, and Madras, comprising 120000 square miles with a population 11.25 million. [The rest three provinces (viz., Bombay, the United Province, and the Central Province) did not have backward tracts.] Of these, the whole of Assam backward tracts alone

covered 50,000 square miles with a population of half a million tribesmen. The Commission found that these backward tracts were not included within any constituency and had no vote for election to the provincial legislatures. However, the Commission considered that these backward tracts needed to continue to be excluded from the general constitutional arrangements. The Commission reasoned that “the stage of development reached by the inhabitants of these areas prevents the possibility of applying to them methods of representation adopted elsewhere. They do not ask for self-determination, but for the security of land tenure, freedom to pursuing their traditional method of livelihood, and the reasonable exercise of their ancestral customs. Their contentment does not depend so much on rapid political advance as on experienced and sympathetic handling, and on protection from economic subjugation by their neighbors.” The Commission also suggested the certain principle of policy that “the responsibility of Parliament for the backward tracts will not be discharged merely by securing to them protection from exploitation and by preventing those outbreaks which have from time to time occurred within their border. The principal duty of the administration is to educate these peoples to stand on their own feet, and this is a process which has scarcely begun.” Considering the question as to what kind of arrangement should be made for the backward tracts in connection with the constitutional changes which the commission was going to propose, the Commission recommended that a strong centralized administration would be desirable for the backward tracts for the reason that “the typical backward tract being a deficit area, no provincial legislature is likely to possess either the will or the means to devote special attention to its particular requirements.

• **The Government of India Act, 1935:** Consequent to the Simon Commission Report, the Government of India Act, 1935 was enacted. In this Act, a chapter was devoted to the matter of backward tracts (tribal areas). Accepting the recommendation of the Simon Commission Report, the Act of 1935 abandoned the terminology of “backward tract” and replaced by a new terminology for the tribal areas as “Excluded Areas” and “Partially Excluded Areas” — thereby specifying them into two categories. These tribal areas were excluded from the purview of the provincial legislature. The “Excluded Areas” were to be administered by the Governor himself in his discretion (without the advice of his ministers); and the “Partially Excluded Areas” were to be special responsibility of the Governor, despite the advice of his Ministers. “No Act of the Federal Legislature or of the Provincial Legislatures shall apply to an excluded area or a partially excluded area” unless the Governor directs its application to any part of the areas. The Act of 1935 also empowered the Governor to make regulations for the “peace and good governance” for any part of the Excluded or Partially-Excluded Areas, with prior sanction from the Governor-General. Under the Act of 1935, ‘The Government of India (Excluded and Partially Excluded Areas) Order, 1936’ was promulgated which specified the following tribal areas as Excluded areas and Partially-excluded areas: The Excluded Areas were: 1). North-East Frontier (Sadiya, Balipara, and Lakhimpur) Tracts. 2). The Naga Hills District. 3). The Lushai Hills District. 4). The North Cachar Hills Sub-Division of Cachar District. The Partially Excluded was: 1). The Garo Hills District. 2). The Mikir Hills in the Nowgong and Sibsagar District. 3). The British portion of the Khasi and Jaintia Hills District, (Other than the Shillong Municipality and Cantonment.)

The Indian (Provisional Constitutional) Order, 1947: In the wake of Indian Independence, the Indian (Provisional Constitutional) Order was promulgated. In respect of the ‘Excluded Areas’ and ‘Partially Excluded Areas’, this Order retained by and large all the provisions of the Act of 1935, except that the discretionary power of the Governor over the Excluded Areas was omitted. Under the provisions of this Order, the position of the excluded areas and partially excluded areas during the interim period (1947-1950) just prior to the enactment the new Constitution of free India, may be described – 1) that the laws enacted by the Federal or Provisional legislatures did not apply ipso facto to these areas; 2) that a specific procedure was provided to apply such laws with or without modification; and 3) that the Governor was vested with wide powers to make regulation.

• **A Critical Analogous Relook: Analysis**

• Nehru is seen in children’s books setting free a bird from the cage as the lesson to be learned in freeing India from British bondage. In contrast to this, for Naga freedom, he said, “Even if heavens fall Nagas will not be given Independence.” I have the liberty to start with Mahatma Gandhi and his famous quotation: “Nagas have every right to be independent. We did not want to live under the domination of the British and they are now leaving us. I want you to feel that India is yours. I feel that Naga Hills are mine just as they are yours, but if you say, ‘It is not mine’ then the matter stops there. I believe in the brotherhood of man, but I do not believe in force or forced Unions. If you do not wish to join the Union of India nobody will force you to do that.” Perhaps, Gandhi never wanted India being created in forced Union. When the United States of America was created, it was created through the voluntary federation of the units and the Union, each having its own constitution (Except that she never expected India would be heading for a successful democracy. But again, democracy is not only holding regular periodical elections through successful management of mammoth electorate). Whereas, in India’s case it was purely forced Union. Some states were reluctant to join the Indian Union. Pandit Nehru, the first Prime Minister of free India forced them at gunpoint 11 to sign the instrument of accession into Indian Union (A section of Manipuris reject the state’s merger with the Union of India in 1949 as a pact signed ‘under duress’). That time, Nagas were located at different geographical areas(continues to be so: Nagas wanted and demanded since the start of their independence movement in the early twentieth century, their contiguous areas to be carved out as their ancestral geographic location, which was promised in 1963) as some settling in Myanmar in the erstwhile Indian subcontinent and some others in Assam Province, and yet still some in the Princely state of Manipur, which was independent of itself from the British India and also in Independent India till 1949. Nagas along with the Meeteis in Manipur were subjugated in 1826 through the Treaty of Yandabu signed between British India and Burma (Ava). And even in the Princely state of Manipur, Nagas were never administered by the Maharaja of Manipur. So was Nagas in erstwhile province of Assam during British India. The Nagas maintained a separate administration, run in the

village republic, somewhat akin to the Greek city-states of both the Athens and of the Spartans. Nagas resembled Athenians in administration and Sports. But they were headhunters. In this war loving aspect, they resemble Spartans. They hunted each other's head for the fertility of humans, crops, prosperity, and women's hair for decorative motif on the attackers' side. And on the defenders' side reduction of population in humans and crops as they were defeated weaklings. They were war-like, and to that end, they resembled Spartans (Spartans were fond of war contrast to Athens, who were not known but for their games and sports including Olympics originating from Athenians). In these resemblances with the great civilization, though there were other world civilizations having similarities and dissimilarities, Nagas were stiffly resistant or opposed to anything outsiders. These included outside their villages, keeping aside or forget about other non-Naga communities. In defense of this independent attitude and outlook, Nagas under the liberal leadership of the Naga leaders who were forced to expose to foreign countries of Europe as Labour Corps in First and Second World Wars formed a Naga Club with the British patronage in 1918 and submitted a memorandum to Simon Commission in 1929. After the Second World War, a similar organization called Naga Hills District Tribal Council was formed by Charles Pawsey, Deputy Commissioner of Naga Hills in 1945, but later in 1946, this Council was changed into Naga National Council (NNC).

• Naga Independent Movement

• During this period of Armed-Chair method of Naga freedom movement in the first half of the 20th century A.D. until the formation of the Naga National Council under A.Z. Phizo, Naga Raj theory under Jadonang who claimed as Messiah King also existed. This movement was a synthesis of animism and Hinduism called 'Haraka Cult' which was a religious movement opposing British rule in India. Coincidentally, it was during the Gandhi Civil Disobedience movement. Later Rani Gaidinliu played a gallant role in the continuation of the movement until she was jailed. Pandit Nehru gave her the title 'Rani', thus Rani Gaidinliu (In recent past, Prime Minister Narendra Modi lovingly called her as Ranima). In the mid-1990s her stamp was released by the Government of India, which was initiated by the then Minister of State for Home Affairs, Government of India, Prof. M. Kamson. She was also a Tamrapatra recipient. Recently her coin was released by the Government of India, after Prime Minister, Narendra Modi visited Northeast India. Nagas were fighting an independence movement parallel with the Indian independence movement. Mahatma Gandhi wanted to win independence in a peaceful manner through non-violence. He spearheaded the cause of Apartheid i.e., racial discrimination in South Africa by minority Whites over majority Blacks. He came to be known as a champion of non-violence. In India, Gandhian philosophy was widely accepted, particularly by the liberal Nagas in its freedom movement. Gandhi visited Assam province in 1921 for advocating of non-cooperation and khadi movement (it also coincided with Montague-Chelmsford reforms). A personality like Gandhi who saved Assam and Assamese entity from sinister Grouping Plan of the Cabinet Mission (Assam with West Bengal) re-visited in 1926, where he declared self-determination for India and did not quince the Montague-Chelmsford Reforms and grant of Indian self-government in dribbles in the form of diarchy or double governments in 1918. In the Naga homefront, personalities like Rev. Longri imbibed principles of Gandhi (Gandhi was an associate of Leo Tolstoy, who was an advocate of Jesus Christ's principles of non-violence and peace). Later, in Silver Jubilee Celebration of India's independence in 1972, Longri cited Gandhi's saying: "If I were appointed a dictator for a one hour for all India, the first thing I would do is to close down all liquor shops without compensation" (Longri, 1970) Rev Longri denounced violent method of A.Z. Phizo in the later part of the 1940s. Naga Church under him played a balanced role between Naga rebels and the regular Indian army until his death in the early eighties of the 20th century A.D. On the other hand, A.Z. Phizo made a debut in 1946. He joined Indian National Army of Netaji Subhash Chandra Bose and aligned with Axis Powers in the Second World War. He resigned from NNC and formed Naga Clan Council in 1948 with the aim to demand complete independence from India. Again in 1950 he became President of Naga National Council and took plebiscite claiming 99 percent were for Naga Independence. This was conducted in 1950 after all memoranda of the Nagas were all dumped in from 1929-1947. His much-criticized violent method emerged out of the ill-treatment of the various memoranda submitted to British India and later Independent India, with immediate cause of violent method was the reaction of draconian measures like violation of human rights through the imposition of 1950s Arms Acts in Northeast India (Assam). India has been devising divide and rule theory in dealing with the Nagas insurgents. And this is a similar case applicable too in the territorial demarcation of the Naga contiguous areas scattered to different geopolitical nations (Nehru seemed to have devised Swiss pattern of inter-locking and an over-lapping case of the Nagas settlement in different states and countries). But for the first time Indian government applied "unite and rule policy" as Naga insurgent groups were asked to solve their differences and come to negotiating table as Prime Minister, Atal Behari Vajpayee was keen in solving the Naga issue. This keenness of the then Prime Minister of India was revealed when an interview of T. Muiva as it appeared in the Northeast Sun, January 1-14, 2002 which goes this way: "Sure we have started discussing the substantive issues," remarked the Underground leader, T. Muiva. On the uniqueness of the Naga issue, he said, "... it means that India has to understand that and if they participate in the talks and they approach the Naga issue from their (Indian) constitutional perspective that is not acceptable to us. It is not a case of separation, and it is not a case of secession. It must be understood by them. And we have managed to make this point clear to the Prime Minister, Vajpayee" (Northeast Sun, 2002) Added to this latest Magazine report that 30-paged point was submitted and was under the scrutiny of the Home Ministry and Law Ministry. Among others, the points to be discussed include Foreign Affairs, Security, Citizenship, flag etc. With Chief Minister, Jamir withdrawing all cases pending against Muiva in Nagaland and T. Muiva's visit to the state was seen as a satisfactory process of talks with India thus far (Northeast Sun, 2002; Chiru, S. S., 2007). With cease-fire extended till today and the same holds true with Khaplang faction the unity among the

factions also somewhat improved. However, Naga Political recently in April 2015, this faction has abrogated the cease-fire with the government of India (Khapleng faction of Burmese based joining hands with Meetei militant factions like KYKL and KCP (claiming they neither joined India nor Burma as their respective land was independent of itself). Whereas, so far NSCN(I-M) is concerned, the inter-governmental talks between the various parties, particularly the NSCN(I-M) and government of India, headed by the Modi government appointed interlocutor, which presently parleying in hectic impromptu meetings and discussions revealed in the recent media report, Nation, that Modi government would take 11 months to solve the Naga issue including integration of the contiguous areas, which was promised in the 1940s and in 1963 respectively (Modi kept his word and signed Pan Naga Peace Treaty Framework. However, his appointed interlocutor, RN Ravi played undesirable trick citing false document different from original signed document between the collective leadership under precious dead-bed Chairman, Isaac Swu and the Secretary, T. Muiva with Prime Minister, Narendra Modi).

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