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ASYMMETRIC FEDERALISM IN THE NORTHEAST AND THE DEMOCRATIC STRUGGLE FOR SIXTH SCHEDULE IN MANIPUR

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ABSTRACT

The paper examines the unique constitutional arrangements granted to some states in the Northeast with reference to sixth schedule. It explores the democratic struggle of the tribals for the implementation of sixth schedule in Manipur, as they have been left out of the scheme unlike their counterparts in other states of the Northeast. The paper aims to contribute to deeper understanding of asymmetric federalism in India and the quest for democratic empowerment among the tribals in Manipur.

Keywords: *Asymmetric federalism, democratic struggle, sixth schedule, Manipur.*

INTRODUCTION

In strict and simple terms, asymmetrical federalism means a flexible type of union that grants special status to some federative units in the Constitution. While the term is novel, the idea is not new as it has been implicit in constitutional texts and the literature on federalism since long. More recently, the term has also come to be applied to formulation of federal policies that allows the federal government to work out separate deals with different states on matters of specific concerns to them.

Hence, "Asymmetric federalism" is understood to mean federalism based on unequal powers and relationships in political, administrative and fiscal arrangements spheres between the units constituting a federation.

SOME CONCEPTUAL ISSUES

According to Riker, federalism is an outcome of rational bargain among various constituents. The bargain may be for political or economic gains. In the political bargain, the constituents give up political autonomy for security from external threat. The economic bargain is to enable a common market and to ensure optimal provision of public services by reaping economies of scale and catering to diverse preferences. However, while striking the bargain, the constituents try to preserve their valued identity and seek special status. Motivation for special status may be purely for expanding economic opportunities and securing freedom from exploitation by larger and more powerful members of the federation.

The objective may be purely political — of enhancing freedom and representation to constituents or to maximize political power and influence. It may also be cultural or religious— of preserving group identities. It may simply be a means of accommodating diverse group interests within a unified framework. This where is the concept of asymmetric federalism comes into the picture.

Asymmetrical arrangements refer to the variations that are discernible in the constitutional provisions or policies of a polity in which some regional governments are granted special powers to carry out certain functions. Asymmetric powers can be conferred on the constituent units for accepting political unity, granting cultural "identity assertion," addressing "historical inequalities" and recognizing substantial contribution to the center. They may also be granted when acknowledging in the "capacity for self-rule" and responding to "geographical and economic" differences between and among the sub-units. It is inconceivable that regional governments of a polity would be homogenous.

The social, economic, cultural, ethnic, religious, linguistic, and geographical differences that exist between the various units are referred to as *de facto* or "political asymmetries", to use Watts' (1998) preference. When these variations find expressions in the constitutional provisions of a polity, *de jure* type of asymmetry is said to be in operation (Sweden 2002). Apart from these two concepts of asymmetric federalism, namely; de facto and de jure asymmetry, there is also the concept of vertical and horizontal asymmetry. When some degree of variation, whether constitutional grounded or policy directed, exists among the central authority and the regional units, then we can describe the asymmetry as *vertical.*

Conversely, when there are variations between laws or public policies of the constituent groups, the asymmetries can be describe as *horizontal.*

Asymmetric arrangement are employed in federal systems as well as unitary systems. For example, the United Kingdom is one of the most striking cases where asymmetric arrangements have found expression in the creation of Scottish Parliament, the Welsh Assembly, and the Northern Ireland Assembly. It is important to note that since federalism is designed to accommodate diversity and differences, it can argued theoretically that asymmetric federalism have a more justifiable status in federal systems than in unitary systems.

The literature on the concept and theory of asymmetrical federalism is replete with a deeply divisive debate on the question whether asymmetry in federal structuring is a slippery terrain leading to secession or conducive to national unity. Most early writings tended to take the former position, whereas the recent comparative treatment of the subject generally argues that instead of being inherently secessionist in potential it can and has in fact helped stave off of secession.

The earlier view was tainted by the classical model of unitary nation state bequeathed by the French Revolution and that of the classical model of federal state by the American War of Independence. Both the French and the Americans, presumably in their revolutionary fervour projected the ideal of a nation state or that of a federal state respectively that was based on symmetrical rule of law for all citizens of the nation or for all units if the federation premised on equality of liberty and fraternity. The attitude also easily developed in the postcolonial nationalists, who at the time of liberation from the colonial rule reacted strongly against the imperial divide-and-rule policy that played one community and region against the other.

Thus the modern nationalists also displayed a strong suspicion against any asymmetrical constitutional arrangement for some territorial or ethnic communities as against the others, thinking that it contained the seeds of separatism. In fact, in postcolonial south Asia the idea of federalism itself was generally suspect for state-nationalists who inherited power from the departing colonial rulers and desired to establish a strong nation state in due course. This is illustrated by the almost total rejection of the federal idea as such by Pakistan and Sri Lanka despite their ethno-national diversities. India and Nepal are the only examples of reluctant federalists in this part of the world, taking the evidence of the process of constitution-making in the two states. It took India nearly half a century to develop some degree of concession to asymmetrical federalism, if at all.

The comparative political experience of all multinational federations, with the possible exception of Switzerland, suggests that some degree of constitutional asymmetry is essential for establishing enduring federal unions in the contemporary world today. India, Belgium, Canada are cases in point in this context. These are the major examples of reasonably well-functioning asymmetrical federal democracies today. The Russian federation is also multinational and constitutionally asymmetrical, but then Russia has not yet started working as a democratic federation in the strict sense of the term.

John McGarry in a comprehensive comparative study of asymmetrical federal experiments in the 20th and early 21st centuries has also come to the conclusion that asymmetrical federalism per se does not lead to secession. Whether unity or secession will be the outcome depends on the contingent political factors as to how such a constitution is actually worked by the political leadership and other contextual factors. To quote McGarry:

"I have argued that, contrary to the fears of state-nationalists, or integrationists, there is little evidence that asymmetry promotes break-up. Indeed, virtually all cases of secession in the twentieth century have occurred from unitary states, or from democratising federations that were centralised from much of their history and that were essentially symmetrical in nature. Asymmetrical federalism may be associated with instability and illiberalism in certain limited contexts, but there is nothing inherently unstable or illiberal about it. Rather, much depends on context, on motivations of the parties involved, and in the details of the autonomy arrangements."

Charles Tarlton who is credited with having coined the term asymmetrical federalism in 1965 takes a dismissive view of it, as for him, it is prone to secessionism. The Canadian experience with the Quebec question has brought about a bit of turnaround in the theoretical appreciation of asymmetrical federalism as asymmetry was impliedly built into the federal constitution- making in Canada in 1867 (without using the term) and the trajectory of the federalist and sovereignist debate has brought to the fore the accommodative potential of the device.

Federal experiments elsewhere have supported this line of argument including the Indian case. Michael Burgess, makes a more balanced theoretical statement by suggesting that the accommodative or secessionist potentials of asymmetrical federal arrangements actually depend on specific cultural and historical contexts. A flat a priori assertion cannot be made in this regard.

EVOLUTION OF ASYMMETRIC ARRANGEMENTS IN INDIAN FEDERALISM

The distribution of power between the centre and states on the one hand and the treatment of different states on the other

in the Indian constitution owe much to historical and political factors. Although the Cabinet Mission sent by the British Government in 1946 saw no virtue in partitioning undivided India into two different independent nations, it also recommended that the independent country should be governed by a federal constitution with the central government dealing with only foreign affairs, defence and communications, remaining vested with two groups of provinces, one predominantly Hindu, and the other predominantly Muslim.

However, the insistence of the Muslim League to have a separate nation for the Muslims led to the formation of Pakistan comprising Muslim majority regions of the north-west part of the subcontinent and eastern part of Bengal. In the event, it was no longer necessary to create a weak federal government. Instead, the founding fathers of the constitution decided to have a federation with a strong central government to hold together the diverse economic, linguistic, and cultural entities and to avoid fissiparous tendencies. Centralisation was also found desirable to unify the country, comprising regions directly ruled by the British and 216 princely states and territories.

INTEGRATION OF NORTHEASTERN HILL STATES

The process of administrative reorganization of India focused on the creation of new boundaries based on the main principle of language. Typically, separate religious, caste, ethnic or tribal identities within these boundaries were not the basis for further divisions. One major exception to this has been the north-eastern part of India, where there is a distinct difference in ethnicity from the rest of India, and several strong divisions based not only on language, but also on culture and other traditions ("tribal", if one wishes to use that term). This part of India contains the states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura. Of these, only Assam has a population comparable to other typical Indian states. Most of these states were upgraded from the status of Union Territories, this reclassification giving them, at one level, a political status equivalent to that of larger states such as Bihar, Madhya Pradesh, and Uttar Pradesh. Each state carries equal weight in mustering the 50 percent of states required to ratify an amendment to the constitution.

Furthermore, there are various clauses in Article 371 which accord special powers to north- eastern states. These provisions have been introduced through amendments, typically at the time of conversion of a union territory to a state, or in the case of Sikkim, after its accession to India. The safeguards provided to these states through these special provisions include respect for customary laws, religious and social practices, restrictions on the ownership and transfer of land, and restrictions on the migration of non-residents to the state. State legislatures are typically given final control over changes in these provisions.

Thus, there are various provisions in the Indian Constitution to protect group rights, and to compensate for initial inequalities in the social system. Thus the constitution, while recognizing the idea of fundamental human rights at the individual level, does not assume an idealized initial condition of equality, either in pure economic terms or otherwise. Thus there are allowances for separate laws to govern different religious groups, and there are provisions for various kinds of "affirmative action" for extremely disadvantaged groups.

The first kind of provision simply respects diversity (though this can create issues of unequal treatment across subgroups, e.g., women in two different religious groups). The second attempts to correct for specific inequities, recognizing that legislative equal treatment from very unequal initial conditions would not achieve desired equity goals. Conceptually, at this level of ethical or normative judgement, there is no difference between these provisions and the ones for the indigenous residents of north-eastern states, except that the latter happen to be geographically concentrated into reasonable administrative units. If that is the case, then the relationship to federalism is not essential.

SIXTH SCHEDULE IN THE INDIAN CONSTITUTION

Considering the distinct life and outlook of the tribals in the North-East (erstwhile State of Assam), the Constituent Assembly recognised the necessity of a separate administrative structure for the tribals in the region. Therefore, under Article 244(2) of the Constitution, the Sixth Schedule makes special arrangement for the administration of Tribal Areas in the States of Assam, Meghalaya, Mizoram and Tripura. One of the most important provisions of the Sixth Schedule is that the tribal areas are to be administered as Autonomous Districts and Autonomous Regions. Under the provision of the Sixth Schedule, the Governor of the State is empowered to determine the area or areas as administrative units of the Autonomous Districts and Autonomous Regions. The Governor has the power to create a new Autonomous District/Region or alter the territorial jurisdiction or the name of any Autonomous District or Autonomous Regions. The Autonomous Districts and Autonomous Regions in the above four States are specified in the Table appended to Para 20 of the Sixth Schedule. Originally, it consisted of two parts A and B, but at present, there are 10 such areas in four parts as listed below:

Part I (Assam) 1) The North-Cachar Hills District (Dima Haolang) 2) The Karbi-Anglong District 3) The Bodoland Territorial Area District Part II (Meghalaya) 1) The Khasi Hills District 2) The Jaintia Hills District 3) The Garo Hills District Part II-A (Tripura) The Tripura Tribal Areas District Part III (Mizoram) 1) The Chakma District 2) The Mara District 3) The Lai District. The Sixth Schedule has provision for the creation of Autonomous District Councils, and

Regional Councils endowed with certain legislative, executive, judicial and financial powers. However, the administrative powers and functions of these District Council and Regional Council differ from State to State. The Sixth Schedule lays down different administrative provisions for the District Councils and Regional Councils of each state in Para 12, 12A, 12AA and 12B for the State of Assam, Meghalaya, Tripura and Mizoram respectively.

According to Para 2(1) the Sixth Schedule, each Autonomous District shall have a District Council consisting of not more than thirty members, out of which four are nominated by the Governor while the rest are elected on the basis of adult franchise (the newly added Bodoland Territorial Council is an exception; it can have up to forty-six members). The Sixth Schedule conferred them certain Executive, Legislative and Judicial powers so that they have got the autonomy to make laws of their land, managing their forests (other than the reserved forest), the appointment of traditional chiefs and headman, inheritance of property, marriage, social customs, taxation etc. The power and functions of District Councils and Regional Councils as given in the Sixth Schedule can be summarised as: Legislative Functions One of the most important features of Sixth Schedule is the empowerment of District Councils to make laws. Para 3 of the Sixth Schedule provides the provision for the District Council and Regional Councils to make rules in respect of lands, management of forest (other than the Reserved Forest), use of canal or water-course for agriculture, regulation of jhum and other forms of shifting cultivation, establishment and administration of village or town committees, appointment or succession of Chiefs or Headmen, inheritance of property, marriage and divorce and social practice with the prior approval of the Governor. Under Para 10 of the Schedule, the District Council of an Autonomous District has the power to make law for the regulations and control of money- lending or trading by any person other than Scheduled Tribe residents in that Scheduled District. However, all laws made under this provision shall have no effect until assented by the Governor of the State.

i) Executive Powers The Sixth Schedule also endowed the District Councils and Regional Councils with extensive executive powers. The District Councils and Regional Councils are given the power to establish, construct or manage primary schools, dispensaries, markets, cattle ponds, fisheries, roads, road transport and waterways in the districts. The Councils are also authorized to prescribe the language and manner of instruction in the primary schools.

ii) Judicial Powers The District and Regional Councils are also empowered to constitute Village and District Council Courts for trial of suits and cases where all parties to the dispute belong to Scheduled Tribes within the district. And no other courts except the High Courts and the Supreme Court has the jurisdiction over such suits or cases of the Council Courts. However, these Council Courts are not given the power to decide cases involving offences punishable by death or imprisonment for five or more years.

iii) Financial Powers The provisions of the Sixth Schedule provide certain financial powers to the District and Regional Councils. They are empowered to prepare a budget for their respective Council. Under Para 8 of the Sixth Schedule, District and Regional Councils are empowered to assess and collect land revenue and impose taxes on professions, trades, animals, vehicles, taxes on entry of goods into the market for sale, toll on passengers and goods carried in ferries and taxes for the maintenance of schools, dispensaries or roads within their respective jurisdiction. And under Para 9 of the Schedule, the Councils are given the power to grant licenses or leases for extraction of minerals within their jurisdiction.

After independence, there were demands for regional autonomy and better status within the Constitutional framework from the tribals of hill areas of North East. In order to ensure their participation in the decision making and to safeguard their tribal interest, the government of India appointed a sub-committee of the Constituent Assembly. The Sixth Schedule of the Indian Constitution is based on the recommendations of the North East Frontier (Assam) Tribal and Excluded Areas Sub-committee popularly known as ‘Bordoloi Sub-committee‘created under the chairmanship of Gopinath Bordoloi, the first Chief Minister of Assam.

The Sixth Schedule consists of provisions for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram, according to Article 244(2) of the Indian Constitution. Passed by the Constituent Assembly in 1949, Sixth Schedule seeks to safeguard the rights of tribal population through the formation of Autonomous District Councils (ADCs). The main purpose behind the formulation of Sixth Schedule is to facilitate tribal communities with the power of administration of tribal areas within North East. The regions and population under tribal areas are being governed by Autonomous Districts and Regions irrespective of less intervention of state legislatures.

However Meghalaya is the state where President has declared that all the areas within the state come under Sixth Schedule area. Sixth Schedule supports developing a framework related to autonomous decentralised governance that includes executive and legislative powers. Such powers effectively resolves the issues related to culture, customs, water, land and soil. Councils are also provided with judicial powers so that issues related to criminal or civil cases can be resolved. Therefore it has been identified that councils within Sixth Schedule are allocated with more powers as compared to local government based on the 73rd and 74th amendment made within the country.

It has been identified that autonomy paradigm has helped to maintain the equilibrium within tribal communities through dispute resolution with the help of customary laws as well as control over facilities like money lending. Autonomous

councils within Mizoram, Tripura and Assam holds the power to make decisions on whether there should be involvement of state legislations should be applied to their territories or not.

Autonomous district councils possess executive powers and functions which is effective in managing the primary schools, roads, water ponds, administration of villages, forest, land revenue and many areas under the similar aspect under Sixth Schedule (Constitutional Provision). Executive members are mostly selected by the Governor as well as by members of district council. Judicial powers entail the council to involve district and village council courts within autonomous areas to make formal judgement over customary laws with the involvement of both the tribal parties. Legislative powers allocate powers to the district councils to create laws for the occupation, utilisation of land, grazing for various purposes, regulations related to cultivation, use of water sources, money lending and many other such areas (Constitutional Provision).

DEMOCRATIC STRUGGLE FOR SIXTH SCHEDULE IN MANIPUR

Manipur is home to thirty-three recognised Scheduled Tribes (ST), which broadly belong to the ethnic Naga and Zo (Chin/Lushai /Kuki) groups. According to 2001 Census, the Meiteis, constituting the majority group and inhabiting 10.2 percent of the geographical area of the state, account for 65.8 percent of the total population of the state. Conversely, the Naga and Zo people combined occupy 89.98 per cent of the total geographical area and account for 34.2 percent of the total population of the state. They are represented by twenty (out of sixty) and one(out of three) elected members in the state assembly and parliament, respectively. Most strikingly, the Meiteis are concentrated in four plain districts and are surrounded by Naga and the Zo people who are scattered in the remaining five hill districts. It is a classic case where ethnocultural boundaries broadly coincide with territorial space.

The five tribal hill districts of Chandel, Churachandpur, Senapati, Tamenglong and Ukhrul have enjoyed intra-state asymmetrical status ever since the Manipur (Hill Areas) District Councils Act carved the hill areas of Manipur into five autonomous districts and paved the way for the establishment of six district councils. Barring the district of Senapati, which had two councils (Senapati and Sadar Hills), the other four districts had a council each. Unlike their counterparts in the other NorthEastern states, these newly constituted district councils were outside the ambit of the Sixth Schedule of the Constitution of India.

Between 1973 and 1984, regular elections were held to these district councils. However, following strong opposition by tribal groups in the hill districts, who demanded that unless these councils were brought under the purview of the Sixth Schedule, no elections to these councils could be held, these councils were suspended for almost two decades (1988 to 2010). The state government of Manipur has since increased the membership and powers of these councils by amending the 1971 Act in 2008 and held the district council elections in 2010 after a gap of more than 20 years. Despite initial opposition from the Kuki and Zomi tribal groups— dominant in the Churachandpur and Sadar Hills—and continued opposition from the United Naga Council (UNC), the All Naga Students' Association, Manipur (ANSAM) and the National Socialist Council of Nagalim (Isak–Muivah) (NSCN-IM) in the four Naga-dominated district councils—Chandel, Senapati, Tamenglong and Ukhrul—these councils managed to function for the next five years, from 2010 to 2015.

Unlike other tribal hill areas in Northeast India, the hill areas of Manipur have never been under the Sixth Schedule of the Indian constitution. There is no clear explanation yet of why it was so. However, the lack of attention to detail on the part of the framers of the constitution and the absence of leaders to champion the issue seemed to have something to do with the omission. As political scientist S.K. Chaube explained:

'The problem of the princely states, because of its all-India dimension, missed the special attention needed in the north-eastern region. Tripura and Manipur were partly "tribal" states. The Cabinet Mission could not anticipate the complete integration of the Indian states with India and therefore did not lay down any scheme for the minorities therein. Because of Rev. J.J.M. Nichols-Roy's perseverance, the Khasi states were put under the scheme of the Sixth Schedule. No special arrangement was made for the hill areas of Tripura and Manipur. Perhaps the Constituent Assembly felt that, as the integrated Indian states would be constituted as part B and part C states under the rigorous control of the centre, no special scheme for their minorities would be necessary.'

This fateful omission by India's constitutional fathers continues to haunt Manipur hill areas till today. However, even as these hill areas remain outside the purview of the Sixth Schedule, the same areas continue to be governed through a separate administrative structure which differentiates them from the non-tribal areas within the same state. As a continuation of that differentiated status, on the eve of Manipur's attainment of statehood in 1972, the Indian Parliament passed the Manipur (Hill Areas) District Councils Act, 1971. The autonomous district councils created under the Act are sui generis in terms of origin and constitutional/legal status, though they resemble the district councils under the Sixth Schedule in terms of structure and functions. The first elections for these councils were held in 1973. But soon, disaffection with the functions and powers of the councils came to the surface. The Hill Areas Committee (HAC) – comprising of all tribal MLAs (Members of the Legislative Assembly) from the hill areas of Manipur – first demanded that the district councils be upgraded and placed within the Sixth Schedule in 1974 itself. From 1988 to 2010, the councils

were suspended and remained in limbo as elections could not be held due to the demand for the Sixth Schedule.

UNHAPPINESS WITH THE MANIPUR (HILL AREAS) DISTRICT COUNCILS ACT

Right from the beginning, the tribal communities could not greet the Manipur(Hill Areas) District Council Act, 1971 with anything resembling enthusiasm. The act met severe opposition on the grounds that it posed a danger to the autonomy the tribal communities enjoyed under their traditional systems of self-governance in all spheres of life. The unified demand of all tribal communities (despite protracted tensions between some of them such as the Nagas and Kukis, Paites and Kukis) was that the Act be modified to include the provisions of the Sixth Schedule of the Constitution.

Opposition notwithstanding, the Act was affected and six district councils were put in place in the hill areas in 1973, though they could function only until the late 1980s after should they had to be suspended due to continuous resistance. Things came to a head during the 1984 assembly elections when the district councils started demanding greater autonomy. The 17 subjects that were supposedly under the "control and administration" of the district councils (as per section 29 of the Act) were not so in reality because the required devolution never happened. In the next two decades, council elections were successfully boycotted.

The government responded by taking one step-forward and two step backwards: in 1975 the first Amendment bill was passed with some changes, followed by a more substantive move towards making the district councils "autonomous" by passing the Manipur Hill Areas Autonomous District Councill Bill in July 2000. However, no further progress was made on this and a Second Amendment Bill was passed in March 2006 effectively revoking it. After another two years of silence, the Third Amendment Bill was presented in the legislative assembly on 19 March 2008. However there were allegations of irregularities in the processes that followed, and the bill was eventually withdrawn.

Even a cursory look at the Manipur Hill District Councils Act,1971 makes it clear the provisions are far from satisfactory. First, the District councils as envisaged in the Act are certainly not autonomous. In fact they are under the control of the deputy commissioner of the "autonomous district," who would be appointed by the "Administrator". For instance, the deputy commissioner would have the power to suspend the execution of any resolution or order of the district council and prohibit the doing of any act if he may see it to be "in excess of the powers conferred by the law" or likely to a breach of the peace, or to cause annoyance or injury to the public or to any class or body of persons."

Second, while there is scope for the district councils to have various executive functions such as maintenance of schools, dispensaries, roads and also some aspects of management of land and forests (under Section 29 (1) of Chapter 3), this is only in so far as these matters are entrusted to them to them by the administrator in consultation with the HAC. The Act does not confer any legislative powers on the councils although Section 29(2) authorises them to make recommendations to the government on specific issues such as appointment or succession of chiefs, inheritance of property, and social customs. All judicial powers remain with the state government. Similarly, all cases in the district would have to go to the district court for adjudication. To sum up, the powers of the district councils are rather limited.

In these and other ways the Act vindicated the fears of tribal organisations that it could seriously jeopardise the rights of the tribal people who would be at the mercy of deputy commissioner who had overwhelming power over the district council even though it was body of elected representatives. In this way the Manipur government turned the district councils toothless and ineffective instead of a truly autonomous bodies.

DEMAND FOR SIXTH SCHEDULE

In 1974, the HAC had passed a resolution demanding that the newly formed district councils be brought under the ambit of the Sixth Schedule. This demand was reiterated in 1978, 1983, 1990, 2002 and 2003. It acquired momentum in the late 1980s, when the hill tribal groups— Kuki, Zomi and Naga—jointly formed the Sixth Schedule Demand Committee, Manipur (SSDCM) and made a series of representation to the centre and state governments in the 1990s and 2000s. Heeding these demands and responding to the intermittent pressure put by the HAC, the Manipur state cabinet passed three resolutions in favour of extending the Sixth Schedule to the hill areas on 13 May 1991, 17 August 1992 and 28 March 2001, respectively.

However, these resolutions put in place a rider "with certain local adjustment," and this became one of the pretexts to delay the extension of the Sixth Schedule. Another major reason for not extending the Sixth Schedule to the hill areas has been the opposition and fear of powerful segments within the Meiteis, the state's majority community, who are concerned that doing so would eventually lead to the disintegration of Manipur. The fact that the HAC and the SSDCM represented disparate and competing tribal/ethnic interests, a situation complicated further by the Kuki–Naga and Kuki–Zomi ethnic conflicts respectively in 1992 and 1997, ensured that a vigorous and persistent movement for the extension of the Sixth Schedule to the hill areas of Manipur was difficult, if not impossible.

The implementation of Panchayati Raj in the four valley districts of Manipur since 1994, and a series of reports sponsored by the centre—the Rajiv Gandhi Foundation's Task Force on Panchayati Raj report (1996–99); the "National Commission

to Review the Working of Constitution, 2002" report; and the report of the expert committee on "Planning in the Sixth Schedule Areas and Those Areas Not Covered by Part IX and Part IX-A, 2006"—recommended the extension of the Sixth Schedule and strengthening of the local democratic institutions in the hill areas of Manipur. Simultaneously, the state came out with a series of amendments to the 1971 Act and somehow succeeded in holding elections to the district councils in June 2010 after expanding their powers and functions and increasing their size from 18 to 24 members each through an amendment in 2008. Although this amendment neither devolved legislative and judicial powers to the district councils nor brought them under the Sixth Schedule, it considerably weakened the opposition of the HAC and the SSDCM against holding the district council elections by partially incorporating the recommendations made by the aforementioned reports.

With elections not being held for more than 20 years, the tribals residing in the hill areas were deprived of developmental funds and legitimate local democratic institutions which could have accommodated their aspirations. The realisation by segments of tribal leaders that having an imperfect form of local democratic institutions was better than having nothing at all was responsible for the change in their thinking.

THE CASE FOR POLITICAL DECENTRALIZATION

The reluctance of the Manipur government to grant six schedule to the tribals of Manipur indicates the operation of a majoritarian democracy and a hegemonic rule over a population of minority groups that remained largely invisible. The hegemony in this case "is not simply the domination by an elite" and the "imposition of a pregiven set of ideas." As Bhatia has pointed out earlier in a similar case, by "denying the legitimate demand of tribals … and ignoring their sustained democratic struggle" for some form of autonomy within, the Manipur government has weakened its case for "territorial integrity." She reiterated that "peaceful coexistence is possible only if rights are fulfilled and historical injustices corrected." The state needs a consociational compromise and should resort to political decentralisation for the resolution of conflicts between the hills and the valley, as several studies indicated in different parts of the world that this has become a prominent tool to facilitate the accommodation of differences, protect minority groups, prevent territorial disintegration and maintain political stability.

The denial of six schedule promotes the interest of dominant community and institutionally excluded the minority tribals' right to self-governance. This alienation of ethnic minorities in the institutional arrangement within the government system, where the majority ethnic community dominates the political system and kept their interest at abeyance. This is done by ignoring the existing arrangement of asymmetrical federal relations and power structure which dictates inclusion and exclusion in terms of conferring advantage and conversely, disadvantages.

The future of the state depends on how successfully political decentralisation is negotiated between various entities of the state and the benefits of welfare state are evenly distributed not only between the hills and the valley, but also between different groups of people.

CONCLUDING REMARKS

As a normative idea and an institutional arrangement which supports the recognition and provision of an expansive "self-rule" for territorially concentrated minority groups, asymmetric federalism needs to be materialise in Manipur which will give constitutional powers over tribal identity, culture, development and local administration.

Driven by the argument that giving distinctive constitutional status to territorially concentrated minorities fosters centrifugal tendencies which over time inhibit national/ State integration, development, and peace, antagonists of asymmetric federalism increasingly rallied around the majoritarian idea of a monolith, homogenous nation. On close scrutiny, however, this argument is neither novel nor new. Charles Tarlton, the American political scientist who developed the idea of asymmetric federalism in the mid-1960s, was mindful about its destabilising potential, if not properly harnessed. In fact, the unsuccessful experience of east European communist states to 'hold together' in the 1990s spawned deep suspicion about asymmetric federalism.

Such a majoritarian standpoint sits uneasy with the idea of 'autonomous' district councils proposed by the Gopinath Bordoloi Committee, a sub-committee of the Constituent Assembly which sought to accommodate the distinctive identity, culture and way of life of tribal groups in the Northeast by envisioning 'self-rule.'

The lack of sincere commitment to promote tribal development, identity and culture that Article 371C seeks in the case of Manipur is regrettable to say the least. Recognising and institutionally accommodating tribal distinctiveness not just as a matter of political convenience, but as a valuable and enduring good will be key to promote the State's integrity, stability and peace in the long run.

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