



Research Paper

The Birth of Chakma Autonomous District Council: Indian State Response to the Demand of the Minority Ethnic Group

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Abstract: *The nature in which creation of the present Chakma Autonomous District Council in Mizoram has been an unending political debates in Mizoram. As the Chakmas are not considered to be 'indigenous' of the state and that there were not even recognised in the original provision of the Sixth Schedule at the time of framing the Constitution of India. However the historical fact had proved that some Chakmas had settled in the then Lushai Hills (Mizoram) from the colonial period and that their villages had been given due recognition by the British Administrator. After Independence, Sixth Schedule was designed to accommodate the minority tribes, such that Pawi Lakher Regional Council was created within Mizo District. The PLRC later became the stepping stone for the creation separate Autonomous District Council only for the Lai and the Mara, but for the Chakma. So, the present study analysed how the liberal democratic institution had given opportunity to the minority to be accommodated through the constitutional mean. Such that, the present study made an attempt on how the Chakma had been part and parcel of the Mizo District in general, PLRC in particular. Though there are many argument behind on how the CADC was created however, the present study made a different view on how the PLRC paved the way for the birth of CADC.*

Key words: *autonomous district council, Sixth Schedule, recognition, trifurcation, birth.*

Received 06 Oct., 2024; Revised 16 Oct., 2024; Accepted 18 Oct., 2024 © The author(s) 2024.

Published with open access at www.questjournals.org

In response to the demand of the tribal communities in the North East, it was a given fact that the Indian State had adopted strategies to accommodate and contain the tribal assertionⁱ. One of the best strategies was to give constitutional protection through the Sixth Schedule to the Constitution of India. Under this provision, autonomy had been granted to a smaller tribes living within the state, thereby preventing the disintegration of that state, but at the same time the implementation of any laws adopted or passed by the state and centre had to be assent by the President or the Governor depending on the provisions to the Sixths Scheduleⁱⁱ. Looking in to the process of the working of the Sixth Schedule, the provision had been modified and amended time and again to accommodate the tribal communities in North East India beyond what was original adopted by the Constituent Assembly of India at the time of Independence has been surprising.

In fact one can agreed with Granville Austin that "India's Constitutional structure is a good example of the principle of accommodation on matters of substance"ⁱⁱⁱ. Austin further elaborates that, "the Constituent Assembly's adoption of the present Constitution is perhaps the most remarkable example of accommodation"^{iv}. The statements made by Austin had been somewhat compatible even in the case of the Chakma who in the later process had been accommodated in the democratic political process of Indian Constitution. Thus, the spread of democratic politics even among the minority communities had help them consolidated their political

consciousness, particularly through regular interval of election at national, state, district and regional level had built to reconstruct 'identity politics' and political institution.

In the context of Mizoram, the political leaders among the minority tribes of Mizoram, including the Chakma has continuously sent representation from the very existence of democratic institution since Independence. Having represented their communities, it may be correct to use the statement of Khilnani that "their duty as politicians is not to act on behalf of anyone else but themselves and their own supports linked by kin, caste or religion"^v. Such that the Chakma community leader turned politician from the very beginning exerted their liberty for constitutional recognition of their tribes. In the process, they gradually gained recognition through constitutional means and helped them in attaining 'material benefits' that 'also involve a promise of reorganization of society along egalitarian lines'^{vi}. As in the later phase it was witnessed for the existence of Chakma Autonomous District Council under the sixth Schedule to the Constitution of India.

The Mizo District Council and the Chakmas

The settlement of Chakmas in Mizoram can be trace back to the expedition of the British in the then South Lushai Hills. This gradually led to the permanent settlement of some Chakmas' villages during the British administration in the sparsely populated region of South West of the present Mizoram, particularly around the present town of Tlabung, also formerly known as Demagiri. However, on the permanent settlement of Chakma in the present state of Mizoram, it was unknown that the Chakmas settled in Mizoram in the pre-colonial period. Similarly, there was no evidence that the Chakmas Chief claimed any parts of present Mizoram as their land before the British annexation of South Lushai Hills^{vii}.

Soon after the Independence, the Mizo District like other hills district of Assam prepared to enter into the democratic culture of the society. As an interim body, District Advisor Council (DAC) was formed in 1948 in the then Lushai Hills to look after the political affairs of the district before new political institution was established under the Sixth Schedule. In order to make the DAC accommodative, peoples were given voting rights to elect their representative in the DAC^{viii}. In such situation, the Chakmas who had resides in the district were also seen to be parts of the electorate. Though it was a common perception among the political class that the Chakmas should not have the right to vote, but, the new political process of Independence India automatically gave the democratic rights to all communities who are parts and parcel of the new democratic country.

By the time of Independence, it was witnessed that the Chakmas population had increased in enormous rate. Whether they had entered and settled in the Lushai Hills at the Independence through legal or illegal processes were different things. There are literatures that mentioned that even some Mizo chiefs had permitted *de facto* settlement to the Chakmas through ad-hoc arrangement to increase their revenue through tributes and taxes^{ix}. This influx had become the concerned of the District Superintendent of the then Lushai Hills and, even the chief and the headmen had been warned by the authority to report any such infiltration of the Chakmas and Tripuras in their villages. Even after independence the 'Standing order no. 5 of 1954' issued by the then Deputy Commissioner who had made an order that such infiltration by the Chakmas and Tripuras will not be permitted without the prior permission of the Deputy Commissioner of the then Lushai Hills. However, with the Independence of India, those who had settled in India become 'naturalized citizen'.

In the Context of Mizoram, the political recognition and the cultural rights enjoyed by the minority tribes can be traced to the origin of the Sixth Scheduled to the constitution of India. This provision further provided their territorial autonomy within Mizoram. Looking back into the Constituent Assembly Debates on the Sixth Schedule on 5, 6, 7, September 1949, the draft provisions put forth by Bordoloi and his team or Sub-Committee on the North East Frontier (Assam) Tribal and Excluded Areas were passed by the Constituent Assembly under the Chairmanship of Ambedkar. In this debate and on the provision, one of the main concern was to accommodate the hill tribals of the then Assam and gave constitutional recognition to their cultural and territorial autonomy. However, the main concerned on the provision and the Sub-Committee relates to the major tribal groups that dominated the hill districts. But, there had been an opening on the provision for the tribal communities that lives within the midst of the larger tribal group. For these smaller communities, the Sixth Schedule had been designed to accommodate and protect those smaller tribal communities through regional autonomy to be instituted under District Autonomy. Thus, Regional Council was also included in the Sixth Schedule by giving similar power and functions as that of District Council to integrate the smaller tribal communities within the District Council.

Here it is interesting to learn that Bordoloi and his team under the Sub-Committee on the North East Frontier (Assam) Tribal and Excluded Areas arrived in Aizawl on April 7, 1947. They held a meeting with various Mizo leaders from different political parties, government servants and others, the Pawi Lakher leaders were not part of the meeting. One reason may be due to the fact that there were not informed. Another reason

can be that the Pawi and Lakher were not politically consolidated and that by that time there was no political organization to represent their view as even the first political organization of PLRC areas Tribal Union was born in 1948 only^x. Later, it was seen that after the birth of Pawi Lakher Tribal Union, the political leader of the Lai and Mara vigorously pursued their political rights to be accommodated in the new constitution of Independence India^{xi}. Soon, their place had been specially arranged under provision for Regional Council within the Sixth Schedule to the Constitution of India without disintegrating the then Lushai Hills, the present Mizoram.

In the Mizo District or Mizo District Council, apart from Lai and Mara who had been given Regional Council, no other ethnic minority communities were given special political recognition either by the Centre or the State. In other words, initially the Chakmas were out of the picture in building the political future of the then Mizo District. In fact, the original provision of the Sixth Schedule to the Constitution did not give recognition to the Chakmas until the dawn of up gradation of Mizo District to Union Territory of Mizoram in 1972. However, the Chakmas were politically aware and lost no time in pursuing their demands for separate administration from the early stage. In fact the first Chakma delegation led by Kristo Mohan Chakma and Gura Nitai Chakma met Bishnu Ram Medhi, the then Chief Minister of Assam in 1952 demanded separate regional council. This was followed by another three rounds of delegation by the Chakmas leaders demanding the same regional council with its headquarters to be at Tlabung, Demagiri^{xii}. Though their demands were not fulfilled, to partially accommodate the Chakmas, one nominated seat was given to the Chakma in the Mizo District Council^{xiii}. Such that when the first District Council election was held in 1952 and the first Mizo District Council was formed subsequently, 18 seats were filled through universal adult franchise and 5 seats were filled through nomination. In this nominated seats, one seat was given to Medhia Chakma. Thus for the first time a Chakma leader was part of the highest law making body in the Mizo District.

There was a progress for the Chakma in the second term of the Mizo District Council as Medhia Chakma won his seat from congress ticket, progressed from nominated seats to elected seats. Again in the third term of Mizo District Council, Hari Kristo Chakma won his seat as an independent. Then in the fourth term of Mizo District Council, Hari Kristo Chakma again won his seat but, this time on Congress ticket^{xiv}. Though the Chakma member were not given any important post in the Mizo District Council, their presence as the member itself shows that there were part and parcel of the Mizo District Council political process and that their community was given recognition which was very crucial in their pursuit for higher political recognition in the future.

Advisory Council for the Pawi-Lakher Regional Council and the Chakmas

Unlike the Mizo District Council, the role of the Chakmas and their representatives in the Pawi-Lakher Regional Council was much deeper. This was because the presence of the Chakma in the Pawi Lakher Autonomous Region had been very significant even in the formation of Regional Council and in some cases the support of the Chakma representatives became the deciding factor when there was a conflict between the Lai and the Mara representatives in the PLRC. As provided by the Sixth Schedule to the Constitution of India, the then political leaders of Pawi and Lakher, later Lai and Mara, pursued their political rights through a democratic process by demand separate Regional Council in which they finally succeeded.

The creation of Pawi-Lakher Regional Council has been credited to the Mara Chief of Serkawr, Chhahmo who had considerable influence on L. L. Peters the then Superintendent of Lushai Hills District before and during the time of India's Independence. Chhohmo used to represent Mara chiefs in the Chief Conference since 1938 and he even submitted memorandum to the authority for separate administration for the Maras on January 5, 1945, April 7, 1947 and July 7, 1947^{xv}. It had also credited that the visit of N.K. Rustomji, the then advisor to the Governor of Assam to the Lushai Hills on the issues of Advisor Council which was set up as an interim council before the creation of District Council^{xvi}.

Here it is to understand that the post of the Advisor to the Governor of Assam was created by the British India Government to look after the affairs of the hill tribes of Assam. So, the Advisory Committee of the Lushai Hills was convened under the chairmanship of Rustomji and the visit of the high dignitary was taken as an advantage by Chhohmo to express his view on the creation of separate administration for the smaller tribes. But, Chhohmo's view was not considered by the Advisor of the Governor considering that the Lakher population was not large enough to have separate administration. However, L. L. Peters, a close acquaintance of Chhohmo and whom Chhohmo had met the day before and convinced him for separate administration, intervened and explained to the Advisor the unique case of the Lakher who occupied the extreme south of the Lushai Hills needs separate administration. Convinced by the Superintendent L. L. Peters, the Advisor took notes of the situation and informed Serkawr chief that their case would be taken into consideration.^{xvii} In fact it was L.L. Peters who had advised Chhohmo to place his demand in the meeting of the Advisory Council chaired

by Rustomji^{xviii}. The combination of the Serkawr chief and the Superintendent thus convinced the Advisor of the Governor of Assam, paving the way for the separate administration of Maras and the Lais.

The intervention of Chhohmo was quiet significant as the Mizo Union had boycotted the meeting of the Advisory Council and that Serkawr Chief had the advantage to use the extra time to present his views on the political future of the his tribe and also the Pawis^{xix}. It was interesting to learn that unlike the Lushais dominated areas, where the commoners had the upper hand in decision the political future of the then Lushai District through the Mizo Union Party, in the case of the Pawi and the Lakher, it was the chiefs that decides the future of Pawi and Lakher political process. One can say that in the case of the then Lushai Hills District, the District Council was formed with the support of the Mizo Union against the wishes of the chiefs and the District Superintendent^{xx}. While in the context of the Pawi and the Lakher regions, the Regional Council was formed with the support of the District Superintendent and the chiefs against the wishes of the Mizo Union because the Mizo Union was against the separate administration of the Lakher and the Tribes within the Mizo District^{xxi}.

So, when the advisory members under Pawi Lakher Regional Council were nominated by the Government of Assam under letter no. 7AD/R/3/52/15 dated 20th May 1952, Anando Chakma from Sumsilui was among the seven nominated members, others were all from Lai and Mara tribes^{xxii}. Unlike the District Advisory Council formed for the then Lushai Hills District where the members were elected, the members of the Regional Advisory Council or Committee were nominated as suggested by the Deputy Commissioner^{xxiii}. This Regional Advisory Council was also to look into the affairs of the Regional Council areas till the proper Pawi-Lakher Regional Council was formed.

One of the major tasks of the PLRC Advisory Council was to draw the boundary of the regional council. Among the members, it was Z. Hengmanga, one of the pioneers in the birth of PLRC, who strongly advocated for the inclusion of Chakma areas as it was within the territory of the Chiefs of Tlanglau and Bawm tribes. On the other hand Tuikhurliana, who was elected from the Chakma area to the Advisory Council of the Mizo District, claimed that the Chakma did not want to be included within the Pawi-Lakher Regional Council^{xxiv}. At this point of time the concept in the making of PLRC boundaries was to include all the territories of the Chiefs of the Lai and Mara and the tribes which they considered as their lineages. Therefore, the inclusion of Chakma in PLRC was out of the scene. Only those Chakma villages which were situated within the territory of the Chiefs of Tlanglau and Bawm were considered as advocated by Hengmanga. This may be one of the reasons why many of the Chakma villages were excluded during the creation of PLRC. As such the exclusion continued till today.

The exclusion and inclusion of Chakma in Pawi-Lakher Regional Council

The Pawi-Lakher Regional Council was provided under sub-para 2 of Paragraph 1 of the Sixth Schedule which empowered the Governor to constitute Regional Council with District Council for minority tribes and this was constituted by the then Governor of Assam vide notification No. TAD/R/10/50 on July 31, 1951. Later, in the exercise of the powers conferred by clauses (a), (b), (c), (d), (e) and (f) of sub-paragraph 6 of Paragraph 2 of the Sixth Schedule to the Constitution of India, the Governor enacted rules for the first Constitution of the Pawi-Lakher Autonomous Region (Constitution of the Regional Council) Rules, 1952, which was notified through No. TAD/R/3/52/15 on May 20, 1952^{xxv}. According to the new rules, PLRC had been allocated 12 seats out of which 9 seats were to be filled through direct election based on universal adult franchise and not more than three seats are to be nominated by the Governor on the advice of the Chief Executive Member of the PLRC^{xxvi}.

However in the distribution of seats, there was an issue between the Lai and the Mara, in which the Government of Assam brought in the intervention of B.W. Roy, the then Sub-Divisional Officer posted at Lunglei Sub-Division. B.W. Roy settled the distribution of PLRC seats in which Lakher would get 3 (three) elected seats and 2 (two) nominated seats, on the same line the Pawi would get 4 (four) elected seats and 1 (one) nominated seats. And in order to accommodate the minority within the minority 1 elected seat was to be given to the Tlanglau and the Tuikuk (Bru)^{xxvii}. Then, finally Pawi Lakher Regional Council was inaugurated on April 23, 1953 at Lunglei with the headquarters at Saiha by the then Parliamentary Secretary to the Government of Assam, Ch. Saprangna, MLA.

The territory of the PLRC constituted the present areas of the three Autonomous Councils inhabited by Lais, Maras, Chakmas and some other minor tribes' viz., Pang, Tlanglau, Bawm, Brus. Though Chakmas comprised of the third largest community within the PLRC areas, the regional council was specifically meant for the Pawi (Lai) and Lakher (Mara), as this territory mostly belongs to the Lais and Maras since the pre-colonial period^{xxviii}. The formation of the first Regional Council clearly depicted that PLRC was exclusive meant for the Pawi and the Lakher and other tribes belonging to Mizo ethnic communities but not for the Chakmas.

Thus, when the first Regional Council was formed, there was no Chakma member either in the elected seat or in the nominated seat. There was no election in the first PLRC term as all the member who had filed their candidacy belonged to one party, i.e., Tribal Union Party. This Tribal Union Party stood for only the Lai and Maras tribes, not for the Chakmas, thus Chakmas were not included among the member of the first Regional Council.

However, the presence of the Chakma villages cannot be denied for long as some Chakmas villages were located in the areas bordering the present Bangladesh during the colonial period. At the time of Independence few of the Chakma villages were situated within and outside the PLRC area or the present Sixth Schedule areas. Then in January 30, 1958 (No. RCL.5/58/44) *The Pawi-Lakher Autonomous Region (Constitution of the Regional Council) Rules, 1952* was amended and in pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, The Pawi-Lakher Autonomous Region (Constitution of the Regional Council) (Amendment) Act 1957, Act No. 1 of 1958 was notified by Hengmanga, the then Chairman of PLRC. In the new act, amendment had been made by increasing the elected seats from 9 (nine) to 10 (ten), and also decreased the nominated seats from 3 (three) to 2 (two). These arrangements were made to grant equal elected seats, both elected and nominated to the Lai and the Mara. 4 elected seats and one nominated seats each to the Lai and the Mara respectively. The Act further reorganised the existing constituencies to accommodate the minority communities' viz., Tlanglau, Chakma and Bru^{xxxix}. Thus, from the second election to the PLRC one elected seat had been captured by the Chakma, Atul Chandra. Thus, a Chakma representative was part of the second term of PLRC from 1957 to 1964. Henceforth, the Chakma representatives were parts and parcel of the PLRC till the birth of separate Chakma Autonomous District Council.

The PLRC politics had been dominated by one party Pawi Lakher Tribal Union till 1959, and then there was a rift between the political leaders of the two tribes Lai and Mara. This happened as the Mara accused the Lai leaders of dominating the PLRC and thus the Mara leaders thought that it was better for their political survival to move out of the dominance of the other tribes^{xxx}. Finally, Mara Freedom Party (MFP) was formed on September 16, 1963 at Zawngling with the initiatives of the prominent Maras's political leaders to fight for separate District Council for the Mara tribe^{xxxi}. This was followed by the formation of Chin National Front (C.N.F.) by the Lais in the same year, 1963. Subsequently, in the following year, the Pawi-Lakher Tribal Union died naturally as this party was formed to cater the needs of Regional Council through party less^{xxxii}.

Hereafter, both the Mara Freedom Party and the Chin National Front pursued their own ethnic based party's interest in politics. Here it is worth to mention the significant role played by the Mara Freedom Party. In 1965, the MPF had submitted memorandum demanding separate political entity of District Council to H. V. Pataskar, chairman of the Hill Areas Commission, a one man commission formed by the Ministry of Home Affairs^{xxxiii}. It has been credited that this political movement of the Mara Freedom party paved the way for the future trifurcation of the then PLRC into three autonomous district councils for the Lai, the Maras and the Chakmas^{xxxiv}.

The rift between the Lais and the Maras in the functioning of PLRC had given opportunity to the Lai, as the Mara had boycotted the third election to PLRC held in 1964. The Lai elected representatives supported by the Chakma member exceeded the quorum and run the PLRC without the five seats given to the Mara. So, out of 12 seats in the PLRC, 7 (seven) seats (six elected and one nominated) were filled by the Lai and the Chakma. Taking this opportunity of the Council election boycotted by the Maras, the Lais held all the executive posts and remained in the office till the next election in 1970. However due to the outbreak of insurgency and counter insurgency, the third term of PLRC from 1964 to 1970, the PLRC could not function properly.

Then, changes came along with the fourth election held on April 23, 1970 in PLRC was that for the first time, two PLRC constituencies had been won by the Chakmas candidates. This had shown that the Chakma had become politically conscious and that the constituencies where the Chakmas were in majority elected the candidates from their own community. Another change that came along in the fourth term of PLRC was that there was rift within the Lais members. There were two factions one led by Lalchunga Chinzah and another group led by Manghnuna. In such a situation both the faction need the support of the members in which Chakma member can also played crucial roles. Such that, Atul Chandra Chakma joined Lalchunga's group, while Arun Kumar Dewan joined Manghnuna's group. Taking advantage of the political tussle among the Lai's members, the Mara Freedom Party formed the council government with the support of the Manghnuna's group. Then for the first time in the political history of Mizoram, the Chakma member Arun Kumar Dewan had been rewarded with the post of the Deputy Chairman in the Regional Council^{xxxv}.

Birth of the Chakma Autonomous District Council

However this newly structured PLRC run their office for a very short period till April 1, 1972. This was because Mizoram became Union Territory on January 21, 1972 through the North-Eastern Areas

(Reorganisation) Act, 1971^{xxxvi}. Through this Act, the Mizo District was upgraded to Union Territory, there by dissolving the Mizo District Council established under the Sixth Schedule to the Constitution of India. But, in the case of the Pawi-Lakher Regional Council, the political leaders of the regional council wished to continue with the provision under the Sixth Schedule.

To grant the long standing wish of the Lais, the Maras and the Chakmas, the competent authority dissolve the PLRC on April 1, 1972 and subsequently on the next day April 2, Pawi-Lakher Regional Council was trifurcated into three regional councils – Pawi Regional Council, Lakher regional Council and Chakma Regional Council. Then, on April 29, 1972 these three regional councils were again up graded to three autonomous dsitric councils – Pawi Autonomous District Council, Lakher Autonomous District Council and Chakma Autonomous District Council.

The nature in which the Chakmas were given Autonomous District had become unending political debates in the political discourse of Mizoram because, the Chakmas were considered as non-indigenous to the state of Mizoram. It was claimed that the officials both at the state and the centre had been convinced by the Chakmas political leaders at the dawn of trifurcation of the PLRC^{xxxvii}. It was even considered unexpected on the birth of Chakma Autonomous Council^{xxxviii}. But looking deeply into the political scenario of the PLRC which otherwise remained isolated from the overall process of Mizo District, the birth of CADC was not a surprise. In fact, there was no strong opposition from the Mizo District Council worth mentioning, particularly political or social movement in opposition. Beyond that, there was no strong opposition from the Lai and Mara leaderships when the PLRC was to be trifurcated. Above all, one can credited the Chakma leaders for taking initiatives to the political and official level by demanding separate District Council. However, one should recognise that Chakma living outside the PLRC were left out of the formation of CADC. Finally, for the first time on record, the Chakmas were given recognition by the Constitution of India through the provision of the Sixth Schedule.

Conclusion

The birth of the CADC can be credited first of all to the working of the Indian Constitution which gives spaces to the minority to be accommodated through liberal democratic culture. Again with the introduction of the Sixth Schedule firstly for the Hill Tribes of Assam for separate administration through the District Council and Regional Council had become blessing for the Chakma too. Particularly with the introduction of PLRC for the Lai and Mara becomes blessing in disguise for the Chakmas. As they had played an active role in the PLRC politics, though limited, had given them the opportunity to politically negotiate their demands for separate administration. Also, with the upgradation of the Mizo District into Union Territory of Mizoram and trifurcation of PLRC, the right opportunity came along for the Chakma which finally culminated into the creation CADC.

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