

INDIGENITY, MINORITIES AND RIGHTS IN NORTHEAST INDIA¹

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“Indeed Human Rights, viewed at the universal level, bring us face-to-face with the most challenging dialectical conflict ever: between “identity” and “otherness”, between the “myself” and “others”... between the universal and the particular, between identity and difference.”

--Boutras Boutras Ghali

Universalism/Relativism: the International dilemma.

The ‘Universal Declaration of Human Rights’ of 1948, had made an universal affirmation that Human Rights should not be distinguished on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or status. This claim of the Declaration that is based on the assumption of the inherent sacredness of the human being reaffirmed the universal vision of the brotherhood of mankind and sought to revive the metaphysical and moral claim to a transcendent human existence and by acknowledging the inherent sacredness of the human being recognised the unity of human dignity.²

However, in a world that is seeking new methods of regulating the emerging “single world order”³ and an “overlapping consensus”⁴ on what we understand as Human Rights, increasing claims premised on the ‘particular’ and the ‘local’ are confronting claims that are supposedly ‘general’ and ‘universal’. The consequential ‘dialectical challenge’ that any Human Rights regime confronts between ‘self’ and ‘other’ presents a dilemma and ambiguity that defies conclusive reconcilability. The result is that Human Rights as a category of legal and moral claims is increasingly falling prey to relativist challenges that are being increasingly premised along cultural and religious idioms.

This ‘relativist’ contest at the international level has found expression in the “Universal Islamic Declaration of Human Rights” that purportedly seeks to challenge the western norms and values of Human Rights.⁵ On the other hand the debate on “Asian Values” and the initiatives to locate the ‘East Asian challenge’ to human rights within a discourse of universality⁶ reflects the explorations being made to comprehend the possibilities of synthesising local attachments and identities within an

International human rights regime. The result of these challenges and syncretistic explorations is not only the emergence of a dialogue between these apparently ‘different’ moral justifications of the rights discourse but also the emergence of a cascading set of claims and justifications that has often undermined individual equality and ‘citizenship’ rights of co-inhabitants.

At a praxiological level, this relativist challenge is reflected in the dichotomous conceptions of the “sacredness characteristic of those who are [considered] truly and fully human”⁷. This view of Human Rights, as Perry elucidates, considers only some human beings belonging to one’s own tribe or one’s ethnic community as sacred⁸ and thus worthy of being considered humans and legitimate bearer of [human] rights. The result being that while some people are considered human and sacred and, therefore, guaranteed Human Rights the ‘others’ are denied this “sacredness” and consequently not accorded any rights as humans. This is regardless of the formal and almost universal adoption of the principles enshrined in the “Universal Declaration of Human Rights” regarding the legal recognition of the inherent sacredness of the human individual. Apparently even today the principles of the United Nations *prima facie* consider individuals as the main bearer of rights and emphasise that only where “individual rights are respected can *differences*⁹ be channelled politically and resolved peacefully”.¹⁰

However, it may not be unwise to argue that notwithstanding this emphasis upon universality, regulated and effected by the importance of the individual, hierarchically placed International Human Rights regimes promoted by the UN itself, essentially embodies the relativist challenge and the dichotomous conceptions of ‘sacredness characteristic’. If we glean through the parallel and simultaneous endorsement by the UN or its ancillaries of collective and individual rights that are often mutually incompatible and conceptually unclear¹¹ we will become aware as to how it braced the deepening contest between universalism and relativism. The enactment of rights regime in the form of the ‘First, Second and Third generation’¹² rights, probably unintended, contained the seeds of tension palpable in the contested acceptance of Human Rights as a category of rights by most states of the world. While the first-generation rights were ‘traditional liberties and privileges of citizenship’, the second-generation rights constituted what can be referred to as ‘socio-economic claims’. The third generation rights that constituted ‘solidarity rights of *communities*,

rather than *individuals* were meant to reinforce the emancipation of ‘nations’ from colonial bondage. However, the nature and scope of this ‘solidarity’ has been interpreted in accordance with the ideological proclivities and rational choices of scholars and advocates. While at one level we have the ‘collective solidarity’ “phenomenon of global interdependence among individual states”, on the other we have collective ‘solidarity’ claims of [*indigenous*] ethnic groups within individual [national] states for self-definition or even self-determination. This tiered and ideological interpretation of the ‘collective’ was further clouded by the ambiguous and efforts of the UN and its ancillary bodies to formalise the rights of ‘*indigenous*’¹³ groups and its imbrications with solidarity rights.

Intended [probably] to harmonise the culturally abstracted set of civil and political rights; a purpose different from its current pragmatic dispensations, the ‘solidarity rights’ today provides the normative foundation for the interrogation of the ‘first and second generation rights’¹⁴. Instead of reinforcing itself as a moral and legal protection of claims for ‘global redistribution of power and wealth’ to the privilege of developing peoples and nations and the aspiration to benefit from ‘the common heritage of mankind’, it has established itself as the rationale for a set of exclusivist claims that are effected by the “self-assertive capacity [of ethnic groups] to limit ‘others’¹⁵. Though ‘solidarity’, [cultural] ‘collectivity’ and the ‘nation’ are seen as analogous terms that define and determine the character of Human Rights claims, in most parts of the world today they are conceptualised in a manner that ‘excludes’ groups perceived as ‘others’ who may nonetheless be legally defined ‘citizens’. In short, the ‘collective self’ of culturally diverse communities inhabiting analogous social and political spaces is being constituted by exclusive contrastive labels that help to construct rigid social boundaries. The fact being, in many cases the rigidity of the boundaries between this [collective] ‘self’ and the [collective] ‘other’ often forecloses the possibility of any relational dialectics between communities and hence any possibility of transformation of rather antagonistically constructed social differences. Consequently, [ethnic] groups are increasingly asserting the primacy of ‘collective rights’ that is often effected in cultural terms to the detriment of the civil and political rights. Even in scholarly descriptions or mobilisational practices any reference to ‘collective rights’ immediately conjures a cultural imagery while

reference to ‘individual rights’ often reflects civil and political claims. In such circumstances, where celebration of the “local/cultural” is in fashion, any assertions of ‘individual (civil & political) rights’ that emphasises “citizenship as the mediating link between private and public spheres under conditions of respect for autonomy, plurality, rule of law and civility” have become almost an anathema in any contemporary political discourse.

As Das observes, collective [cultural] rights, have been formulated primarily in the context of the rights of minorities.¹⁶ That is to say groups considered ‘minorities’ in terms of their ability or degree to enjoy social and political power vis-à-vis the dominant groups in the national or international context, are the legitimate bearers of ‘collective rights’. However, as is clear from the inconclusive deliberations in various international and national forums, the defining scope of ‘minority’ is still a subject of contestation and rightly so.

Francesco Capotorti, Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, mentions that despite many references to ‘Minorities’ in international legal instruments there is generally no accepted definition of the term “minority”¹⁷. Nonetheless efforts at discerning a generally acceptable definition of who constitutes a minority that, at the international level, began with the Permanent Court of International Justice in November 1930 continues to this day. The Sub-Commission on Prevention of Discrimination and Protection of Minorities itself at its third, fourth and fifth sessions¹⁸ recommended to the Commission on Human Rights to adopt a draft resolution defining minorities for purposes of protection by the United Nations. However on each occasion the commission after consideration referred the issue back to the Sub-Commission for further study.

The Special Rapporteur had however; made a provisional interpretation that most of the countries had observed as acceptable. The interpretation mentioned that *an ethnic, religious or linguistic minority is a group numerically smaller than the rest of the population of the state to which it belongs and possessing cultural, physical or historical characteristics, a religion or a language different from those of the rest of the population.*

However, the definition is restricted by the fact that the interpretative possibilities are fundamentally etymological, and does not consider sociological and political compulsions or processes that might constitute a group into a minority.

This makes it obvious that any unmediated welding of ‘collective cultural rights’ with the claims of ‘minority groups’ is problematic to the extent that definition and derivation of minority is relative and contextual. It is aptly reflected in Myron Weiner’s assertion, that a sense of belonging to and constituting a minority depends largely upon where one lives, how much power and status one has, and ones’ sense of community threat.¹⁹ Nonetheless, rights claims structured along ‘solidarity’, and ‘collective cultural rights’ are being fashioned by groups defining themselves as ‘minorities’ or even ‘indigenous’. The ethnocentrism and contradictions inherent in these collective claims get amply reflected if we consider their nature in federally structured polyethnic societies with overlapping and “parallel ethnic structures”.

Universalism/ Relativism: the National dilemma.

In a postcolonial and polyethnic state like India, the relativist challenges are not so substantially from the insistence on a ‘India-centric’ normative rights regime as it is from the claims made on the basis of perceived antiquity and ‘indigenous/minority’ status by communities within the ‘nation-state’ itself. In many parts of India, the relativist challenges are an intra-national phenomenon emerging out of the contests and claims of different communities and this paper is concerned with conflicts it seeks to term as those between the “Native and the Citizen”²⁰.

Like its Asian counterparts, in India as well, communitarian values²¹ takes precedence over individualism, however the political processes and state structures and principles adopted are ‘liberal individualistic’. Thus ‘individualised’ political principles like citizenship or rule of law exists in a palpable tension with communitarian social and political practices and principles, which convinced Bhiku Parekh, to note that India shared its sovereignty [also] with a wide array of autonomous and largely self-governing communities²² and sought to reconcile as an association of individuals and a community of communities, recognising both individuals and communities as bearer of rights.²³ This paradoxical dilemma of reconciliation between the liberal [individual] spirit and the concerns and consciousness of community has, thus, long remained according to Andre Beteille²⁴ a major test for India’s democracy. The

operational consequence of this dichotomy has been the emergence of varied conceptions in the ‘sacredness characteristic’ and consequently a contest between the ‘collective self’ and ‘collective other’; and because the notion of the ‘collective’ is ‘tessellated’ due to ethnic heterogeneity and federal divisions the construction of the ‘collective’ and its claims varies in relation to the context in which the contest is located – national or regional.

The postcolonial Indian state, recognising this inherent dilemma sought to negotiate the apparently competing claims through a process of ‘politico-institutional engineering’ that sought to bring about a ‘compensatory balance’ between individual and collective claims. Therefore, as a means of protecting its relatively communitarian social structure, intended to overcome the ‘assimilationist individualism’ of a homogenising liberal conception of citizenship the state ‘recognised’ and ‘prioritised’ the sacredness characteristic of certain groups through the enactment of a relatively “differentiated citizenship”²⁵ and creation of federal states on ethno-linguistic terms. The rationale behind such process of institutional crafting was to safeguard “a sphere of autonomy so that differences can be protected and *enhanced* without threat of assimilation and subjugation”²⁶ Besides, in its efforts to reconcile and negotiate the claims of a ‘community’ and that of the ‘individual’, the state attempted to provide for a dual structure of jurisprudence in its recognition of the ‘Personal Law Code’ enforced by groups themselves and ‘Civil Code’ enforced by the state. The efforts of the institutions of post-independent India to negotiate these simultaneous claims is aptly summarised by Galanter, who says that the constitution “clearly sets out to secure to individuals equality of status and opportunity, to abolish invidious distinctions among groups, to protect the integrity of a variety of groups...”²⁷ whereby he acknowledges the efforts of the institutions of independent India at attempting a balance between individual and group claims.

The cumulative result of these efforts is the cascading ‘recognition’ of groups, implicitly or explicitly, as ‘minorities/indigenous/disadvantaged’ entitling them to certain legal claims and preferential policies that safeguards them from any social, cultural and economic compromises.

However, the federal character and polycultural composition of the ‘nation’ undermines the possibility of an *a priori* categorisation of a group as a minority or even a majority. The implication being that though at the central level we may

identify a particular religious or ethnic group as a minority, at the federal level the same religious or ethnic group may constitute a majority. In other words a national minority may be a regional majority and a regional minority a national majority. The Government of India oblivious to this ambiguity and conceptual incoherence of the term continued to define a minority in religious terms and the notification of GOI, Oct 22, 1993 considers only the Muslims, Christians, Sikhs, Buddhists and Zoroastrians/Parsis as minority communities in India. This definition not only braces the characterisation of the 'nation' in religious terms by implicitly acknowledging a particular religious group as dominant but also provides the term 'minority' a generic character, undermining its conceptual contradictions and federal nuances.

It is only recently that the Supreme Court²⁸ has attempted to remove the conceptual and legal infirmities towards 'recognising' a group as a minority and made it more layered and contextual. The court accepting the fact that federal divisions was/is being made on linguistic lines considers it imperative to designate 'minorities' relative to the group/s' numerical strength in the context of a concerned state and not in any *a priori* procedure. This would imply that a dominant [majority] linguistic group of a state may be designated as a minority in a neighbouring state and may seek all claims to 'minority' status.

However, we may well acknowledge that notwithstanding this verdict, the 'recognition' of group/s, as 'minority/indigenous' will continue to be determined by the vagaries of ethno-regional politics, rather than by the establishment of formal legal procedures. Evidently even in the north-eastern periphery, where this paper seeks to locate the relativist challenges, the government selectively designated or implicitly recognised groups as 'indigenous/minority' despite the fact that the problem of locating a minority/indigenous group is immensely complicated given the ethnic mosaic and cascading nature of ethnic claims in the region.

Therefore, contemporary India, especially its north-eastern periphery, confronts a "scrambling competition" among groups to be heard and 'recognised' as "historical victims" of 'subordination' and thus worthy of legal support structures that are morally oriented to the respective groups' cultural settings and their consequent designation as 'minorities/indigenous'. Undoubtedly when group claims are premised on cultural terms, the competition usually leads to resurgence in the [re] invention of the symbolic repertoire and "mechanisms of boundary-maintenance" that gives

cultural significance and political primacy to groups. The resulting ‘dichotomisation/complementarisation’²⁹ has often led to the construction of exclusive and rigid boundaries that forecloses possibilities of dialogue and transformation of the conflicts between social groups in the region.

Indeed the genealogy and dimensions of all these assertions are complex and varied, but the underlying issue is inevitably concerned with citizenship and rights. Be it at the macro state level, where this ‘self-other’ dichotomy can largely be located in the frenzy assertion of communal passions structured substantially along religious differentiation or at the micro state level where it is usually structured along [religious], ethnic or ‘tribe/non-tribe’ differentiations. Despite variations in the dimensions and nature of these contests, at both the levels, the casualty is largely principles associated with the notion of common citizenship and Human Rights.

This paper, though aware of the general denial of citizenship claims and human rights in other parts of India³⁰ is, as already mentioned, specifically concerned by the relativist contests at its North-eastern periphery where ‘Rights claims’ and counter-claims is clouded by the deepening dissonance of ‘public domain’ and ‘private domain’³¹ conflicts. While the former variety of conflicts are reflected in the armed confrontations between the involved [ethnic] groups or between the groups and the state for social, political and territorial space, the latter variety of conflict, though often has similar goals, is restricted to dormant ethnocentric conduct that define and structure the dynamics of quotidian aspects of inter-group relations in the region. Most of these claims and conflicts are relativist and exclusive in character; in the sense that they ideologically attempt to “institutionalise ethnic entitlements, rights and privileges”,³² which creates and reinforces “unequal status of citizenship” and fuels a process of ‘inequalisation’ of ethnic ‘others’ in the region.

Universalism/Relativism: the Regional dilemma.

Many interesting features which add elements of distinction to a region that encompasses tremendous social heterogeneity and complex [traditional] political organisations comprises of the seven states of Assam, Meghalaya, Manipur, Nagaland, Arunachal Pradesh, Mizoram and Tripura. Numerous cultural groups with relatively autonomous histories, conflicting claims, and different stages of development constitute the socio-political matrix of the region. Estimates maintain

that there are nearly 75 major ethnic groups and sub-groups with 400 languages and dialects. Many of these groups were granted statehood at various moments of post-independent history in deference to claims for [ethnic] autonomy and *difference*. In this way, the autonomy of ‘collective life-worlds’ of many of the ethnic communities residing in the region were ‘recognised’ and ‘protected’ by legal and structural mechanisms. However, to reflect on it differently: the ‘recognition’ of linguistic states in the region and the consolidation of the principles of ‘*universalist inclusion*’³³ along with the adoption of principles of ‘*systemic exclusion*’³⁴ engendered a tension that was to enact and re-enact itself in the region almost uninterrupted. In other words, the recognition of exclusive rights of communities along with citizenship rights of individuals in the region has led to the emergence of a contest located in the dilemma between loyalty to a civic polity and citizenship claims and loyalty to group identities, where some of the contests are crystallised into ‘ethnic insurgencies’. Although, this form of legal recognition to cultural difference may have its advantages in remedying the purported “historical disadvantages”³⁵ that ‘tribal’ [and therefore indigenous] people in the region suffered, the effective result of this fortification has resulted in the ‘othering’ of ‘non-tribals’ [and therefore non-indigenous], whom Baruah describes as “denizens”³⁶ or Dev depicts as the “nowhere people”.³⁷ This form of ‘recognition’ politics possibly insured the ‘lifeworlds’ of the indigenous groups in the region but also ensured the emergence of “exclusive homeland claims”³⁸ that were ethnically defined and determined resulting in the ‘systemic exclusion’ of ethnic others.

Though scholars have variously treated this contest as emerging out of a ‘tradition/modern’ dichotomy³⁹ or even the outcome of ‘rational choice’ of the varied actors⁴⁰ playing their roles in the unfolding drama, the continuing ‘quest for identity’⁴¹ structured mostly along “kinship orientation of social relations”⁴² in the region continues to reproduce images of ‘otherness’ that is exclusionary, insular and ethnocentric. The constitutional guarantees provided in the form of ‘protective discrimination’ or even ethno-linguistic states meant for providing equal opportunities to marginalized ethnic groups has proved to be counter-productive in many of these states. Because in almost all these states it is group identity that has become primary for deriving state entitlements and social rights leading to a social condition where premium is placed on ethnic identity. Thus in a social and political condition, where differential privileges were supposed to supplement citizenship rights, the result has

been the contrary, i.e. differential privileges itself becoming a source of social closure.⁴³ The consequence has been that in the region an increasing process of contrasting and comparing of cultural markers that [re]defines ethnic identity and claims has germinated. This has a cascading effect in such a polyethnic region, where exclusive ethnic identities are being continually constructed. Groups that had once identified with a particular ethnic name or group is [re]constructing its identity independent of its hitherto host⁴⁴ and justifying the process through reification of perceived 'indigeneity'. These claims to authenticity and autonomy of group identity are often relativist to the extent that it involves denial of similar claims by 'others' thus initiating ethnic contests between dominant and non-dominant ethnic groups where the former submerges and excludes the latter from social, political and economic advantages.

In this context it may be noted that as in other parts of India the linguistic/ethnic demarcation of states helped to consolidate the margins of group identity and state structures are obviously identified with a particular group or groups. However, unlike the other parts of the country, in this region the identification is rigidly ethnocentric to the extent that any legal or political recognition of the 'marginality' of a group and redress of the same is considered a political game that would undermine the claims of the dominant ethnic group/s⁴⁵. Thus group identity and the state structure are so intertwined in most of these states that 'claims' or 'recognition' of claims of non-dominant groups are seen as belligerent, oblivious of the fact that many of the communities seeking such 'recognition' may have been residents of the state for generations⁴⁶. This implies that in the determination of the justifiability or legitimacy of claims by non-dominant groups it is not residency but 'indigeneity' that determines a group's claim and inclusion as full social and political actors in the state. Interestingly, the dominant ethnic groups who control the political apparatus of the state often contest even 'indigeneity' claims of a minor ethnic group. An instance is the conflict between the Mizos and the Hmars in the state of Mizoram, where claims by the Hmars for constitutional recognition of their 'indigeneity' and granting of relative autonomy is being challenged by the dominant group on the claim that the Hmars are "essentially Mizos" and therefore recognition of their 'unique collective life world' would undermine Mizo identity to the extent that "at one point of time there may not be anything called the Mizos"⁴⁷. Even take the case of the

Reangs, who are denied the benefits of recognition politics by the Mizos as the Reangs are considered as not indigenous to Mizoram and their demand for a Brue homeland perceived as proposals to divide the state⁴⁸. This intertwining of state boundaries and ethnic identity is also deepened by ethnic insurgencies in the region that undertake surreptitious eviction of 'ethnic others' from their 'imagined homelands'⁴⁹. Scholars argue that this has a definite strategy, since in the case of a 'possible future state' the claims of an ethnic group would be reinforced by its overwhelming presence in the area.⁵⁰

Consequently because of this warped viewing of 'majority/minority/indigenous' status from the supra-nation-state level and the dowdy attitude of the government to establish formal mechanisms to determine 'minority/indigenous' status, other than through the vagaries of ethno-regional politics, there has emerged legal infirmities for the determination of rights claims by 'minority' groups residing in concerned states. This has often also resulted in the denial of sacredness to the group and violation of their human rights. This denial can be instantiated with examples like the selective killings of Adivashis, Bihari Muslims, Nepalese or even Bengalis, in Kokrajhar and other Bodo-dominated areas by Bodo insurgents⁵¹ or the removal of a half-burnt dead body of a non-dominant ethnic lady from the funeral pyre in Meghalaya⁵² that failed to evoke social or political opprobrium, though some of them were legitimated by the 'indigenous' intelligentsia by justifying them as function of the cultural and social norms⁵³. It is true that legal and structural guarantees provided to some of the ethnic groups in the regions are meant to safeguard the moral, ethical and cultural basis of the social norms and conventions of the 'indigenous' communities [especially those granted statehood or autonomous institutions] but it cannot encourage or be used as a conduit for the violation of [individual, or even 'other' groups'] human rights for the sake of respecting "[first] peoples" rights. If we view the conditions prevailing in the region it can possibly be argued that the terms '*peoples*', '*indigenous*', '*minority*' are being arbitrarily and rigidly adopted by privileged groups to assert their distinctiveness in a manner that not only denies similar ascription to non-dominant ethnic groups and also violates the norms of basic human rights but invariably reinforces claims of the dominant groups.

These relativist dispositions are so deeply entrenched in the social psyche that it is often reflected in public images, meanings and social expressions of dominant groups. In many of these states, groups other than those belonging to dominant group/s of the state, are considered “oppressive aliens” responsible for ‘historical’ exploitations. At times presence of ‘ethnic others’ within the state is even cited as the cause for the degeneration of the moral fibre of the host state⁵⁴ and restrictions are sought to be imposed on the free movement of people from ‘other’ states. As such in the state of Meghalaya, indigenous intellectuals are concerned that the social behaviour of young Naga, Mizo and Manipuri boys and girls would pollute the cultural fabric of the state and behaviour of its youths. In most of these states, ‘insider/outsider’ images are so exclusively weaved in the socio-cultural discourse that images of ‘otherness’ is effected as a part of the cultural lore and repertoire and social closure becomes a predetermined fact. A personal instance from Meghalaya, where during the last Christmas a group of children declined to hold hands with another child while singing carols, whose father happened to an ethnic ‘other’ while her mother an indigenous Jaintia lady doctor, by bracketing her as a ‘*dakhar* [outsider]. Again references made to someone pejoratively as “*Khariap*” indicates his status as “dead as a non-khasi”. Even in instances that are of a civil/criminal nature, ethnic images of difference are reproduced and reinforced. In Mizoram, the imposition of ‘non-tribal curfews’ that restricts movement and participation of non-tribal ethnic members in ‘public’ places⁵⁵ is an accepted form of public protest on issues that may be of a purely civil and criminal nature. These images of difference can thus be located not only as a tribe-nontribe phenomenon but intra-tribal as well and is often girded by the territorial boundaries of a given state. On many occasions the state remains a passive observer⁵⁶ to such instances of human rights violations. All these ‘processes reinforce local ethnic identities, fragments the political process as well as braces support for the institutionalisation of non-representation to non-dominant ethnic others⁵⁷ and undermines the concept of common citizenship’⁵⁸.

The result is ‘tense, mistrustful, anxiety-haunted society/ies’⁵⁹ where the dominant groups perceive the pressure of ethnic others in serving the deterioration of their economic and social condition; while non-dominant ethnic minorities perceive the attitude of dominant ethnic groups, as responsible for the undermining of political representation and collapse of social cohesion.

In short ‘citizenship claims’ “reflecting equality before law, equality of access and opportunities in state institutions and structures and justice and fairness in the interaction between the state and individuals and amongst individuals in a political community”⁶⁰ undergoes substantial denial in many states of the region. However, this is not to imply that the ‘others’ are denied any juridical confirmation as citizens. Nonetheless the operational and performative aspect of this right is merely nominal and formal, without a robust substantive basis because the ‘constitutive rules of social and political relations in many of these states are mostly factored by ethnic identity and status’⁶¹. The aggregated result of all these processes is social stigmatisation of each other by ethnic groups and consequent occupation of spatially segregated social enclaves that eventually widens the fracture between ethnic communities and aggravates social tensions.

Inevitably the social and political conditions prevailing in many of the societies has caused shrinkage in the representative voice of non-dominant groups that dilutes their socio-political status almost into a state of ‘subcitizenship’⁶². An instance, again in the state of Meghalaya where by a warped logic derived from the principle of ‘protective discrimination’, out of the sixty (60) legislative assembly seats, fifty-five (55) are “reserved”⁶³ for the dominant communities, while five (5) are technically “open” seats meant for representatives from non-dominant [and un-notified] ethnic communities. Moreover, elections to civic bodies are stalled, despite judicial orders, by members of the traditional authorities in states like Meghalaya with subtle threats to non-tribal candidates⁶⁴ who seek participation in representative governance at least at the municipal level.

These social and political conditions in many of the states in the north-eastern periphery, therefore, impel us to observe that dominant ethnic groups in the region are self-consciously fashioning “a culture” and a social identity based on difference, which fits with the contemporary warped view of ‘minority/indigenous/collective’ that enables them to pursue political goals within the context of the Indian state. This ‘culture’ is fashioned by invocation of symbols and myths that not only seek to establish their autonomy and difference but also legitimise it by referring to instances of subordination/exploitation by the post-colonial state or its purveyors—the ethnic others. As a result the perceived cultural differences among the varied ethnic groups establish themselves as rigid social and political differences and are reproduced in

quotidian inter-group interactions that gets violently expressed in [ethnic] communal clashes in many of these states.

Scholars stressing this “Durable Disorder”⁶⁵ prevailing in the region attribute it largely to the complex nature of “differentiated citizenship” foisted upon the transitional societies of the region. In addition these relativist dispositions are said to have their “origins in the asymmetrical incorporation of structurally dissimilar groups into a single political economy”⁶⁶ resulting in a complex and variegated social and political condition that feeds into the current social and political discourse. Besides the role of the state in ‘prioritising’ the sacredness characteristic of certain groups through the enactment of structural mechanisms on ethno-linguistic terms have also reinforced institutionalised visions of exclusive homelands⁶⁷, blueprints of which are being continuously advanced by ethnic groups from the region in opposition to the ‘others’.

Yet evocations⁶⁸ for purging the distortions generated by these institutional and structural mechanisms through adoption of “dual citizenship” as an alternative to “differentiated citizenship” and the current ethnic imbroglio must be espoused keeping in view the nature of the political dynamics of the region that are shaped by insular ethnic allegiances and is often mirrored in the character of the political institutions themselves. Since the political consciousness is shaped by the loyalty and allegiance to respective ethnic categories fundamental and critical inequalities generated in these societies based on ethnic identity would forbid any broadening of the citizenship discourse as well as effectively undermine the principles of civic equality based upon any such discourse. Regrettably the awakening of groups in the region to realise their ‘manifest destiny’ through the activation of group identity based on exclusiveness and difference not only contains the potential to negate the ‘pluri-ethnic’ character of the region and the emergence of a democratic [civic] dispensation but the deep-seated social tensions between the various ethnic groups in the region results in the abuse of human rights.

It is important to record in conclusion that the perpetuation of a form of institutional discrimination—consciously and unconsciously—operationalised through a macro definition of majority/minority would not only continue to generate conceptual incongruities and ethnic prejudice but legitimise and justify cascading claims for exclusive homelands in the region that deny similar claims by ‘others’.

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- ¹ This is a faintly revised version of an article published in the EPW. Vol.39 No.43 oct 23, 2004.
- ² See Raghubir Chakravarti. *Studies in Political Science*. (The world Press: Calcutta. 1965)
- ³ Kumar Rupesinghe. "Governance and Conflict resolution in Multi-Ethnic Societies" in Kumar Rupesinghe & Valery A. Tishkov (Ed.) *Ethnicity and power in the contemporary World*. (UN University Press: Japan. 1996) p.10
- ⁴ John Rawls. *Political Liberalism* (Columbia University Press: New York. 1993) Lecture IV
- ⁵ Rajesh Dev. "Universalism and Relativism in Human Rights: Problematique of Minority Rights in North East India" in R. R. Dhamala & S. Bhattacharjee (ed.) *Human Rights and Insurgency: The North East India*. (Sipra Publications: N. Delhi. 2002) p. 108
- ⁶ See Joanne R. Bauer & Daniel A. Bell. *The East Asian Challenge for Human Rights*. (Cambridge University Press: UK. 1999) p.3
- ⁷ See Michael J. Perry. *The Idea of Human Rights: Four Inquiries*. (OUP: N.Y. 1998) p.58.
- ⁸ *ibid.*
- ⁹ *Emphasis mine.*
- ¹⁰ Kofi Annan. "Strategies for World Peace". *Futurist*. May/June 2002. (The World Future Society: Maryland. USA) pp. 18-21
- ¹¹ See Michael Freeman. "Are there Collective Human Rights?" in David Beetham (ed.) *Politics and Human Rights*. (Blackwell Publishers: UK. 1995) pp. 25-40
- ¹² See, Johan Galtung. *Human Rights in Another Key*. (Polity Press: Cambridge.UK.1994) p. 8
- ¹³ For example, Convention 107 adopted by the ILO in 1957 or Convention 169 of 1989. These conventions together with efforts by other UN bodies, made numerous attempts at defining the term 'indigenous', though formally not adopted till 1992. However, despite these efforts it can be asserted that a clear generalised definition still eludes conceptual and legal clarity. Moreover, definitions by international bodies like the World Bank that identifies indigenous groups as "social groups...having little contact with the dominant national society of the country in which they live," makes such terms politically fashionable to be used for expressive practices by rational actors.
- ¹⁴ Dev. *op.cit.* 2002. p. 109
- ¹⁵ See. Jeremy Waldron. *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man* (London. 1988) p. 196. Though Waldron outlined this criticism while elucidating the character of Liberal rights in general, in today's condition the same argument can be justifiably used to refer to the tension between inter-group [ethnic] rights claim as well.
- ¹⁶ Veena Das "Cultural Rights and the Definition of Community" in O. Mendelsohn & U. Baxi (ed.) *The Rights of Subordinated Peoples*. (OUP: N. Delhi. 1996) p.117
- ¹⁷ Francesco Capotorti *Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities*. (N.Y.: United Nations, 1991, Para 20) p. 5
- ¹⁸ See resolutions E/CN.4/SUB.2/119, Para. 32; E/CN.4/SUB.2/140, annex I, draft resolution II; E/CN.4/SUB.2/149, Para 26.
- ¹⁹ Myron Weiner. "India's Minorities: Who are they? What do they want?" In Partha Chatterjee (ed.) *State and Politics in India*. (OUP: N.Delhi. 1998) p. 461
- ²⁰ For an elaboration of these terms see, Mahmood Mamdani. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. (Princeton University Press: Princeton. 1996)
- ²¹ These communitarian values are unlike the Kantian or Marxian conceptualisations and are more Hegelian in nature. See Will Kymlicka. *Contemporary Political Philosophy*. (Oxford University Press: N. Delhi. 2005 2nd ed.) p.209
- ²² Bikhu Parekh "The Cultural Particularity of Liberal Democracy" in David Held (ed.) *Prospects for Democracy*. (Stanford University Press: USA 1993) pp. 170
- ²³ *ibid.* p 170
- ²⁴ Andre Beteille. "Pluralism and Liberalism" *The Hindu*. January 4, 2002 p 10
- ²⁵ This differentiated citizenship is enforced in the North East by the promulgation of the 5th and the 6th schedules of the constitution that protected the cultural, social and economic life-worlds of some of the 'indigenous' groups in the region. For a detailed discussion on the 6th schedule and its legal implications, see B.L.Hansaria. *Sixth Schedule to the Constitution of India: A Study*. (Gauhati.1983)
- ²⁶ Vasuki Nesiiah. "Federalism and Diversity in India". In Yash Ghai (ed.) *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States*. (Cambridge University Pres. UK. 2000) pp. 55-56
- ²⁷ *ibid.*
- ²⁸ For an elaborate elucidation see M.P.Raju. *Minority Rights—Myth or Reality?* (Media House: Delhi. 2002)

- ²⁹ I have applied these terms from Eidheim who has used them to explain emergence of ethnic differences. See H. Eidheim. *Aspects of the Lappish Minority Situation*. (Bergen-Tromsø: Oslo 1971).
- ³⁰ For instance in the state of Gujrat where the recent riots led undeniably to the violation of human rights, citizenship claims and disenfranchisement of a large section of minority groups.
- ³¹ The cue for the use of these phrases has been taken from Osaghae, who used them in a slightly different context and meaning. See E. Osaghae. *Ethnicity and Its Management in Africa: The Democratisation Link*. (CASS Occasional Monograph, No. 2, Malt house Press: 1994)
- ³² For a similar expression of the conditions prevalent in Africa, see Said Adejumobi “Citizenship, Rights and the Problem of Internal Conflicts and Civil Wars in Africa” *Human Rights Quarterly*, (Vol. 23, No.1, 2001) pp.148-170
- ³³ See David Miller. “Citizenship and Pluralism” *Political Studies*, XLIII: 433-434,1995
- ³⁴ *ibid.*
- ³⁵ Sanjib Baruah. *Durable Disorder: Understanding the Politics of Northeast India*. (Oxford University Press. N.Delhi. 2005) p. 183
- ³⁶ *ibid.*
- ³⁷ Rajesh Dev. “Narrative Claims and Identity Impasse: The Experiences of the Nowhere People” in Sukalpa Bhattacharjee & Rajesh Dev (ed.) *Ethnonarratives. Identity and Experience in North East India*. Anshah Publications. N.Delhi. 2006 pp. 79-91
- ³⁸ Rajesh Dev “*Homeland Claims and Rights of the Despised*”, paper presented at a Seminar on “Human Rights: Significance and Implications with reference to Northeast India” at St. Mary’s College, Shillong. Nov 5th, 2003.
- ³⁹ See Myron Weiner. “Some Hypotheses on the Politics of Modernisation” In R.L.Park & Irene Tinker (ed.) *Leadership and Political Institutions in India*. (OUP: Delhi. 1960)
- ⁴⁰ See S.K.Chaube. *Hill Politics in Northeast India*. (Orient Longman: Hyderabad. 1999. reprint) p.245
- ⁴¹ *ibid.* p. 244
- ⁴² Lewis Morgan quoted by Chaube *loc.cit*
- ⁴³ For an elaboration of the forms of closure see Dr. Subrata Das. “Issues before Minority Non-tribals.” *The Shillong Times*. Nov 25, 2002
- ⁴⁴ The Bodos in Assam for example had once proudly claimed themselves as ‘Assamese’, or even the Hmars for example had once maintained that they were the Mizos, but now seek a separate identity.
- ⁴⁵ For example a recent attempt by the Govt. of Meghalaya to incorporate smaller tribes into the notified list of indigenous communities in the state for according benefits of land ownership etc. has met with stiff opposition from the three dominant tribes—the Khasis, Garos and the Jaintais. See. *The Telegraph*. Nov 16, 2002
- ⁴⁶ See “Gorkha names deleted in Mizoram”. *The Shillong Times*. Oct 30, 1987.
- ⁴⁷ This opinion was expressed by some post-graduate Mizo students studying in Shillong, who though acknowledged that small groups like the Lais, Gangtes, etc are smaller ‘groups’ but nonetheless are essentially Mizos.
- ⁴⁸ Syed Sajjad Ali. “The Reang Refugees” in *Frontline* (Chennai). July 31, 1998.
- ⁴⁹ See “Quit Notice Served by United Naga Council to Kukis” appended in Memorandum to P.V.Narasimha Rao Prime Minister of India by The Kuki Inpi, Manipur. Feb 10th 1996.
- ⁵⁰ This is said to be happening in the case of the Naga-Kuki conflict in the hill areas of Manipur where the Naga insurgent groups are engaged in systematic cleansing of other ethnic groups from areas that they perceive as part of their original homeland and could prove to be crucial if the ongoing negotiations between the Govt. of India and the NSCN (IM) require any physical verification of Naga Claims and possible re-demarcation of Naga inhabited areas. For a subtle indication of this argument, also see. T.T. Haokip. “Ethnic Conflicts and Internal Displacement in Manipur” in C. J. Thomas (ed.) *Dimensions of Displaced People in North-East India*. (Regency Publications. N.Delhi. 2002) p. 226
- ⁵¹ For an instance see *The Telegraph*. Oct 28, 2002
- ⁵² As reported in *Peitngor Cable News*, May 18th 2002
- ⁵³ A leading lady who had been a civil servant, in a public meeting declared that the latter incident should not be simply seen in the manner that it had happened but must be seen in the context of the norms of the Khasi community not to allow funeral rights to any individual [even from the khasis] or group who lives outside that locality. Nonetheless it may be pointed out that such funerals have been taking place in the area even for people from outside the locality for a long time, however,

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- since the establishment of habitations in the earlier deserted area, social bodies like the *Seng Kynthei* (Womens' Association) seek to implement prohibition in the name of cultural and traditional rights.
- ⁵⁴ A reputed columnist argues that the social and cultural behaviour of Shillong is undergoing degradation due to the presence of students from the Naga, Mizo and Manipuri communities in the city. See Patricia Mukhim. *The Shillong Times* May 5th 2000. This negative image is so powerful that local organisations like the FKJGP issues restrictions on the movement of individuals from such communities. Also See "FKJGP to restrict Movement of Students in Laithumkhrah" *The Shillong Times* January 29, 2003.
- ⁵⁵ See "Mizoram Bandh passes peacefully". <http://www.vedanti.com/news/backup/regionalnews2.htm> June 16th, 2001.
- ⁵⁶ For instance in August 1998, a division bench of the Gauhati High Court had to direct the Govt. of Meghalaya to hand over cases relating to a series of cases of lynching of individuals mainly from non-dominant ethnic groups to the Central Bureau of Investigation. This direction of the honourable court reflects the lack of trust on the integrity of the state administration. See *The Shillong Times* March 2 1999.
- ⁵⁷ See "Four Rebel Ministers oppose non-tribal representation in Meghalaya Assembly". *The Shillong Times*. Nov 7, 1987.
- ⁵⁸ Adejumobi. *op.cit.* 2000. This can also be instantiated in the case of Meghalaya District Council Elections, where in the electoral rolls prepared by the state election commission of the electors clearly show that the names of the 'Non-tribals' have been deleted by the authorities.
- ⁵⁹ David Marquand quoted by E. Hobsbawm 'If the truth be told,' *The Guardian*, 20 June 1996.
- ⁶⁰ Adejumobi. *op.cit.* 2001 p. 151
- ⁶¹ *op.cit.* *The Shillong Times*. Nov 7, 1987.
- ⁶² For an elaboration of the term see E. Mingione 'New aspects of marginality in Europe,' in C. Hadjimichalis & D. Sadler (Eds.), *Europe at the Margins: New Mosaics of Inequality*, (John Wiley & Sons: Chichester. 1995) pp.15-32
- ⁶³ See 58th Amendment Bill 1987, where a "temporary arrangement" was made to reserve these seats for the Scheduled Tribes of Meghalaya (Mizoram, Nagaland & Arunachal Pradesh) until their "transition to normal arrangements as envisaged by the constitution" was made by a delimitation commission.
- ⁶⁴ See item 4. Of "*The Resolutions of the Synjuk Ki Rangbah Shnong*", December 19, 1998
- ⁶⁵ Sanjib Baruah. *op.cit.* 2005
- ⁶⁶ John & Jean Comaroff. *Ethnography and the Historical imagination*. (Boulder: Westview. 1992)
- ⁶⁷ Rajesh Dev "*Homeland Claims and Rights of the Despised*", paper presented at a Seminar on "Human Rights: Significance and Implications with reference to Northeast India" at St. Mary's College, Shillong. Nov 5th, 2003
- ⁶⁸ Sanjib Baruah *op.cit.* 2005 pp.203-207